

Building an Inclusive Society In Celebration of the 20th Anniversary of the Americans with Disabilities Act

June 29, 2010





Disclaimer

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The ADA, Disability Rights, and the Psychiatric Survivor Movement

Andy Imparato
President & CEO
American Association of People with Disabilities



The Disability Rights and Psychiatric Survivor Movements

- Section 504 sit-in in 1978
- Cross-disability group included people with psychiatric disabilities
- Justin Dart, key leader on Americans with Disabilities Act (ADA)
 - Experienced depression
 - Built strong, long-term relationships with psychiatric survivor leaders like Judi Chamberlin, Rae Unzicker, and Dan Fisher



The Disability Rights and Psychiatric Survivor Movements

- The ADA debate in Congress
- Efforts to strip civil rights protections from people with mental health disabilities
- Rae Unzicker appointed by President Clinton to serve on the National Council on Disability
- Clinton Administration met early with leaders of psychiatric survivor movement



The Disability Rights and Psychiatric Survivor Movements

- *Sutton v. United Airlines* and *Toyota v. Williams* narrowed the scope of the protected class under the ADA, creating problems for many employees with mental health disabilities
- In 2008, the disability community came together to reverse those problematic decisions in the ADA Amendments Act
- Also in 2008, the cross-disability community created a Justice for All Action Network, which created an opportunity for leaders from the psychiatric disability community to work together on a regular basis with leaders from other disability-led organizations



Opportunities for Collaboration

- UN Convention ratification
- Medicaid reform
- Social Security reform
- Other opportunities



From ADA to the United Nations Convention on the Rights of Persons with Disabilities

Celia Brown
Mental Health Advocate
New York State Office of Mental Health
Bureau of Recipient Affairs



ADA and Psychiatric Survivors

- Employment practices:
 - Reasonable accommodations –peer specialists
 - State and local programs and policies
- Community integration:
 - Meaningful work
 - Family and friends
 - Safe, affordable, and permanent housing
 - Accessibility to community resources



From ADA to the United Nations

- The U.S. delegation educated the international community about the ADA at the United Nations (UN)
- U.S. psychiatric survivors strategized with the U.S. delegation about the UN convention
- Work at the UN focused on finding common ground



International Efforts

- United Nations Convention on the Rights of Persons with Disabilities (CPRD)

“The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.”
- Role of leading organizations and people:
 - World Network of Users and Survivors of Psychiatry
 - International Disability Alliance
 - MindFreedom International
 - Kate Millet, Myra Kovary, Judi Chamberlin, Tina Minkowitz





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The “Dream Team” at the UN



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Key Principles

- Human rights approach
- Non-discrimination
- Autonomy and the freedom to make one's own choices



CRPD Preamble

- Disability is an evolving concept and results from the interaction between persons with impairments and attitudinal and environmental barriers.
- Discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person.
- Persons with disabilities should have the opportunity to be actively involved in decision-making processes.



Article 4: General Obligations

- Abolish existing laws that constitute discrimination
- Develop legislation and policies to implement the Convention with active involvement of persons with disabilities through their representative organizations



Article 15: Freedom from Torture, Cruel, Inhuman or Degrading Treatment

- No one shall be subjected to torture or to cruel, inhumane, or degrading treatment or punishment.



Article 17: Respect for Physical and Mental Integrity

- Persons with disabilities have the right to respect for his or her mental integrity on an equal basis with others.



Article 19: Living Independently and Being Included in the Community

- Persons with disabilities should have:
 - the opportunity to choose their place of residence and where and with whom they live and are not obliged to live in a particular living arrangement.
 - access to a range of in-home, residential, and other community support services, including personal assistance necessary to support living and inclusion in the community.



Psychiatric Survivor/Cross-Disability Community Alliances

- The International Disability Caucus was made up of more than 70 international organizations, including the World Blind Union, World Federation of the Deaf, World Federation of the Deafblind, Inclusion International, the Landmine Survivors Network, World Network of Users and Survivors of Psychiatry, and MindFreedom International.



Developments Since Signing of Convention

- International Women with Disabilities
- International Disability Alliance CRPD Forum
- Indigenous Persons with Disability Group



The Future and Implementation of the CRPD

- Paradigm shift
- Education
- U.S. ratification





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Partnership for Independence

Shawn Terrell
Office on Disability
United States Department of Health and Human Services



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Year of Community Living

- Announced by President Obama to mark the 10th anniversary of *Olmstead v. L.C.*
- Reinforced commitment to enforcement of civil rights for Americans with disabilities and to ensuring the fullest inclusion of all people in the life of our Nation



Overview

- This action underscored the importance of *Olmstead* and affirmed the Obama Administration's commitment to addressing isolation and discrimination against people with disabilities that still exists today, precluding them from leading a meaningful life in their communities.



HHS Involvement

- Secretary Sebelius, through the Office on Disability, is rallying agency participation both within the agency and across other departments.
- Productive collaboration with a broad array of partners ensures that people with disabilities and seniors have new opportunities to enhance their status as valued community members.



Coordinating Council

- Led by the Office on Disability in partnership with the following agencies:
 - Administration on Children and Families
 - Administration on Aging
 - Centers for Medicare and Medicaid Services
 - Health Resources and Services Administration
 - Substance Abuse & Mental Health Services Administration
 - Office of Civil Rights
 - Office of the Assistant Secretary for Planning and Evaluation



Coordinating Council Workgroups

- Services
 - Supports the provisions of the Patient Protection and Affordable Care Act of 2010 and promotes the use of person-centered planning
- Housing
 - Secretaries Donovan (Housing and Urban Development) and Sebelius have forged a strong working relationship with a vision for greater coordination of housing and supportive services
- Communications Strategy
 - Charged with developing continued communication strategies



Workgroups

- Workforce:
 - Focuses on working caregivers through a partnership with the Department of Labor
- Data and Quality:
 - Charged with data collection and developing a more refined knowledge of the experience of disability



Accomplishments

- Increased cross-agency coordination
- Stakeholder dialogue sessions across the United States
- CMS State Medicaid Olmstead Letter
- 5,300 housing vouchers for people with disabilities
- Capacity-building contract for housing opportunities



Accomplishments

- Housing Resource Coordinators funded by Money Follows the Person Demonstration
- Home- and Community-Based Services Advanced Notice of Proposed Rulemaking
- \$105 million supplemental award to States under the Money Follows the Person program



Accomplishments

- Minimum Data Set for Certified Nursing Facilities
- Pre-admission Screening and Resident Review technical assistance
- \$60 million Administration on Aging grants to States to fund Aging and Disability Resource Centers
- Medicaid Infrastructure Grants
- Civil rights enforcement



Patient Protection and Affordable Care Act

- Medicaid coverage to lowest income populations (up to 133 percent of Federal Poverty Level)
- Prohibition of preexisting condition exclusion (private insurance)
- Community First Choice Option



Patient Protection and Affordable Care Act

- HCBS in the Medicaid State plan
- Improving access to wellness for people with disabilities
- CLASS Act



Resources

- <http://www.hhs.gov/od>
HHS Office on Disability
- <http://www.aapd.com>
American Association of People with Disabilities
- <http://adaanniversary.org>
ADA National Network by DBTAC
Funded by the U.S. Department of Education NIDDER
- <http://www.ada.gov>
U.S. Department of Justice
Americans with Disabilities Act
- <http://www2.ohchr.org/english/law/disabilities-convention.htm>
The United Nations Convention on the Rights of Persons with Disabilities
- <http://www.un.org/disabilities/default.asp?navid=13&pid=1515>
United Nations: Rights and Dignity of Persons with Disabilities



For More Information

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Questions

You may now submit your question by pressing “*1” on your telephone keypad. You will enter a queue and be allowed to ask your question in the order in which it is received. On hearing the conference operator announce your first name, you may proceed with your question.





Speakers

Andy Imparato

Mr. Imparato is president and chief executive officer of the American Association of People with Disabilities (AAPD), the Nation's largest cross-disability membership organization. He recently led a coalition of more than 200 disability, civil rights, and employer organizations to enact the ADA Amendments Act, which was signed into law on September 25, 2008. Mr. Imparato, whose perspective is informed by his own experience with bipolar disorder, serves on the Maryland Statewide Independent Living Council and the Executive Committee of the Leadership Conference on Civil and Human Rights. He is also a member of the Board of Directors of the Council for Responsible Genetics. He served as a U.S. Senate appointee to the Ticket to Work and Work Incentives Advisory Panels to the Social Security Administration, chairing the committee that developed recommendations to transform the Nation's largest entitlement programs to be more consistent with ADA goals. Mr. Imparato is an advisor on corporate social responsibility, consumer, disability market, equal employment opportunity, and accessibility issues to corporations including Verizon, Time Warner, AT&T, Microsoft, IBM, SAP, and Wal-Mart.





Speakers

Celia Brown

Ms. Brown is a mental health advocate for the New York State Office of Mental Health Bureau of Recipient Affairs and is a representative to the United Nations Committee on the Rights of Persons with Disabilities (CRPD). She is a psychiatric survivor who was instrumental in developing the first peer specialist civil service title in the country. She facilitates training and technical assistance to recipients and peer specialists in their journey of recovery. A long-time activist and leader in the psychiatric survivor movement, she serves on the board of the National Association for Rights Protection and Advocacy, was a founding member of both the National People of Color Consumer/Survivor Network and the International Network for Treatment Alternatives for Recovery, and is Board President of MindFreedom. In addition, she was the conference planner for the first Alternatives in Mental Health conference. Ms. Brown has presented nationally and internationally on topics such as self-help, peer counseling, advocacy, trauma, and cultural competency.





Speakers

Shawn Terrell

Mr. Terrell recently joined the Office on Disability in the United States Department of Health and Human Services. He primarily works on the Community Living Initiative (CLI). The goals of the CLI are to provide opportunities for people with disabilities to live meaningful lives in the community through coordination of Federal government efforts. Prior to joining the Office on Disability, Mr. Terrell was at the Centers for Medicare & Medicaid Services (CMS) where he worked on State plan amendment requests for rehabilitative services and mental health recovery policy issues. Previously, he participated in the development of several initiatives in Michigan, including developing consumer-owned and-operated drop-in centers and a self-direction program for adults with psychiatric disabilities. He also worked to develop wraparound, juvenile diversion, and other community-based initiatives for children with serious emotional disturbances.



Survey

We value your suggestions. Within 24 hours of this teleconference, you will receive an e-mail request to participate in a short, anonymous online survey about today's training material. Survey results will be used to determine what resources and topic areas need to be addressed by future training events. The survey will take approximately 5 minutes to complete.

Survey participation requests will be sent to all registered event participants who provided e-mail addresses at the time of their registration. Each request message will contain a Web link to our survey tool. Please call **1-800-540-0320** if you have any difficulties filling out the survey online. Thank you for your feedback and cooperation.

Written comments may be sent to the SAMHSA ADS Center via e-mail at promoteacceptance@samhsa.hhs.gov.



Archive

This Training Teleconference was recorded. The PowerPoint presentation, PDF version, the audio recording of the teleconference, and a written transcript will be posted to the SAMHSA ADS Center Web site at:

<http://www.promoteacceptance.samhsa.gov/teleconference/archive/default.aspx>.





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The moderator for this call was **Jane Tobler**.



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