

Passionate Advice and Advocacy for all Stages of Life

April 2018



Successfully Defending the ADA (for now)

43 Senators Tell the GOP: 'Hands Off My ADA!' in Sign On Letter Penned by Senator Tammy Duckworth

Efforts by disability activists from across the nation to preserve and protect the Americans with Disabilities Act (ADA) have sent a clear message to Congress in recent weeks to safeguard equal access to stores, restaurants, and other public accommodations. The message to Congress has been loud and clear: "Hands Off My ADA!" If passed into law "notice and cure" legislation would segregate Americans living with disabilities as the only federally-protected class of citizens forced to rely on "education," rather than enforcement of the law, to exercise their basic civil rights.

In February, the U.S. House of Representatives passed HR 620 which, if adopted by the Senate, would make it much more difficult for people with disabilities to use the ADA to secure access. On March 29, 2018, U.S. Senator Tammy Duckworth and 42 other Democratic U.S. Senators issued a letter signaling strong resistance by an ever-increasing number of Senators to any legislation that would weaken progress guaranteed by the ADA in any bill similar to HR 620 that contains "notice and cure" provisions.

—> [Click Here to Continue Reading](#)

For More Information read also:

Sen. Tammy Duckworth Saves the Americans With Disabilities Act—For Now

With commitment from nearly all Democratic senators to oppose HR 620, Duckworth has gained enough votes to filibuster any attempt to bring the bill to the Senate floor.

—> [Click Here for Entire Article](#)

New GAO Report Shows Disparities in School Discipline for Children With Disabilities #school discipline

(From Special Education Law Blog—Jim Gerl)

A new report issued by the Government Accountability Office released April 4 found that Black students, boys, and students with disabilities were disproportionately disciplined (e.g., suspensions and expulsions) in K-12 public schools, according to GAO's analysis of Department of Education (Education) national civil rights data for school year 2013-14, the most recent available. These disparities were widespread and persisted regardless of the type of disciplinary action, level of school poverty, or type of public school attended. For example, Black students accounted for 15.5 percent of all public school students, but represented about 39 percent of students suspended from school—an overrepresentation of about 23 percentage points.

—> [Click Here to go to the Blog Post](#)



Trump Administration Seeks to Delay Rules to Reduce Racial Bias in Special Education

The U.S. Department of Education (DOE) is proposing a two-year delay in Obama-era regulations aimed at reducing racial disparities in special education. Disability rights advocates are strongly opposing any delay.

Disability rights advocates condemned the proposed delay, noting that many states had already taken steps to ensure compliance under the original deadline and that the rules may be scrapped altogether.

—> [Click Here to Read the Full Article](#)

Work Requirements for Medicaid Updates

NAELA Joins Brief Supporting Suit Against Administration's Approval of Kentucky's Medicaid Waiver That Imposes Work Requirements and Other Detrimental Policies

NAELA together with AARP, AARP Foundation, Justice in Aging, and the Disability Rights Education and Defense Fund (DREDF) [submitted a brief](#) in the case against the Department of Health and Human Services (HHS) for approving a waiver of the Medicaid rules in Kentucky (Case 1:18-cv-00152-JEB, U.S. District Court for the District of Columbia).

—> [Click Here to Continue Reading](#)

For More on Kentucky

Kentucky tests how much to demand of Medicaid recipients

In July, Kentucky will become the first state to enforce work and community engagement requirements for some Medicaid recipients. The debate centers on fundamental questions: Does work make you healthier, or do you need to be healthy to work? And is health care a benefit or a right?

—> [Click Here for the Entire Article](#)

Updates for Michigan & Medicaid Work Requirements

Medicaid Work Requirement Bill Receives Senate Hearing

A bill instituting work requirements for Medicaid recipients in Michigan, including individuals enrolled in the Healthy Michigan Plan, was the subject of a testimony-only hearing before the Senate Committee on Michigan Competitiveness.

The MHA is currently opposed to the latest version of [Senate Bill \(SB\) 897](#), sponsored by Sen. Mike Shirkey (R-Clarklake). The measure calls for "able-bodied" Medicaid recipients to work, pursue job training or education, or some combination of the two at least 29 hours a week.

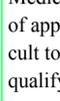
In [written testimony](#) provided to committee members during the hearing, the MHA said it is concerned that people who are in full compliance with the work, training or education requirements outlined in the bill could lose medical coverage for an entire year for simply failing to meet a reporting requirement. A penalty this harsh will not help anyone obtain better employment or commercial health insurance.

—> [Click Here to Continue Reading](#)

The following are a couple of additional articles which outline concerns with the current work requirement issues.

MLPP report warns of dangers associated with linking Medicaid to work requirements

Medicaid work requirements: A prescription for problems



Is a Medicare Advantage plan really an advantage at all?

"Advantage" plans can manage their risk with elderly enrollees. Each year, they do it by refiling changes with Medicare for the coming year, including copays, coinsurance, provider and pharmacy networks, premiums (typically increasing) and available drugs. This throws predictability out the window. There's no guarantee your physician or other providers will remain in your network. You certainly can't count on specialists you might need being in your network, leaving you with steep out-of-network costs.

—> [Click Here for the Full Article](#)

Be on the Lookout for New Medicare Cards (and New Card-Related Scams)

The federal government is issuing new Medicare cards to all Medicare beneficiaries. To prevent fraud and fight identity theft, the new cards will no longer have beneficiaries' Social Security numbers on them.

The Centers for Medicare and Medicaid Services (CMS) is replacing each beneficiary's Social Security number with a unique identification number, called a Medicare Beneficiary Identifier (MBI). Each MBI will consist of a combination of 11 randomly generated numbers and upper case letters. The characters are "non-intelligent," which means they don't have any hidden or special meaning. The MBI is confidential like the Social Security number and should be kept similarly private.

—> [Click Here to Continue Reading](#)

Exceptions to the Medicaid Transfer of Asset Prohibition

(By Edward Zetlin—Zetlin Law Newsletter)

When I speak before senior groups some people know about Medicaid's Transfer of Asset Prohibition. They know Medicaid looks back a certain number of years and that uncompensated transfers in this 'look back period' result in a penalty. The look back period is five years from the date of application. The penalty is not that Medicaid takes your asset but instead Medicaid denies coverage for a certain length of time based on the amount of the transfer.

However, in some circumstances an uncompensated transfer of assets does not result in a penalty. This newsletter will outline the allowable transfers.

—> [Click Here to Access Zetlin's March Newsletter](#)

On a Related Note:

Proving That a Transfer Was Not Made in Order to Qualify for Medicaid

Medicaid law imposes a penalty period if you transferred assets within five years of applying, but what if the transfers had nothing to do with Medicaid? It is difficult to do, but if you can prove you made the transfers for a purpose other than to qualify for Medicaid, you can avoid a penalty.

—> [Click Here to Continue Reading](#)

Increased Wait Times at Social Security Field Offices

Last month the Office of the Inspector General for the Social Security Administration [released a report](#) documenting increased wait times at SSA field offices. According to the report, from the year 2010 to 2016, the number of field office visitors who waited longer than one hour increased 109%, despite fewer total visitors to field offices in 2016 compared to 2010.

—> [Click Here to Access the Notice](#)

Report: Affordable Housing "Virtually Impossible" for Single SSI Recipients

As rental housing prices continue to escalate nationwide, particularly in urban centers, low-income people with disabilities are finding it increasingly difficult to find affordable housing.

The Technical Assistance Collaborative and the Consortium for Citizens with Disabilities recently released their 10th annual "Price Out" report, documenting the impacts of housing prices on recipients of Supplemental Security Income, the federal government's primary income assistance program for low-income people with disabilities.

—> [Click Here to Continue Reading](#)

The Michigan Developmental Disabilities Council Presents...

Sexuality & Developmental Disabilities Summit

June 29, 2018 9:30 AM—3:30 PM

1-day presentation and facilitated panel discussion with self-advocates, family members and staff who work with people with developmental disabilities. Get facts, and learn how to more comfortably discuss sexuality. Learn about some new educational opportunities coming to Michigan.

—> [Click Here for Flyer & Additional Information](#)

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Case Note

Andrew F. v. Douglas County School District RE-1

The U.S. Supreme Court requires schools to challenge students with disabilities.

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