

## US Attorney to Discuss ADA, Self Advocacy at Membership Meeting

The special guest at the next CDR Quarterly Meeting of the Membership will be the United States Attorney for Connecticut, Deidre M. Daly. The topic for the event is *The role of the US Attorney in ADA enforcement & How Self-Advocates Can Help*.



*Deidre M. Daly*

It will be held on Thursday February 26 at the Savin Rock Conference center in West Haven at 6:00 PM. The suggested donation for the light supper to be provided is \$3

Daly has an accomplished litigator with an impressive resume, including:

- Assistant U.S. Attorney in the Southern District of New York, prosecuting cases ranging from murder, racketeering, narcotics and money laundering to fraud, and corruption.
- Partner at Daly & Pavlis LLC, a Connecticut law firm with a practice focused on corporate and commercial litigation, white-collar and corporate internal investigations.
- Appointed acting U.S. Attorney for Connecticut in May, 2013
- She is a graduate of Dartmouth College and Georgetown Law School

When reviewing Daly's history above, one might conclude that her proficiency is in corporate law. Yet, her litigation with ADA issues is shown on two different cases in the New Haven area and helps to showcase her enthusiasm in pursuing equality for disabled persons.

In a settlement agreement from June 2013, Daly oversaw a settlement agreement with the City of New Haven whereby the city agreed to implement training and ensure compliance with the effective communication requirements under the ADA.

DOJ investigation into allegations that the City's Livable City Initiative failed to effectively communicate with persons who are deaf or hard of hearing.

The ADA requires that "public entities," such as local governments and police departments, ensure effective communication with qualified individuals with disabilities.

"We commend the City of New Haven for agreeing to enter into this settlement agreement and for the assurance that critical and effective communication will be provided to persons who are hearing impaired...their cooperation in this investigation and its agreement today reflects the City's strong commitment to keep residents safe and to uphold their civil rights," stated Daly.

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## Deidre M.Daly to speak on ADA Enforcement and Self-Advocacy

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In the next case, a complaint settled in January 2015, the U.S. Attorney's Office charged that Quinnipiac University had violated the ADA when it placed a student on mandatory medical leave due to a mental health related disability. It said the school did not consider options that would have allowed the student to continue at the school.

Despite Quinnipiac denying the allegations, the settlement says the government found that the university discriminated against the student because of her depression.

Besides the payments to the student for emotional distress and the lost semester, Quinnipiac agreed to implement a policy stating that it will not discriminate against applicants or students on the basis of disability, including mental health disabilities.

The university agreed to provide training for staff on mental health-related disability discrimination.

Daly noted that "Quinnipiac removed this student from the university at a very vulnerable time in her life." She continued: "Educational institutions must be equipped to manage and educate students who recognize, disclose and are treating their mental health disabilities..."

We're pleased that Quinnipiac will implement a nondiscrimination policy to help prevent this ADA violation from occurring in the future."

## Jonathan Bowkowski Remembered

*by Irene Puccino  
CDR Board President*

I would like to share my thoughts about Jonathan Bowkowski, a remarkable young man someone who has inspired me so much over the years. He recently passed away at the age of 30. He and his family had been members of CDR.

Jon had Duchennes Muscular Dystrophy, and needed much assistance to be involved in activities. However, he didn't let his disability stop him from doing things he liked to do, and was lovingly assisted by his mother Valerie.

He spent so much of his time thinking of other people. He would encourage young people who had disabilities and some who didn't, and younger people were often drawn to him. The biggest thing he left behind him was the impact he had on the lives of others.

He was so loving and giving. Jon had a winning smile, always a kind word and often words of wisdom to share with other people. I never heard Jon complain or decry his fate. He was always upbeat and positive. His favorite line was "it is what it is". He didn't stay angry or upset with people, even when he would have cause to be.

If Jon had been able to walk and do all the things we could do, I do believe he would have achieved great things.

Jon's greatest love was music and often Jon worked as a DJ with his mother and others assisting him by in transporting his equipment to numerous CDR and other functions that kept him going.

During the last weeks of his life Jon wrote/composed a song with the help of a music therapist. His song was called *Happiness is the only way*, see this four minute video at <http://youtu.be/lc-fFO8HZo8>

Jon created the DJ Wheels Foundation to help young people who was interested in music, dance or DJ work. I have the honor to be his secretary in this endeavor. His mother Valerie is keeping it going in his name to fulfill Jon's dream – see more at: [www.facebook.com/DjWheelsFoundation?fref=ts](http://www.facebook.com/DjWheelsFoundation?fref=ts)

Whenever I bemoan my life, I think of Jon and all he went through. I shall miss this young man for a very long time to come.

## Services for the Disabled in Sweden

*by Bjorn Ljungström, CDR Member*

Health care in Sweden is almost completely free and provided for everyone. There are small co-payments for clinic visits with a payment cap of about \$200, after which there is no charge. Prescription drugs have a cap of \$250 per year. All physical therapy and occupational therapy is included in the basic health.

All durable medical equipment such as wheelchair, beds, walkers, shower chairs and lifts are free to the recipient. You will pay a small yearly amount for maintenance, and the repair service is performed at your home.

Should you require home modifications, you can apply for assistance for building ramps or redesigning bathrooms.

For the average person who becomes somewhat disabled as they age, there is a program called Hemjäst. This allows the aging person to stay in place in their homes. Aides come to the home 1-3 times per day to assist with activities of daily living and bring meals for the person. Fees are based on income, about \$100 per month.

For transportation, there is a special program for the disabled both local and national transit, Färdtjänst. When you are approved for this service, your price for transit is reduced by 75% for accessible taxis. Half of all taxis in Sweden are equipped for the Färdtjänst program.

It is also possible to make a paid trip to a rehabilitation or recreation center in Sweden for minimal daily costs.

For those who are judged to need more than 20 hours, they may apply for a program called LSS (The Act on Support and Service for Persons with certain Functional Impairments). It is for children and adults with permanent disabilities. Adults must apply prior to age 65, and the number of hours determined remain for life.

The client chooses his or her own assistants, a family member or other.

The assistant works with the client in and outside their homes. If it is a family member of the assistant, either full or part time, the income is managed by a financial management company. These personal assistants are paid about \$18 per hour before taxes. The benefit of this program is that disabled persons can enjoy a full life at home and in the community.

These comprehensive health care benefits are made possible as Sweden has a government provided one-payer insurance system. The system is funded by taxes that might seem very high to Americans, with income taxes of 25-35% and a value-added (sales) tax of 25% applied to all goods and services purchased.

Swedes are glad to have the medical benefits provided and consider it good value, as one cannot get something for nothing. Swedes are glad to have no anxieties regarding their health care.

The government pays the same amounts for procedures and prescriptions whether one utilizes a hospital, public clinic, private clinic or pharmacy. For those who wish to avoid waiting times for non-emergency services, private care is available.

However, there is no universal dental insurance coverage available other than discounts for the severely disabled and children in Sweden.

This health system has been in place since the 1940s, and Swedes are proud of it.

Recently, there has been a shortage of nurses and midwives, which has led to problems in providing some care.

Of course, some may grumble about waiting times or uneven access in rural areas, but as a whole the health system works very well.



## Ask the ADA person

### Dear ADA Person:

I am the Director of a municipal housing authority, and I have a question about elevators. The elevators in our largest senior/disabled housing complex are 30 years old, and they break down frequently.

There are two elevators. When one breaks down, the other one does double duty; and then, inevitably that one breaks down as well. At least twice in the past year, both elevators have broken down at the same time. The best solution is to replace the elevators with new ones; but neither the Town or the State will give us the money we need.

What are our ADA nor Fair Housing obligations toward the residents with mobility issues who cannot use the stairs?

### Dear Director of Housing:

Fair Housing applies because the building you describe contains multiple dwelling units. The ADA also applies because you are a Title II Public Entity, and the housing you provide is a covered local government service or program. In this case, the standards for both are similar as the FHA follows the technical guidance of the ADA regulations promulgated by the US Department of Justice.

In 2010, the DOJ released new regulations for built environments, and those regulations clarified and strengthened the requirements for elevator access. In particular, there is a newly clarified requirement that accessible features must be "maintained". That is to say, that repairs must be done in a reasonable time frame.



What is a "reasonable time frame"? The standard is fluid; however, clearly if both elevators are out of commission leaving folks stranded, then that is a serious situation that requires repairs ASAP. On the other hand, if one of the elevators is out and the other is still working, then it can be argued that more time can be taken to fix the broken one. This assumes that both elevators are equally accessible. If the one that is broken is accessible and the other that is functioning isn't very accessible (perhaps it is too small for power chairs and scooters), then repairs must be made ASAP. 24 hours is standard.

Consequently, if your elevators are breaking down that frequently, then the ADA requires that you have the repair folks on speed dial and that you keep a supply of parts on hand so no time is wasted waiting for parts to arrive.

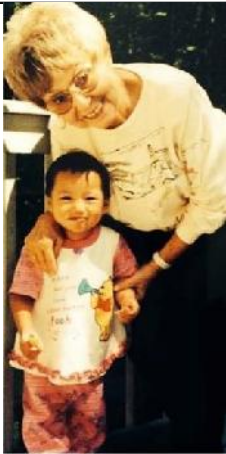
Finally, I should point out that with such frequent breakdowns, your Authority may also have an obligation to offer to transfer folks with mobility disabilities to the first floor or even other complexes so that they are not regularly trapped on upper floors.



## Save these upcoming dates



<b>CDR Winter Meeting of the Membership</b>	<b>Thursday February 26, 2015</b>
<b>CDR Annual Meeting</b>	<b>Monday June 29, 2015</b>
<b>10'th Annual CDR Wheel-a-Thon</b>	<b>Sunday September 20, 2015</b>



## Yetta Segal In Memorium

Yetta Segal passed away on November 5, 2014 in Satellite Beach, Florida at the age of 92. Yetta was a CDR member, a member of the HEOS support group, and served on the Steering Committee of the Wheel-A-Thon back in 2006.

Yetta was a sweetheart who brought a smile to everyone's face. She was very thoughtful, and always sent a card to members who were having a birthday or who were ill or experienced a loss.

We will miss her very much.

## Executive Director's Corner

*Marc Anthony Gallucci*

**"The sooner you accept that the way things are is the way things are, the happier you will be."**

This quote from the classic film "Babe" is spoken by the cow to Ferdinand the duck. Readers may remember that Ferdinand was the eccentric duck who acted like a rooster and crowed in the morning so that farmer Hoggett and his wife would think that he was useful, and therefore, spare him from ending up as their dinner. Likewise, Babe, the piglet, tried to make himself useful by acting like a sheep dog and herding the Hoggetts' sheep.

While the story is essentially about animals who act out of their natures, it is also a story about knowing one's place and accepting one's lot in life.

My four year old Son, Noah, fell in love with 'Babe'; and naturally, we have had to watch it every day - sometimes twice per day for weeks. I never realized how profoundly philosophical the movie is. Now that I have seen it many times, I realize that the movie really isn't about farm animals at all, but about people and their attitudes. It also struck me that the observations about human behavior and the injustices of the social order of things is very applicable to Independent Living.

Independent Living is, in part, about our struggle as people with disabilities to not be defined by people's expectations for us and about us. Too many people have the attitude that because we have a physical or mental impairment, that we somehow lack the abilities, judgment, and strength to live our own lives on our own terms. Consequently, they set up the expectations for us, and they have the responsibility to conform us to those expectations. In short, if we can't do it their way, then we can't do it at all.

Like Babe, sometimes we find our own way to do things. We know from our own life experience that we don't have to bite the sheep to herd them, and that there are other ways that are just as effective - if not more so. Rules be darned, we are going to enter the sheep dog competition!

We are often seen as rule breakers: uncooperative, belligerent, unrealistic, and disrespectful when, in fact, we are just trying to live our lives the best way we know.

May we break many more rules, and may we always do so with good health, a happy heart, and inspiring dreams for the future.



## Congress Passes “Achieving a Better Life Experience Act” or ABLA Act of 2014

At the end of the 2014 Congressional Session, both the House and Senate passed the ABLA Act which is designed to help parents of children with disabilities to save money and accumulate assets for their care and life needs. The Act was sponsored and championed by Sens. Robert Casey, Jr (D-PA) and Richard Burr (R-NC) and Reps. Ander Crenshaw (R-FL), Chris Van Hollen (D-MD), Cathy McMorris Rodgers (R-WA), and Pete Sessions (R-TX).

This major piece of legislation that will make a major impact in the lives of people with disabilities started with a very few parents of intellectually disabled children sitting around a kitchen table in Virginia. These parents were fearful for the future of their kids, and determined that they not be condemned to a life time of poverty.

Modeled after the very popular 529 accounts that enable folks to save for their child's college education, the ABLA accounts will also help alleviate the financial strain faced by folks with disabilities by making tax-free savings accounts available to cover qualified expenses such as education, housing, and transportation. The accounts would supplement, but not supplant benefits provided through private insurance, Supplemental Security Income (SSI), Medicaid, and the beneficiary's employment.

In order to qualify for ABLA accounts, the individual who benefits must have been disabled before age 26 and the accounts cannot exceed \$100,000.00

The ABLA Act is great news for folks with disabilities who could never accumulate more than \$2000.00 in savings without forfeiting their benefits. For those with families who have the means to save or pass down assets, this means an end to a forced lifetime of poverty.

Even more exciting is that the passage of the ABLA Act demonstrated once again that -at least on disability issues- Republicans and Democrats can come together in a bipartisan fashion to get something done. For a very fascinating read about how the sponsors advocated for and finally got the law passed after several years, check out the following article on the Christian Science Monitor (CS Monitor)

<http://www.csmonitor.com/USA/DC-Decoder/2015/0207/ABLE-Act-shows-how-Congress-can-get-work-done-and-how-hard-it-is>

## SILC Meetings on State Plan of Independent Living

The Connecticut State Independent Living Council (SILC) is holding two public meetings to gather input on proposed revisions to the 2014-2016 State Plan of Independent Living.



The first meeting will be held on Wednesday, March 18th from 4:00pm – 6:30pm at the Area Agency on Aging, One Long Wharf Drive in New Haven.

The following meeting will be on Thursday, March 19th. From 1:00pm – 3:00pm at the New Park Office and Conference Center, 151 New Park Avenue Hartford.

People with disabilities, service providers and the public are invited to participate.

For more information contact Debbie Melaragno at [deb@ctsilc.org](mailto:deb@ctsilc.org) or Daria Smith [daria@ctsilc.org](mailto:daria@ctsilc.org) or call (860) 523-0126. CART and Interpreter Services will be provided at both meetings.

## What's New in Assistive Technology

### Lifeware Spoon:



Lift Labs Incorporated has introduced a new electric spoon designed to help people who experience tremors have more control over their dining experience.

The Lifeware Spoon uses programmed algorithms to detect shaking and trembling and makes adjustments to keep the bowl of the spoon steady.

This is similar to the technology that helps keeps video camera's shooting clear pictures even if the camera is not being held steadily.

The Lifeware Spoon can be found at [www.Liflabsdesign.com](http://www.Liflabsdesign.com). It sells for \$295.

**About Lift Labs:** The San Francisco group was purchased by Google in 2014 and is part of their Moonshot Laboratory. They describe themselves as a group of scientists and engineers “*working to develop new technologies that focus on improving overall quality of life and independence for those with tremors.*”



### Be My Eyes App

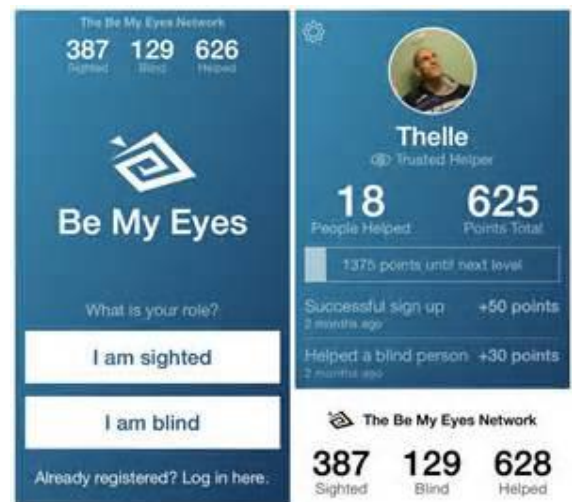
A new non-profit App called “Be My Eyes” connects blind people with sighted folks through a video call to provide immediate assistance with a simple task that can prove difficult without vision.

Here is how it works...when a blind person needs help to see something, he would log onto the App on his smart phone or tablet and request a volunteer. The App then opens a video chat with the volunteer who uses speech to help.

Currently, this app is available for the iPhone, and an app for the Android system is currently under development.

This exciting new approach is the brainchild of Robocat Founder Hans Jorgen Wiberg, a Danish man who has been visually impaired for 25 years.

For more information, go to <http://www.bemyeyes.org/>. The App can be downloaded from the iTunes store.



**About RoboCat:** This is a software development firm based in Copenhagen who “*Dream up and build unique apps.*” Learn more at <http://www.robo.cat/>

**CDR Vital Statistics**

**CDR saves the State of CT over one million and a half dollars just on the 47 transitions achieved this year alone! Some Highlights from CDR's 2014 Data Report are as follows:**

<b>Number of Information &amp; Referrals (I&amp;Rs):</b>	<b>4528</b>
<b>Number above that are Web-based virtual:</b>	<b>3191</b>
<b>Number that are traditional I&amp;R:</b>	<b>1338</b>
<b>Number of Consumers with open CSRs (CORE):</b>	<b>130</b>
<b>Number of MFP Consumers transitioned out of Nursing Facilities:</b>	<b>39</b>
<b>Total Number of Nursing Facility Consumers Transitioned:</b>	<b>47</b>
<b>Average Monthly Savings to CT Medicaid per Transition:</b>	<b>\$2,790.00</b>

**Total Yearly Savings to CT Medicaid for CDR's Transitions from Nursing Facilities:**

**12 months x \$2,790 x 47 individuals = \$1,573,560.00**

**Calendar of Events**

<b>Tuesday Feb. 20</b>	<b>6:00 pm</b>	<b>CDR Winter Meeting of the Membership</b>	<b>Savin Rock Conference Ctr., W. Haven</b>
<b>Wednesday March 4</b>	<b>4:30 pm</b>	<b>Membership Committee Meeting</b>	<b>CDR, West Haven</b>
<b>Wednesday March 18</b>	<b>4:30 pm</b>	<b>CDR Board Meeting</b>	<b>CDR, West Haven</b>
<b>Monday June 29</b>	<b>6:00 pm</b>	<b>CDR Annual Meeting</b>	<b>Savin Rock Conference Ctr., W. Haven</b>
<b>Sunday Sept. 20</b>	<b>9:00 am</b>	<b>10th Annual Wheel-A-Thon</b>	<b>Savin Rock Conference Ctr., W. Haven</b>

The Center for Disability Rights is a consumer-controlled, community based organization - a single point of access to resources for all regardless of disability.



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[www.cdr-ct-org](http://www.cdr-ct-org) [www.wheel-a-thon.org](http://www.wheel-a-thon.org)

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