

CASE EXAMPLES FOR BOARD/PAC MEETING 4-23-22

(Cases closed between 1-3-22 and 4-1-22)

ABUSE/NEGLECT

1. PADD 1 Mechanical restraint Staff: Whitney Driscoll

Client is a 58-year-old male diagnosed with an intellectual disability, living in an intermediate care facility for individuals with intellectual disabilities. Client's guardian contacted DRI with concerns about Facility's use of helmets (mechanical restraints). DRI reviewed Client records and determined he was subjected to excessive and unnecessary mechanical restraints for years. DRI represented the client and worked with his treatment team from the Department of Psychiatry's Intellectual Disability-Mental Illness Program, at the University of Iowa, to advocate against the facility's unnecessary and excessive use of mechanical restraints. DRI was successful and the facility discontinued using restraints, removing the use of helmets from Client's program plans.

Date opened: 7-19-21

Date closed: 1-20-22

ACCESSIBILITY

1. PAIR 1 Iowa DOT denies CDL Staff: Charissa Flege

Client is a 23-year-old male diagnosed with dwarfism. Client contacted DRI after multiple commercial driver's license (CDL) testing failures, causing restrictions on his CDL not related to his impairments and difficulty having his medical doctor's recommendations accepted by the U.S. Department of Transportation (DOT). Shortly after soliciting representation by DRI, the Iowa DOT removed all restrictions on Client's license and issued him a full CDL. DRI conducted research to answer Client's additional questions about his legal rights and concerns, contacted the Federal Motor Carrier Safety Administration for guidance, and provided advice and recommendations to Client. Upon advisement, DRI closed Client's case because there were no further legal remedies and his unrestricted CDL had been issued.

Date opened: 11-9-21

Date closed: 2-7-22

2. PAIR 2 College denies reasonable accommodation Staff: Emily Ehlers

Client is a 45-year-old female diagnosed with Postural Orthostatic Tachycardia Syndrome (POTS) resulting from COVID-19 positivity. Client regularly experiences vertigo and fainting episodes. Her request for a reasonable accommodation to attend a college class by video conference was denied. DRI counseled Client to file a grievance only to discover the appropriate system was wholly inaccessible and unavailable to students. The registrar completed an investigation after DRI filed a grievance and ultimately concluded that the grievance system was indeed not available to students; changes were made to allow easy access to the appropriate form and information about the process. The college denied that Client attending the class via video conference was a reasonable accommodation but found that the accessibility service office failed to follow its own policies and procedures to provide an alternate accommodation. Client was able to find alternative classes to complete her coursework and will graduate spring 2022. Her college has since made the necessary changes to both its grievance process and accommodations process, preventing the situation from arising again.

Date opened: 9-17-21

Date closed: 3-18-22

ASSISTIVE TECHNOLOGY

1. PAAT 1 MCO denies safety bed Staff: Emily Ehlers

Client is a 5-year-old male with a diagnosis of Down syndrome. His managed care organization (MCO) denied a safety bed and the case was set for a state fair hearing. DRI agreed to provide representation at the hearing at the client's mother's request. Prior to the hearing, MCO reversed its decision and agreed to approve the medically necessary safety bed.

Date opened: 2-18-22 *Date closed: 3-10-22*

2. PAAT 1 MCO denies power wheelchair Staff: Emily Ehlers

Client is a 16 year old female with Limb-Girdle muscular dystrophy. Her managed care organization (MCO) denied a power wheelchair and an appeal was unsuccessful. The client's mother/guardian requested representation in a state fair hearing. Prior to hearing, MCO agreed to approve the wheelchair.

Date opened: 12-6-22 *Date closed: 2-22-26*

EDUCATION

1. PADD 1 FAPE denial Staff: Charissa Flege

Client is a 12-year-old female with autism spectrum disorder and post-traumatic stress disorder, residing in the community with her family. Client's family contacted DRI after Client was removed from a therapeutic school and placed on homebound services for behaviors. DRI reviewed records, advocated for and obtained an updated functional behavioral assessment, behavior intervention plan, individualized education plan, and a re-integration plan overseen and implemented by the area education agency's behavior team. At the time of closing, the client had begun in-person services for one period of specially designated instruction.

Date opened: 10-20-21 *Date closed: 2-25-22*

2. PAIMI 1 FAPE denial Staff: Charissa Flege

Client is a 14-year-old female diagnosed with anxiety. Client experienced exclusion in school due to inadequate special education supports. DRI advocated on behalf of the client at individualized education plan (IEP) meetings and assisted in updating special education documents to ensure client access to free appropriate public education (FAPE). Client IEP was updated to provide adequate supports, including access to in-person learning.

Date opened: 3-19-21 *Date closed: 2-2-22*

3. PAIMI 1 FAPE denial Staff: Charissa Flege

Client is a 14-year-old female diagnosed with major depressive disorder, generalized anxiety disorder, and attention deficit hyperactivity disorder; she resides in the community with her family. Client's family contacted DRI with concerns that disciplinary actions against Client were inappropriate and involved extensive classroom removals—denying Client access to her education. DRI advocated on behalf of Client at individualized education plan (IEP) meetings, and assisted to update Client's special education documents to ensure access to free appropriate public education (FAPE). Client IEP was updated to provide adequate supports, including access to in-person learning.

Date opened: 3-19-21 *Date closed: 2-2-22*

EMPLOYMENT

1. PABSS 2 SSI overpayment Staff: Emmanuel Smith

Client is a 46-year-old female with mental illness and severe diabetes. She approached DRI with a significant supplemental security income (SSI) overpayment. DRI worked with Client to collect extensive records, find relevant Program Operations Manual System (POMS) sections, and track the SSI change issues at hand. We then filed a waiver with documentary support provided by Client. Overpayment was waived in full, and DRI wrote to the Social Security Administration to express our understanding concerning the status of the overpayment, as well as the reason for the direct deposit.

Date opened: 1-2-17

Date closed: 2-9-22

2. PABSS 2 SSI overpayment Staff: Emmanuel Smith

Client is a 63-year-old female with an intellectual disability who sought assistance with an overpayment due to work. DRI requested her file from the Social Security Administration (SSA) and conducted review to determine if such a waiver could be filed. Upon review, DRI was able to file a request for reconsideration; we are awaiting a determination. Client's overpayment collections have since ceased, with a small deposit made that returned collected benefit amounts. DRI wrote to SSA inquiring about whether the issue has been closed. DRI closed the file as our assumption is that a SSA decision was made.

Date opened: 1-20-20

Date closed: 2-16-22

3. PAIR 2 Employer denies accommodation Staff: Charissa Flege

Client is a 63-year-old male diagnosed with limited upper extremity function due to injury. Client contacted DRI after requesting accommodations from his employer's Americans with Disabilities (ADA) coordinator, who inappropriately advised him it would be better to deal with his matter informally and that there would not be action on his request until his worker's compensation claim was complete. DRI advocated on Client's behalf and assisted him in resubmitting an accommodations request. Client's accommodation request was thereafter approved.

Date opened: 8-5-21

Date closed: 2-23-22

4. PABSS 2 Employee termination Staff: Cyndy Miller

Individual is a 45-year-old male with post-traumatic stress disorder (PTSD). He was working as a clerk at a grocery store but was terminated following an incident he alleges was related to his PTSD diagnosis. DRI reviewed whether this was an unlawful termination due to a disability and investigated the facts of the incident through interviews with the individual and his vocational rehabilitation counselor. Employer did not respond to our records request and to review a copy of a video of the incident. DRI advised the individual that property damage is a non-discriminatory reason for termination and there was little nexus to his PTSD; he likely would not succeed on any claim related to disability. We provided him with the forms to file a claim with Iowa Civil Rights Commission if Client chose to proceed on his own.

Date opened: 7-6-21

Date closed: 1-31-22

HEALTHCARE

1. PADD 1 MCO denies services Staff: Scott Lyon

Client is a 21-year-old male with intellectual disabilities. Client experienced significant behavioral changes, changes in condition, and a recent suicide attempt; his guardians requested additional waiver services to better support Client and keep him safe in the community, which was denied.

DRI drafted appeal on Client's behalf, obtained supporting documentation, and submitted it to the managed care organization (MCO). After review of the appeal letter, MCO reversed its denial and authorized the amount of services the guardian initially requested.

Date opened: 11-2-21

Date closed: 1-28-22

2. PADD 1 MCO reduces services Staff: Emily Ehlers

Client is a 30-year-old male with numerous diagnoses: disability, autism, and oppositional defiant disorder. His managed care organization (MCO) denied a request to increase supported community living services and terminated Client's day habilitation services. DRI agreed to represent Client in the appeals process and a state fair hearing. Shortly before hearing, DRI achieved a settlement agreement with MCO, approving the client for approximately 12 hours of supported community living services per day.

Date opened: 11-9-21

Date closed: 2-24-22

3. PADD 1 MCO reduces services Staff: Scott Lyon

Client is an 8-year-old male with autism spectrum disorder and intellectual disability (ID), receiving services under the ID waiver. Client's guardian is his adoptive grandmother, who wanted assistance obtaining an increase in services needed for adequate in-home care. DRI attended Client's level of care assessment and care planning meeting, advocated for authorization of services, and provided guidance to case manager on relevant administrative rules. The managed care organization (MCO) reviewed Client's request and authorized services for the remainder of the service plan year.

Date opened: 1-19-22

Date closed: 3-8-22

4. PADD 1 MCO denies services Staff: Scott Lyon

Client is a 50-year-old female with autism spectrum disorder, an intellectual disability, cerebral palsy, and skin cancer. Client lives with her mother and receives in-home care from family. Client's mother recently requested an increase in services to deal with behavioral issues and was denied by the managed care organization (MCO). DRI obtained and reviewed supporting documentation, filed an appeal with Client's MCO, and corresponded with the appeals department. MCO reversed its decision on appeal, authorizing services at the desired amount.

Date opened: 1-19-22

Date closed: 3-9-22

HOUSING

1. PAIR 1 Property manager denies equal access Staff: Emily Ehlers

Client is a 51-year-old male with mobility disabilities. His property management company fails to remove snow and ice preventing a safe and accessible path into his building. DRI sent a demand letter to the property management company, reminding them of their legal obligations to clear snow and ice and ensure equal access to common areas for people with disabilities, specifically our client. The property maintenance crew cleared away the accumulated ice and has been notably more responsive to subsequent snowfalls, ensuring equal access for Client.

Date opened: 1-27-22

Date closed: 3-10-22

2. PAIR 1 Property manager denies equal access Staff: Emily Ehlers

Client is a 59-year-old female diagnosed with fibromyalgia. Her son, who also resides in the same unit, is diagnosed with scoliosis. Their respective disabilities limit mobility, making it dangerous for Client and her son to walk on snow and ice. DRI sent a demand letter to Property Manager,

requesting a reasonable accommodation to change the snow/ice removal policy and to remind them of their legal obligations to remove snow and ice and ensure equal access to the dwelling. A record was created in case of further need for intervention.

Date opened: 2-3-22

Date closed: 3-30-22

WORKING AND INCENTIVES PLANNING AND ASSISTANCE (WIPA)

Staff: Jenny Lynes

Since DRI's WIPA team has expanded our coverage area from the state of Iowa to now include 34 counties in northwest Illinois, we have had the opportunity to connect with several providers to introduce ourselves and explain how we can work together to connect beneficiaries to us for benefits planning support. Recently, we received a referral from a provider who attended the Benefits Basics 101 training, presented by DRI staff for Iowa Association of People Supporting Employment First in Davenport at the beginning of March. During our initial meeting with the beneficiary, they described an interest in finding a job that fits their skillset in computer science. However, the WIPA project that previously covered Beneficiary's area only provided benefits planning to individuals already employed, therefore excluding individuals determining how their employment goals could affect their benefits prior to locating and obtaining a position. The beneficiary said they have been wanting to find someone for the past couple of years to help them navigate how their benefits will be impacted by employment. Beneficiary had several different benefits due to their disability, including social security disability insurance, supplemental security income, Medicare, Medicaid, supplemental nutrition assistance program benefits, a housing subsidy, and cash assistance; Beneficiary is concerned about what could happen to each entitlement if they are employed. The beneficiary is excited to work with DRI's WIPA team and already feels more confident that they can seek employment without fear of immediately losing benefits. We have received similar feedback from providers across our new coverage area over the past nine months – we are demonstrably more accessible to providers and beneficiaries interested in working – and are delighted to continue building partnerships across the northwest corner of Illinois to better serve beneficiaries.

Staff: Tammy Crouch

Beneficiary is 42-years-old and lives in Illinois. She is deaf and uses a sign language interpreter for meetings. She also relies on her limited English speaking mother, whose primary language is Mandarin. Beneficiary is a nurse's aide and after getting a raise, she started working above the substantial gainful activity level for 2022 (\$1,350 per month). The beneficiary was happy to be working more hours, but her mother was concerned that Beneficiary would lose the disability benefits that her daughter uses to remain self-sufficient. We were able to schedule a video conference with beneficiary, the beneficiary's mother, an ASL interpreter for the beneficiary, and a Mandarin interpreter for the beneficiary's mother. Initially, the lack of accommodations Beneficiary has received in the past made her very apprehensive to ask questions about her benefits with the Social Security Administration and Department of Human Services. DRI was able to accommodate both the beneficiary and her mother, allowing them to feel that their questions and concerns were valid. Although this case is ongoing, the beneficiary now has someone she can talk to regarding her benefits situation while upholding her independence and sense of self-determination.

Staff: Mistie Johnson

Beneficiary is a 27-year-old male who receives a Title II benefit – under the Disabled Adult Child (DAC) status, with a mental health diagnosis. The beneficiary arrived to DRI via referral from an employment specialist at an employment service provider, when questions were raised about letters received from the Social Security Administration (SSA), stating that the beneficiary was liable for monies received that were not due to him while he was a ward of the state. After connecting with the local SSA, the Community Work Incentives Coordinator (CWIC) was able to bring the notice for review. A specific rule regarding the case, under Section 104, “Clarifying overpayment for child in the welfare system,” of Public Law No. 115-165, determined that the overpayment was a mistake on the part of SSA, where someone else was being paid from the beneficiary’s record, resulting in a payment miscalculation. Beneficiary also had a court-ordered Representative Payee up until six months prior who theretofore monitored his payment records. SSA therefore determined that the state is in fact liable for the overpayment and not the person they were payee for. Correspondence between DRI WIPA and the CWIC allowed for clarification that any work earnings would impact Beneficiary’s DAC benefit. The beneficiary had started a new part-time job with a local grocery store and the CWIC then compiled a benefit summary and analysis for two different work goals that the beneficiary spoke about during the meeting, providing clear guidance to Beneficiary about possible outcomes impacting entitlements. Beneficiary is still employed at the part-time job and has since increased his hours and also received a raise.