



## NAELA's Expertise Helped Save the Medical Expense Deduction

On November 7, 2017 the proposed house tax reform bill proposed total elimination of the medical expense deduction.

NAELA focused on how this would impact LTSS. Many individuals would not be able to pay for both LTSS and a new tax bill. Those who could afford both would see their life-savings dwindle more rapidly, spending down to Medicaid faster.

NAELA quickly mobilized with AARP and a few others to educate Congress and importantly, other health organizations. After intensive lobbying, the Senate passed a bill that not only retains the medical expense deduction, but thanks to Senator Susan Collins, temporarily lowers the threshold to 7.5 percent of adjusted gross income for the next two years.

—> [Click Here for Full Article](#)

*The following article was written prior to the passing of the tax bill. It highlights some of the issues that would have effected individuals and families across the country.*

### Ending Medical Tax Break Could Be a 'Gut Punch' to the Middle Class

**Thanks to the efforts and behind the scenes work of NAELA and attorneys like Ms. Dudek, we were able to avoid the damaging repercussions. We will need to keep working to make sure other protections stay in place in 2018.**

## The Sexual Assault Epidemic No One Talks About

At a moment of reckoning in the United States about sexual harassment and sexual assault, a yearlong NPR investigation finds that there's little recognition of a group of Americans that is one of the most at risk: adults with intellectual disabilities.

Unpublished Justice Department data on sex crimes results show that people with intellectual disabilities — women and men — are the victims of sexual assaults at rates more than seven times those for people without disabilities. **It's one of the highest rates of sexual assault of any group in America, and it's hardly talked about at all.**

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

## These Intellectual Disability Sexual Assault Statistics Will Alarm You

The #MeToo movement shed a light on how pervasive sexual harassment and assault are in the United States and abroad, but the most vulnerable haven't yet become part of the conversation. According to new statistics, people with intellectual disabilities are sexually assaulted at a higher rate than almost any other group. Their stories haven't gotten the same attention as famous actresses', however, and the extent to which they're victimized is just now coming to light.

A July report from the Bureau of Justice found that people with any type of disability are more than two times more likely to be sexually assaulted than people without disabilities, but there were previously no government statistics on the subject concerning intellectual disabilities, specifically. Because the intellectually disabled rely on others for daily care, often live in group homes or institutions, and can have difficulty with speech, they're especially vulnerable to assault.

—> [Click Here to Read More](#)

## How to Protect Disability Rights in 2018

Disability rights have always been an important political issue in the United States, but in 2017, the growing profile of activist group ADAPT highlighted what's at stake. The fight for health care is only a small part of the larger battle for full inclusion in society — something that will be under threat in 2018, thanks to Republican policies.

If you're disabled and feeling helpless — or nondisabled and wanting to work in solidarity with the disability community — there are lots of actions you can take that will make a big difference.

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

## Radon test kits half price at Oakland County Health Division during National Radon Action Month

The Oakland County Health Division wants to protect you against a potentially harmful gas.

As part of National Radon Action Month, the health division is offering radon test kits for only \$5. Radon is the leading cause of lung cancer in non-smokers and second leading cause of lung cancer overall.

—> [Click Here for More Information](#)

## The Future of the ADA & Accessibility Legislation in 2018

Things move slowly in government, and for many bills seeking to become laws, the lag is the biggest hurdle to vault. But for the people most likely to be affected by the new bill, the slow crawl means opportunity to make a change. Particularly in the case of HR 620, it's allowing for more outcry in the coming new year.

The bill, which makes it easier for business owners to ignore laws put in place by the ADA in an effort to fight discrimination against those with disabilities, currently sits in limbo, awaiting presentation to the House of Representatives.

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

## Neuroscientist Predicts 'Much Better Treatment' For Alzheimer's Is 10 Years Away

British neuroscientist Joseph Jebelli first set out to study Alzheimer's because of his grandfather, who developed the disease when Jebelli was 12. Though there is no cure for Alzheimer's disease, Jebelli is optimistic about current research involving neural stem cells and cell regeneration.

"Just the last few years alone have seen some serious breakthroughs in Alzheimer's research," he says. "Ten years should be enough time for us to develop, if not a cure, certainly a much better treatment than what we have at the moment."

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

## AG Jeff Sessions Reveals 25 Anti-Discrimination Guidance Letters, Calls Them 'Unnecessary'

Contested Attorney General Jeff Sessions wiped a number of Obama-era "guidance letters" off the books last week, including one warning state and city courts of legality concerns on the fees and fines levied against low-income defendants.

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

## Senate Confirms New OSERS Chief

On December 21st, the U S Senate confirmed the nomination of Johnny Collett as Assistant Secretary for Special Education and Rehabilitative Services.

Mr. Collett previously served as the Director of Special Education Outcomes at the Council of Chief State School Officers (CCSSO), where he worked to support states in their efforts to raise expectations and improve outcomes for children and youth with disabilities. Previously, he served as Director of the Division of Learning Services and State Director of Special Education at the Kentucky Department of Education as well as worked as a high school special education teacher. Collett's nomination was widely praised by stakeholders; for example here is the statement by the National Disability Rights Network.

—> [Click Here for Blog Post](#)

## Summary of Caselaw 2015-2016 Is Now Available For Purchase

Jim Gerl is the writer and creator of [Special Education Law Blog](#). He has a legal outline available for purchase. The outline comes with a table of contents and it is a summary of the caselaw decided in calendar years 2015-2016 (all published circuit court of appeal decisions; almost all published district court decisions; selected state court decisions, and selected hearing officer decisions; as well as policy guidance by OSEP, OSERS, FPCO, etc.), and much more.

—> [Click Here for More Information](#)

## CMS targets improper SNF discharges

A new Centers for Medicare & Medicaid Services initiative will attempt to reverse a controversial trend of evicting residents who can no longer pay from the nation's skilled nursing facilities.

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

## Family furious at decision to remove severely disabled woman's overnight care

The family of a severely disabled woman says she 'will not cope' if vital overnight care is slashed by council chiefs after branding the decision 'morally wrong'. Elizabeth McManus may be 54-years-old but her family says she has the capacity of a six-year-old and has received 24-hour care since she was born. Although she lives in her own home in North Lanarkshire, Elizabeth receives round the clock care. But now her family are facing the agonising news that Elizabeth's overnight care is to be withdrawn by the council's social work contractors Support for Ordinary Living (SOL).

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

## Justice in Aging Fighting Senior Poverty Through Law

Every year benefit programs used by older adults change based on Cost of Living adjustments (COLA) or other factors. Some key changes are already in place; more are due at the end of January. Changes in Social Security benefit calculations are of particular importance because these changes can trigger special provisions affecting Medicare premiums and Medicaid eligibility. The following is a brief summary of Social Security benefit changes for 2018 and related changes in Medicare and Medicaid that most directly affect low-income older adults.

—> [Click Here for Full Summary](#)

## Implementation of New Federal Regulations

The Centers for Medicare & Medicaid Services (CMS) released new federal nursing facility regulations in 2016. The vast majority of the regulations became effective in November 2016, but some components are newly effective as of November 2017.

—> [Click Here for Summary of the "Phase Two" Requirements](#)

## An open Letter to HarperCollins About To Siri With Love

Dear HarperCollins,  
I hope that, by now, you have become aware of the outcry in the autistic community about the title To Siri With Love, which you have published this year and of which the autistic community is calling for a boycott. If not, perhaps a little bit of background is in order.

Author Judith Newman, who wrote for the New York Times (and believe me, I would love to write a letter to them next) about parenting an autistic child, parlayed that into a book that you accepted, edited, published, and publicized. In that book, she wrote some very questionable things; most notably, there has been a slew of quotes going around in which she discusses her child's fitness for being a parent and how she wanted to retain power of attorney so she could sign him up for sterilization (after denigrating the idea that he could even have a romantic life).

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

## SAMHSA finalizes changes to clarify health privacy rules for people who seek substance use disorder treatment

The Substance Abuse and Mental Health Services Administration (SAMHSA), part of the U.S. Department of Health and Human Services, announces the finalization of proposed changes to the Confidentiality of Substance Use Disorder Patient Records regulation, 42 CFR Part 2. The rule will be published in the Federal Register and currently can be viewed at <http://www.samhsa.gov/42CFRPart2Final>.

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

## Letter re: enforcement of IDEA provisions regarding significant disproportionality

Dear Secretary DeVos,

On behalf of The Leadership Conference on Civil and Human Rights and the 112 undersigned organizations, we write to offer our strong support for the robust enforcement of the Individuals with Disabilities Education Act (IDEA) provisions regarding significant disproportionality in the identification, placement, and discipline of students with disabilities with regard to race and ethnicity.[i] This issue is of particular interest to the civil and human rights community given our long struggle to ensure educational opportunity, full inclusion, and appropriate supports and services for children with disabilities, boys and girls of color, English learners, and Native American, low-income, and LGBTQ students. We recognize that often students are members of multiple communities and experience unlawful and unjust discrimination within the intersections of these identities. We are committed to the robust enforcement of our nation's civil rights and education laws and the freedom from discrimination and access to educational opportunity that they provide.

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

**For more news and information about Patricia and Patricia E. Kefalas Dudek & Associates please visit us online.**

[www.pekdadvocacy.com](http://www.pekdadvocacy.com)

[www.pattidudek.typepad.com/](http://www.pattidudek.typepad.com/)



**Patricia E. Kefalas Dudek & Associates**

30445 Northwestern Highway, Suite 310 Farmington Hills, MI 48334

Tel: 248-254-3462 Fax: 248-928-9233

[pdudek@pekdadvocacy.com](mailto:pdudek@pekdadvocacy.com)

If you would like to add anyone to or be removed from the e-mail list please notify the editor. [dwelsh@pekdadvocacy.com](mailto:dwelsh@pekdadvocacy.com)

This e-newsletter is a publication of Patricia E. Dudek & Associates. The legal information presented in this e-newsletter is intended for information purposes only and is not a substitute for consultation with a legal professional.