

# Patricia E. Kefalas Dudek & Associates

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## Message from the CEO



Dear everyone,

I want to take a moment to express my heartfelt gratitude to each of you. Your trust, support, and collaboration are vital to our mission of advocating for elder law and disability rights.

Together, we have made significant strides in protecting the rights and dignity of seniors and individuals with disabilities. None of this would be possible without your dedication and commitment.

Thank you for being an integral part of our journey. Your ongoing support inspires us to continue our work and make a meaningful impact in the lives of those we serve.

Warm regards,

Patricia Dudek  
CEO, Patricia E. Kefalas Dudek & Associates

## Recent Achievement

**HIGHEST POSSIBLE RATING IN  
BOTH LEGAL ABILITY & ETHICAL  
STANDARDS**

*Awarded by AV Preeminent 2024  
Lawyers*



# Announcement

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## **OLMSTEAD: CELEBRATING 25 YEARS OF COMMUNITY INCLUSION**

**SEPT. 4  
2024**

**10:00 A.M. - 2:00 P.M.**

**HERITAGE HALL  
MICHIGAN STATE  
CAPITOL BUILDING**

**HELP US CELEBRATE 25  
YEARS OF COMMUNITY  
INCLUSION FOR PEOPLE  
WITH DISABILITIES AND  
SENIORS.**

**SAVE  
THE  
DATE**

## **OLMSTEAD: CELEBRATING 25 YEARS OF COMMUNITY INCLUSION**

Celebrate the 25th Anniversary of the Supreme Court's Olmstead Decision!

The Olmstead Decision is a commitment to individuals with disabilities that you have the *right*

- to live in your community with dignity and independence
- and receive the necessary services and supports.



# Announcement

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Let's celebrate Michigan's many accomplishments in supporting people with disabilities to live their best lives in their communities with their families and friends.

Let us also recommit ourselves to fully realizing the Olmstead promise:

- Make our best practices the standard and available to all.
- Support the family caregivers who provide 80% of all care without compensation.
- Recognize the critical role of direct care professionals with fair wages, benefits and career opportunities.
- Find creative solutions to the common barriers to community living, including the lack of accessible, affordable housing, employment opportunities and reliable transportation.
- Make our programs easier to access.

Let's seal this commitment with a long-range plan for building the home and community-based services system that Michiganders deserve. A plan that:

- Is built through a partnership with individuals with disabilities, their families and caregivers and the state agencies responsible for their services.
- Is action-oriented, with clear goals and timelines.
- Builds broad public support for work that will take years and affect all Michiganders.

*"If You Fail to Plan, You Are Planning to Fail"*  
Benjamin Franklin



# June's Featured Topics

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## LAWMAKERS TAKE AIM AT MEDICARE ADVANTAGE PRIOR AUTHORIZATION

A group of U.S. lawmakers have introduced legislation aimed at reforming the Medicare Advantage prior authorization process.

The legislation is an updated version of the Improving Seniors' Timely Access to Care Act, which passed the House of Representatives in 2022, but stalled in the Senate, according to a June 12 news release from Washington Rep. Susan DelBene's office.

"Prior authorization is the number one administrative burden facing physicians today across all specialties," Kansas Sen. Roger Marshall, MD, said in a June 12 news release from his office. "As a physician, I understand the frustration this arbitrary process is causing health care practices across the country and the headaches it creates for our nurses." If passed, the bill would:

- Establish an electronic prior authorization process for MA plans including a standardization for transactions and clinical attachments.
- Increase transparency around MA prior authorization requirements and its use.
- Clarify the HHS' authority to establish timeframes for electronic prior authorization requests, including expedited determinations, real-time decisions for routinely approved items and services, and other prior authorization requests.
- Expand beneficiary protections to improve enrollee experiences and outcomes
- Require HHS and other agencies to report to Congress on program integrity efforts and other ways to further improve the electronic prior authorization process.

[CLICK HERE FOR MORE DETAILS](#)

# June's Featured Topics

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Photo by Stephen Maturen/Getty Images

## **SEVEN AGS PEN AMICUS BRIEF IN CASE CHALLENGING OHIO VOTING RESTRICTIONS**

Last week, the Attorneys General of half a dozen states and the District of Columbia filed an amicus brief in a case challenging Ohio voting restrictions. The federal court challenge has to do with ballot access for people with disabilities. State lawmakers placed strict limits on who can return an absentee ballot as part of a 2022 law that requires Ohioans present a photo I.D. to vote.

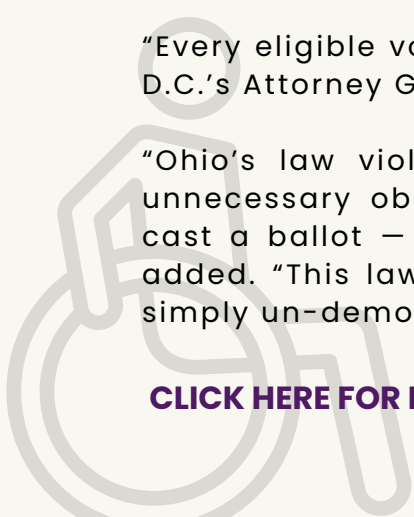
### **What's it to you?**

The attorneys general from Delaware, Illinois, Maryland, Nevada, New Jersey, New York and Washington, D.C. signed on to the amicus brief challenging Ohio's law. The provisions make it a felony for anyone other than a postal worker or a specific list of relatives to return or possess another person's absentee ballot.

"Every eligible voter who wants to vote should be able to do so – full stop," D.C.'s Attorney General Brian Schwalb wrote in a press release.

"Ohio's law violates this fundamental democratic principle by creating unnecessary obstacles that will make it harder for millions of people to cast a ballot – and disproportionately harms voters with disabilities," he added. "This law does nothing to improve election security and instead is simply un-democratic and un-American."

[\*\*CLICK HERE FOR MORE DETAILS\*\*](#)



# June's Featured Topics

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## **MASS. PROMISES \$1B TO COMMUNITY INTEGRATION FOR DISABLED**

In [Olmstead v. L.C.](#), which will mark its 25th anniversary this June, the Supreme Court held that Title II of the Americans with Disabilities Act (ADA) protects individuals with disabilities from unnecessary institutionalization. A lawsuit initiated in 2022 challenged Massachusetts' accordance with [Olmstead](#), leading to a recent landmark settlement.

In the settlement, the state promised to provide increased services and support fostering community integration for people with disabilities transitioning out of nursing homes. Massachusetts committed \$1 billion toward these efforts.

### Case History

In [Marsters v. Healey](#), the Massachusetts Senior Action Center and several adults with disabilities who live in nursing facilities alleged that Massachusetts officials unjustifiably institutionalized the class of people with disabilities. The Center for Public Representation served as counsel for the plaintiffs.

According to the plaintiffs in this class action, the failure to provide services violated Title II of the ADA and [Olmstead](#). They argued that the officials failed to supply needed community residential services and support, which would allow integrated community living. Furthermore, they stressed that this deficit in services disproportionately affected people of color.

**[CLICK HERE FOR MORE DETAILS](#)**

# June's Featured Topics

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## **LIFE ESTATE PERSONAL RESIDENCE MAINTAINED BY PART-TIME USE**

In an unpublished opinion, the Court of Appeals of Virginia affirms the lower court's finding that two women were not remainder beneficiaries of a life estate created by their aunt. The appellate court holds that a personal residence does not require sole or exclusive use. Intermittent use was sufficient to prolong the life estate. In Brown v. Johnson (Va. Ct. App. No. 0491-23-4, April 16, 2024).

In her will, Mary Putnam gave a life estate to her sister and her husband, Anna and Clarence Johnson, and their daughter, Sharon Johnson. The life estate required at least one of them to use the house as their personal residence to maintain it.

[\*\*CLICK HERE FOR MORE DETAILS\*\*](#)

## **BLIND WOMAN DENIED CHURCH ENTRY WITH HER SERVICE DOG AND IT'S TOTALLY LEGAL**

The Americans with Disabilities Act protects service dogs and their owners and lets them go to all sorts of places, including places that don't allow pets, such as restaurants and shops. Sadly, the ADA states that religious institutions and organizations are specifically exempt from the ADA.

[\*\*CLICK HERE FOR MORE DETAILS\*\*](#)



# June's Featured Topics

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## **COURT ERRED IN NOT DEFINING CARE FACILITY AS NURSING HOME**

The Court of Appeals, First Appellate District of Ohio, reverses a summary judgment in part and affirms in part because it finds some issues of material fact. In Manter v. CPF Senior Living (Ohio Ct. App. No. C-230478, April 12, 2024).

Paul Manter resided in an assisted living facility, Northgate Park. He had hypertension, hyperlipidemia, chronic obstructive pulmonary disease, congestive heart failure, and neuropathy in his extremities. Alcoholism impaired his memory.

[CLICK HERE FOR MORE DETAILS](#)

## **DISENFRANCHISED FOR DISABILITIES: ARIZONA'S GUARDIANSHIP LAW IS A VOTING RIGHTS NIGHTMARE**

When Becky King's daughter Beth Papp turned 18, she couldn't register to vote in her home state of Arizona. Five years later, she still can't.

Papp is autistic and nonspeaking; when she was in her teenage years, King was advised that placing her daughter under full legal guardianship, a process she applied for when Papp was 17, was the right thing to do. Various frameworks for guardianship, or conservatorship, exist in all 50 states—in all cases stripping both minors and adults of a variety of rights then granted to a third party.

[CLICK HERE FOR MORE DETAILS](#)

