2011 Legislature Preview

With six months left in the 2010 budget year, the state is facing a deficit of as much as a half a million dollars. As soon as Governor Brownback takes office he’ll need to pass a supplemental budget to fill the gap.

Since funding for Home and Community Based Services (HCBS) Waiver Programs is optional they are bound to be on the chopping block.

TILRC Executive Director, Mike Oxford warns, “People need to expect further cuts. I don’t see any way that won’t happen. We just don’t want to be carrying the whole thing on our backs.”

And then there’s next year’s budget to deal with.

Oxford cautions, “We’re going to need to continue to watch to see as this whole recession/economic problem plays out that we don’t end up with massive cutbacks.” He’s concerned “decades of gains that liberate people with disabilities, integrate people into the community, provide people with the ability to get jobs and allow people to just have a life” could be severely eroded.

“That really jeopardizes the whole ability of people with disabilities to live in the community,” says Oxford.
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Oxford says there has also “been talk about transforming our whole infrastructure, at the state level, of how services are administered, monitored and delivered.” That could mean that instead of long-term services and supports (LTSS), like the HCBS Waivers, being spread out between the Department of Social and Rehabilitation Services (SRS) and the Department on Aging (DoA) “it could be there is going to be some sort of LTSS administration to do that.” All the LTSS would be pooled into one administration or department.

Another issue being considered according to Oxford is the possibility of “going back to having more state oversight and control over Medicaid and related health and social service programs.” He says it is, “Very possible that there would be substantial, significant changes to the Kansas Health Policy Authority (KHPA ).”

Oxford and other disability community leaders did meet with Governor-elect Brownback to “provide him with information and input around our programs, concerns, issues and ideas.” Oxford says, “He [Brownback] did reach out to us and we had a good meeting.”

Oxford is also part of the team representing the Big Tent Coalition (BTC) that will be following up on budget issues with the governor’s transition team. BTC is an association of organizations and individual advocates who believe in enhancing choices for home and community-based services for disabled and elderly Kansans.
Even though the budget outlook is rather grim the situation isn’t all bad. Oxford reminds us that Kansans with disabilities achieved a great victory recently when Constitutional Amendment 2 passed by an overwhelming majority, during the mid-term elections. Amendment 2 proposed to remove the overly broad and discriminatory language from the state constitution that granted the Kansas legislature the power to restrict the right of people with mentally health disabilities to vote. Oxford notes that “now the constitutional right of people to vote is clearly protected for people who have mental health disabilities.”

If you want to find out how you can get involved in the legislative process and TILRC’s grassroots advocacy efforts give us a call at 233-4572.

**TILRC CELEBRATES 30 YEARS OF ADVOCACY**

On July 29, 2010 Topeka Independent Living Resource Center (TILRC) celebrated our 30th Anniversary and the 20th Anniversary of the Americans with Disabilities Act (ADA). The highlight of the occasion was an agency open house featuring displays of major changes at the agency and significant advocacy initiatives throughout the history of the center, which filled the hallways of the building. The displays included lots of photographs and other artifacts, like tee shirts, buttons, flyers, banners and posters, documenting the history of the organization.

The open house was well attended by past employees, board members, fellow advocates and other friends of TILRC. Many visitors enjoyed reminiscing about their past association with TILRC and contemplating the agency’s future.

That evening, TILRC board members, staff and their families concluded the celebration with a reception in the Grand Ballroom of the Ramada Inn.

*Current TILRC Ex. Director Mike Oxford and former TILRC Ex. Director Mike Donnelly take a trip down memory lane as they peruse a display of photos and artifacts from the early days of TILRC.*
Open Enrollment for 2011 Medicare Prescription Drug and Health Plans Ends December 31st.

CMS encourages beneficiaries to review coverage

The Centers for Medicare & Medicaid Services (CMS) is encouraging all Medicare beneficiaries to take advantage of the annual Open Enrollment period to make sure they have the best coverage available to meet their health care needs in 2011.

The Medicare Open Enrollment Period this year begins on November 15th and runs through December 31st. During the Open Enrollment period, current or newly eligible Medicare beneficiaries, including people with Original Medicare, can review current health and prescription drug coverage, compare health and drug plan options available in their area, and choose coverage that best meet their needs.

“The Affordable Care Act will make Medicare stronger and more sustainable. There will be new benefits available to nearly every person with Medicare starting in January 2011, including free annual wellness visits and free recommended preventive services like mammograms and colonoscopies. Seniors who fall into the donut hole in 2011 will be eligible for a 50 percent discount on brand-name prescription drugs. These new benefits make this year’s Medicare Open Enrollment Period especially important,” said HHS Secretary Kathleen Sebelius. “Every year, the Medicare Open Enrollment Period gives Medicare beneficiaries a chance to evaluate their current plans and see what other options might be out there that serve their needs, especially if their health status has changed. Those enrolled in Medicare can think of the Open Enrollment Period as a yearly coverage “check-up.” It is important for people with Medicare to look closely at their plan, look at the options available to them, consider their health status, and find what works for them.”

“There’s never been a better time for Medicare beneficiaries to check out their Medicare coverage,” said CMS Administrator Donald Berwick, M.D. “With better plan choices available for 2011, Medicare beneficiaries can think of Open Enrollment as their yearly coverage ‘check-up’.”

“During Open Enrollment, AoA’s national network of community-based organizations will work with seniors, individuals with disabilities and their caregivers across the country to help them understand the new benefits available under the Affordable Care Act,” said Kathy Greenlee, Assistant Secretary for Aging. “In addition, we urge seniors to protect themselves from potential fraud and identity theft. We know there are people who use this time to scam seniors and rip off Medicare. Seniors should protect their Medicare number the same way they do their Social Security number or credit cards.”
Resources for Medicare Beneficiaries

People with Medicare, their families and other trusted representatives can review and compare current plan coverage with new plan offerings, using many proven resources, including:

- Visiting www.medicare.gov, where they can get a personalized comparison of costs and coverage of the plans available in their area. The popular Medicare Plan Finder and Medicare Options Compare tools have been enhanced for an efficient review of plan choices. Multilingual Open Enrollment information and counseling is available.

- Calling 1-800-MEDICARE (1-800-633-4227) for around-the-clock assistance to find out more about coverage options. TTY users should call 1-877-486-2048.

- Reviewing the 2011 Medicare & You handbook. It is also accessible at www.medicare.gov and has been mailed to the homes of people with Medicare benefits.

- Getting one-on-one counseling assistance from the local State Health Insurance Assistance Program (SHIP). Local SHIP contact information can be found:

  o At http://www.medicare.gov/contacts/organization-search-criteria.aspx or

  o On the back of the 2011 Medicare & You handbook or;

  o By calling Medicare at 1-800-MEDICARE (1-800-633-4227; TTY, 1-877-486-2048)

  o Through a listing of national stand-alone prescription drug plans and state specific fact sheets can be found at:   http://www.cms.hhs.gov/center/openenrollment.asp

- Medicare beneficiaries who cannot meet the costs of prescription drugs may be eligible for additional resources. Based on eligibility for “extra help,” some people Medicare will pay no more than $2.50 for each generic drug and no more than $6.30 for each name brand drug. The program, called Medicare’s Limited Income Newly Eligible Transition (NET) Program, can also help pay for premiums and other out-of-pocket costs.

  There is no cost to apply for this extra help. Medicare beneficiaries, family members, trusted counselors or caregivers can apply online at www.socialsecurity.gov/prescriptionhelp or call Social Security at 1-800-772-1213 (TTY users should call 1-800-325-0778) to find out more.

Protecting Against Fraud and Identity Theft

The new health care law also provides better tools to help fight waste, fraud and abuse to help protect Medicare. CMS offers tips to help beneficiaries protect themselves against fraud and identity theft during the Open Enrollment period. Medicare recommends that people treat their Medicare number as they do their social security number and credit card information.
• Beneficiaries should not give personal information to anyone arriving to their home uninvited or making unsolicited phone calls selling Medicare-related products or services. Beneficiaries who believe they are a victim of fraud or identity theft should contact 1-800-MEDICARE (1-800-633-4227; TTY, 1-877-486-2048). More information is available at www.stopmedicarefraud.gov.


If you are a TILRC consumer your Independent Living Advocate can help. Call them at 233-4572.

2010 George Wolf Interns Create Resource Directory for Youth in Transition

Each summer the George Wolf Youth Internship Program (GWYP) offers students ages 14 to 19 (with an emphasis on students with disabilities) the opportunity to learn about disability rights and the independent living movement and to gain significant work experience while completing an advocacy project relating to disability rights.

During the six week program TILRC staff assists the interns with a project that they are responsible for from inception to completion. This summer the interns designed and produced a resource directory for students with disabilities who are transitioning from high school to college or college to work.

Paul O’Dell, chair of the GWYP committee, said of the 2010 interns, “We had an enthusiastic group this year that focused on the information they needed to gather and put it in an accessible form for all people with disabilities. I am very proud of the end result and I believe the interns should be proud of a job well done.”

For a print copy of the directory contact Angie at 785-233-4572 or toll-free at 1-800-443-2207 or download a copy from the TILRC website at: http://www.tilrc.org/assests/news/publications/gwyp_resource-guide-2010.pdf.

The 2010 GWYP Interns: Standing from left - Tierra Brown, Stephanie Newton, Adrian Stewart, Ane-Ama Jordan, Passion Holford-Bailey; Seated from left - Aaron Shutes, Jhanathan James, Marquis Robbins, Robert Morgan.
The Kansas Residential Landlord and Tenant Act (K.S.A. §58-2540 et seq.) is the state law that spells out what landlords and tenants can and cannot do. There are a lot of parts to the law, but here are some general guidelines for what the law says tenants must do.

**Pay the rent.** Tenants must pay the agreed-upon rent, and must pay it on time. If a tenant cannot pay the rent on time, he or she should contact the landlord immediately to work out a payment plan that works for both the tenant and the landlord. Tenants **can not** refuse to pay the rent because a landlord has not made requested repairs.

**Take care of the place.** Tenants must keep the place reasonably clean by disposing of trash. Tenants must keep all required utilities in service, and must use the property’s electrical, heating, plumbing, and appliances properly.

**Notify the landlord as needed.** Tenants should let the landlord know if there are any needed repairs. Tenants should also let the landlord know of any absences of longer than seven days or as agreed to in the lease, so the landlord doesn’t think the tenant has skipped out on the lease.

**Be respectful.** Do not engage in activities that disrupt other tenants or neighbors. This includes the tenant’s guests, family members, friends, pets or service animals.

These aren’t all the rules for tenants, but these are some good guidelines to keep you on the right side of the Kansas Residential Landlord/Tenant Act, and in good stead as a tenant.

If you have questions about your housing or fair housing rights, give your TILRC advocate a call, or contact our intake advocate, Crystal, to be referred to an advocate to help you.

Ami is the Assistant Executive Director and General Counsel to Topeka Independent Living Resource Center. Prior to rejoining Topeka Independent Living Resource Center in February 2003, Ami was a civil trial lawyer in private practice, served as a staff attorney for the Kansas Supreme Court’s Office of Judicial Administration, and spent a summer as a licensed legal intern with Equip for Equality, the protection and advocacy agency for people with disabilities in the state of Illinois.
**RICK MILLER JOINS TILRC**

**FINANCE DEPARTMENT**

Rick Miller is a recent graduate from Washburn University where he earned his Bachelors Degree in Business Administration with an emphasis in Accounting.

Prior to being hired to work in the Finance Department he already had a connection with TILRC as a consumer. When he heard about the job opening he thought it would be a good fit for him working with other people with disabilities and staff he has become friends with.

When he’s not working Rick likes to hang out with his three daughters, ages 19, 20, and 22 and his two dogs, a malamute and a sheltie.

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**WELCOME TILRC INTERN DALLAS HATHAWAY**

Dallas Hathaway is a young man on the go! He is currently a senior at Topeka West High School who enjoys studying history, writing and English. After graduation Dallas plans to attend Washburn University to study political science and then study law at Washburn University School of Law. After college he plans to pursue a career in civil rights law and politics.

Dallas first got involved with TILRC as a summer intern through the George Wolf Youth Program (GWYP) in 2007. That summer the interns conducted accessibility surveys at city parks, the Expo Center and Lake Shawnee. The interns compiled the results of the surveys and presented their findings and recommendations on how the city and county could improve access at these facilities. Dallas was one of the interns who presented the information to city and county officials. He returned as an advanced intern in the summer of 2008 and helped construct the TILRC Garden of Equality, an accessible flower garden next to the TILRC TLP House.

This semester Dallas is taking an On the Job Training class that required him to find part-time employment. He immediately thought of TILRC as a place he’d like to work and approached TILRC management about the possibility of interning at the agency. The agency was excited to have such an energetic and motivated young man join the staff. Dallas began his internship in late September and will continue working until the end of the spring semester.

Since he started his internship Dallas has been busy writing up summaries and study guides of True Life videos about young people living with disabilities. The summaries will be used as an introduction to the videos which may be used as a training tool and informational resource for future GWYP interns or new employees.
Dallas has also been assisting with agency publications, like the WTP newsletter. He will be helping write articles, like the one below and learning about desk top publishing.

Dallas also finds time to participate in several extra-curricular activities. He is currently State President of Future Business Leaders of America (FBLA). FBLA is the largest student business organization in the world. FBLA teaches students about business skills and has over 50 competitive events that award students with prizes and travel opportunities up to the national level. He has also been active in the Model United Nations program for the past 5 years. This is his second year serving as an officer on the Model UN Social and Economic Council which develops resolutions about current events that are debated by the group.

Most young people would find this to be a pretty full schedule, but Dallas is also quite active outside of school and work. He has been a member of the national disability rights group ADAPT for over three years. He participates in grassroots advocacy efforts with the other members of Kansas ADAPT, advocating on various issues with policymakers at all levels of government. He also assists the Kansas group with fundraising activities like helping out at the fireworks stand this past summer. He has attended nation ADAPT actions in Washington, DC, Chicago and Atlanta, Georgia.

Most recently Dallas has started working out with the Kansas Wheel Hawks wheelchair basketball team. He says he finds it “a good way to exercise,” as if he weren’t getting enough “exercise” already!

**YOUThFUL RECREATIONAL OPPORTUNITIES IN THE CATPITOL CITY by DALLAS HATHAWAY**

Are you a youth in the Topeka area who wants to get out in your community and get active? Well then Topeka Parks and Recreation is the place for you! Not only do they offer fun activities throughout the whole year, but they also provide many accommodations for youth with disabilities. They have an adaptive recreation program that is designed specifically for people with disabilities. This program has a total of two full-time employees supported by volunteers who provide 1500 hours of volunteer work per year!

One of these employees is Jabeth Coachman. Jabeth is the Supervisor and Department ADA Liaison for the Adaptive Recreation and Inclusion Services Department of Topeka. She helps provide many of the accommodations for the adaptive programs that are offered through Parks and Recreation. Before Jabeth went into recreation she wanted to become a teacher. Some of Jabeth’s favorite activities include: kayaking, and swimming.
There are many activities that are offered. These programs give youth the chance to get out into the community, and to have a social life. The programs are offered mainly to teens, but in some cases age range can go up to 65 years of age. Having a disability is not required to participate in these programs. In the kayaking program, the kids kayak in a pool so that they know they are safe, but it also lets them have a fun experience. Parents are also allowed to participate in the activities with their child. This can provide a good child to parent bonding experience.

Most of the activities are funded by city taxes. They offer a scholarship program based on financial need. The individual must submit an application and a copy of their latest tax return. Most activities are priced less than $10. For those individuals receiving scholarships, a $5 participation fee may be required. They try to keep activities set at an affordable rate so that everyone will have a chance to participate if they wish. Over the past four years the participation of the adaptive recreation programs has doubled.

The most popular activity is the monthly dances. The dances offer the youth and adults the opportunity to hang out and get together once a month. At the dance some refreshments are provided, and there is also a live DJ. There are about 200 in attendance at the dance every month.

They are always looking for new ideas and trying to keep everyone’s mind fresh. From time to time the art club visits area art galleries. This helps expose the youth to new kinds of art and photography. This exposure helps them try to implement new styles when taking their own pictures.

For many years Topeka Parks and Recreation has worked with the Easter Seal Capper Foundation. In the past the Capper Foundation has let them have access to the indoor pool for their swimming program. In recent years, together they have formed a more formal partnership to develop a volunteer program, as well as training opportunities.

So, if you are a person in the Topeka area who is looking to get involved in the community, Topeka Parks and Recreation is the place to be! Offering activities all the way from archery to dances there has to be something that you would enjoy.

To find out more about the activities they offer visit the Adaptive Recreation and Inclusion Services webpage at: http://www.topeka.org/parks-rec/adaptive_rec.shtml.

For more information, please contact Jabeth Coachman at: (785) 368-0989 or by e-mail at: jcoachman@topeka.org.
YOU DON’T HAVE TO JUST SIT THERE WAITING FOREVER FOR HCBS!

In 1995 Lois Curtis and Elaine Wilson, two women in Georgia nursing facilities, sued the state over their right to be able to get the home and community based services (HCBS) they needed to live in their own homes instead of an institution. The state of Georgia fought them all the way to the Supreme Court, but 1999 the Court ruled, in what became known as the “Olmstead Decision”, that the unnecessary institutionalization of Lois and Elaine was discriminatory and violated the Americans with Disabilities Act (ADA). The Justices said the ADA gave the women the right to receive the care they needed in the “most integrated setting” appropriate, which meant in their own homes. The Court’s ruling allowed states to have waiting lists for HCBS programs, but the Court said that they must move at a “reasonable” pace! In other words, states shouldn’t keep people waiting so long that they may be forced to enter an institution to get the help they need.

TILRC Executive Director Mike Oxford has this important message for Kansans with disabilities that are currently on waiting lists for HCBS Waiver Programs! “I have met with Tom Perez, the head of the Civil Rights Division of the U.S. Department of Justice (DOJ), and have been in ongoing conversations with the department. They are vigorously investigating and enforcing Olmstead rights around the country with many successes in states like Florida and Georgia. Olmstead civil rights under the ADA are a top priority with DOJ and they really want to hear from folks who feel their Olmstead rights have been violated. We encourage you to defend and promote your civil rights.”

For more information on your right to receive HCBS or assistance with filing an Olmstead complaint contact Mike Oxford at 785-233.4572 or call toll free 1-800-443-2207.

Would you like to submit a story idea, letter or editorial?

We The People welcomes your ideas for newsletter content, including suggestions for future articles and letters to the editor. The Editor reserves the right to edit or omit any material you may submit.

Do you have something to sell?

Do you have some disability-related items or equipment you don’t need anymore, but is still in good condition? We can advertise it for you in We The People. Just call, write or e-mail Kevin with a description and a person to contact.

Kevin Siek, Topeka Independent Living Resource Center, Inc., 501 SW Jackson St., Suite 100, Topeka, KS 66603-3300, email: ksiek@tilrc.org, phone: 233-4572
Let us know about any changes.
Just check the appropriate box and mail the form back to us at:
Topeka Independent Living
c/o Kevin Siek
501 SW Jackson St.
Topeka, KS 66603

Do you need We the People in another format?
☐ Large Print
☐ Audio Cassette

☐ Change of Address

☐ I read We the People on TILRC’s web site, so save a tree and take me off the list.

☐ I am not currently receiving We the People. Please sign me up.

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