



ADA TODAY



Newsletter

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A Health Care Ruling A Win, Disability Advocates Say

By [Michelle Diamant](#)

Advocates are hailing the U.S. Supreme Court's decision to uphold sweeping changes to the nation's health care system as a victory for people with disabilities.

The high court ruled Thursday that the nearly all of the Affordable Care Act is constitutional, paving the way for additional provisions of the 2010 law to take effect between now and 2014.

As Democrats applauded the decision, Republicans promptly vowed to repeal the act. Meanwhile, leaders from a host of national organizations representing individuals with developmental disabilities praised the decision.

"People with disabilities and their families have their lives dictated by the status of their health insurance," said Katy Neas, senior vice president of government relations at Easter Seals. "The Supreme Court's ruling today tells these families they can make decisions about what is best for them as a family, and not be controlled by fear of losing health insurance coverage."

President Barack Obama's signature legislative accomplishment, the health care reform law includes a number of provisions — many of which have yet to be fully implemented — that advocates say are significant for people with disabilities including:

- No more lifetime coverage limits on health insurance plans.
- Insurers will not be allowed to charge higher rates or deny coverage to those with pre-existing conditions, including disabilities.
- Establishes the Community First Choice Option offering states the opportunity to receive increased federal matching funds to support community living.
- Requires health insurance plans to cover a menu of "essential benefits" including mental health services, habilitation and rehabilitation services as well as behavioral health treatment.

More than two dozen states challenged the constitutionality of the health care reform act, arguing that the law oversteps the bounds of federal authority. But the Supreme Court's 5-4 ruling this week upheld nearly all of the law including the requirement that Americans must purchase health insurance or face a penalty starting in 2014.

“For millions of Americans with disabilities who rely on home and community based services to live, learn and earn in America, the ruling today by the Supreme Court on the Affordable Care Act is arguably the most significant decision since passage of the Americans with Disabilities Act 22 years ago,” said Jonathan Young, chair of the National Council on Disability.

The justices did rule against one provision of the health care law, however, that’s causing some concern among disability advocates. The Affordable Care Act called for states to expand Medicaid to include those earning up to 133 percent of the federal poverty level — currently about \$14,856 for a single person — or lose out on federal funds. But the court said that such a mandate could not be imposed.

If the ruling leads states to decide against the Medicaid expansion, many people with disabilities could be shortchanged if they earn too much, said Marty Ford, director of public policy at The Arc.

Nonetheless, Ford said she’s optimistic that states will opt in given that they stand to gain significant federal funding for increasing their Medicaid rolls.

“I think in the end when the states take a look at what’s offered for Medicaid, it’s a tremendous gift,” Ford said.

Mayor Gray & Health Officials Release 2011 Annual Report Showing Progress on Addressing HIV/AIDS, STDs, Hepatitis and TB in the District

Last month, Mayor Vincent C. Gray and officials from the DC Department of Health (DOH) released the 2011 District of Columbia HIV/AIDS, Hepatitis, STD and TB Epidemiology Annual Report. DOH officials also released a new study on heterosexuals and HIV infection rates in the District and announced new recommendations for medical providers to start treatment immediately for all persons newly diagnosed with HIV.

The reports provided an annual update on the state of HIV, hepatitis, sexually transmitted diseases (STDs) and tuberculosis (TB) in the District through the end of 2010 and a more in-depth look at how behavioral risk factors contributed to HIV infection among heterosexuals. The report of the epidemic shows that the District continues to make progress in reducing new cases and improving health outcomes for those infected with HIV.

The report found that 14,465 residents of the District of Columbia – equal to 2.7 percent of the population – are living with HIV. The 2.7 percent exceeds the World Health Organization definition of 1 percent as a generalized epidemic. Visit www.doh.dc.gov/hahsta for full article

Mayor Gray Signs Landmark Bullying Prevention Act Authorizes Creation of Task Force to Develop Citywide Anti-Bullying Policy

The Youth Bullying Prevention Act of 2012 focuses on citywide bullying prevention, and aims to eliminate bullying in schools, public libraries, parks, recreation centers and other public spaces. It establishes an Anti-Bullying Task Force composed of District agencies and anti-bullying and

community advocates and charges it with creating a comprehensive model policy to be used as a framework for agencies adopting anti-bullying policies. The law also protects those who report bullying incidents from retaliation.

"In addition to researching best practices nationwide, the Task Force will investigate aspects of bullying unique to the District to develop comprehensive solutions that are applicable specifically to youth in our city," said Gustavo Velasquez, Director of the DC Office of Human Rights, which is the agency coordinating the work of the Task Force. "The diverse stakeholders on the Task Force provide the varied perspectives necessary to build a District-wide solution to the problem of bullying."

Upcoming Events

Thursday, July 19, 2012

The District of Columbia Department of Health Care Finance invites you to a **Community Managed Care Forum** for Medicaid and Alliance Members ~ Providers ~ Community Advocates ~ DC Agencies. The HSC Pediatric Center (Formerly: The Hospital for Sick Children) 1731 Bunker Hill Road, NE Washington, DC 20017, Conference Rooms A&B from **6:00 PM - 8:00 PM. Dinner Served and Childcare Provided.**

TOPIC: Immunizations and Back to School Requirements

All 3 Managed Care Plans will be there for your questions and concerns:

- DC Chartered Health Plan
- Health Services for Children with Special Needs, Inc.
- UnitedHealthcare Community Plan

RSVP: Cecil Doggette 202-580-6485

This program is partly funded by the Government of the District of Columbia Department of Health Care Finance

July 22-27, 2012

XIX International AIDS Conference "AIDS 2012" Turning the Tide Together

The District will proudly host AIDS 2012: XIX International Conference on AIDS this July. This will be the first time in more than 20 years that this important gathering will take place in the United States. The conference will be held from July 22-27, 2012, at the Walter E. Washington Convention Center. [To the Conference website](#)

Federal News

US Labor Department's Office of Disability Employment Policy announces 2012 theme for National Disability Employment Awareness Month

WASHINGTON— The U.S. Department of Labor's Office of Disability Employment Policy today announced the official theme for October's National Disability Employment Awareness Month: "A Strong Workforce is an Inclusive Workforce: What Can YOU Do?" The theme promotes the

benefits of a diverse workforce that includes workers with disabilities, who represent a highly skilled talent pool.

"Employers who ensure that inclusive workplace policies and practices are woven into the fabric and culture of the organization create an environment that encourages all workers — including those of us with disabilities — to work to their full capacity and contribute fully to the organization's success," said Kathy Martinez, assistant secretary of labor for disability employment policy.

Early announcement of the theme helps communities nationwide plan a series of announcements, events and meetings to begin in October, some of which will continue throughout the year. Such activities include proclamations, public awareness programs and job fairs that showcase the skills and talents of workers with disabilities.

As background, Public Law 176, enacted by Congress in 1945, designated the first week in October each year as "National Employ the Physically Handicapped Week." President Harry S. Truman designated the President's Committee on Employment of People with Disabilities to carry out the observance. In 1962, the word "physically" was removed from the week's name to acknowledge the employment needs of all Americans with disabilities. In 1988, Congress expanded the week to a month and changed its name to "National Disability Awareness Month," which eventually evolved to its current name. The Labor Department's Office of Disability Employment Policy took over responsibility for National Disability Employment Awareness Month in 2001.

Members of the public with questions related to the 2012 theme should contact Carol Dunlap in ODEP at 202-693-7902. The media should contact Bennett Gamble using the information above.

ODEP's mission is to provide national leadership by developing and influencing disability-related policies and practices to increase the employment of people with disabilities.

U.S. Labor Department Office of Disability Employment Policy: Accommodations

All employees need the right tools and work environment to effectively perform their jobs. Similarly, individuals with disabilities may need workplace adjustments — or accommodations — to maximize their productivity.

Under the Americans with Disabilities Act (ADA), an accommodation is considered any modification or adjustment to a job or work environment that enables a qualified person with a disability to apply for or perform a job. The term also encompasses alterations to ensure a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities. The obligation to provide reasonable accommodations for job applicants or employees with disabilities is one of the key non-discrimination requirements in the ADA's employment provisions.

Most accommodations are low cost yet yield considerable direct and indirect benefits. In fact, data collected by the Job Accommodation Network (JAN) over the years reveal that more than half of accommodations cost employers nothing, and of those that do cost, the typical one-time

expenditure is \$500 — an outlay that most employers report pays for itself multiple-fold in the form of reduced insurance and training costs and increased productivity.

The following resources provide more information about job accommodations for people with disabilities:

[Job Accommodation Network \(JAN\)](#)—ODEP-funded service that provides free, expert and confidential guidance on workplace accommodations and other disability employment issues. Live phone service is available 9 a.m. to 6 p.m. ET by calling (800) 526-7234 or (877) 781-9403 (TTY). Assistance is also available in Spanish, both via phone and the [JAN en Español](#) Web page. Specific resources include:

[A to Z of Accommodations and Disabilities](#)

- [SOAR \(Searchable Online Accommodation Resource\)](#)
- [Multimedia Training Library](#)
- [Workplace Accommodations: Low Cost, High Impact](#)
- [Employees' Practical Guide to Requesting and Negotiating Reasonable Accommodations Under the Americans with Disabilities Act \(ADA\)](#)
- [Employers' Practical Guide to Reasonable Accommodation Under the Americans with Disabilities Act \(ADA\)](#)
- [Computer/Electronic Accommodations Program \(CAP\)](#) — The federal government's centrally funded accommodation program. Provides assistive technology and services free of charge to federal agencies.
- [Equal Employment Opportunity Commission \(EEOC\)](#) — Federal agency that administers and enforces the employment provisions of the ADA.
- [ADA National Network](#)— Network of 10 regional centers that offer businesses, government agencies and individuals information, guidance and training on the ADA, including its employment provisions.

An Introduction to the Family and Medical Leave Act

The US Department of Labor's Wage and Hour Division has issued a new guide for employees wishing to use FMLA leave. It is simple, easy-to-follow, and in plain language at <http://www.dol.gov/whd/fmla/employeeuide.pdf>

For Information about ODR's Newsletter call 202-724-5055 or visit the web at odr.dc.gov.



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MISSION STATEMENT

The mission of the District Office of Disability Rights (ODR) is to ensure that the programs, services, benefits, activities and facilities operated or funded by the District of Columbia are fully accessible to, and useable by people with disabilities. ODR is committed to inclusion, community-based services, and self-determination for people with disabilities. ODR is responsible for overseeing the implementation of the City's obligations under the Americans with Disabilities Act (ADA) as well as other disability rights laws.