

ADA AMENDMENTS ACT SIGNED INTO LAW

Thanks to all of your grassroots support, The ADA Amendments Act (S.3406) was signed into law on Thursday, September 25th.

The ADA Amendments Act will correct court interpretations that have restricted ADA coverage in the workplace, and have weakened coverage for individuals with developmental disabilities, diabetes, epilepsy, serious heart conditions, and cancer. This act will also clarify responsibilities for employers. It had wide support from both political parties, as well as among employers, civil rights and disability advocates, who have formed an uncommon alliance to support this legislation.

What the New Regulations Do

Many of the new regulations benefit people with disabilities. There are, however, a few changes that do not.

Under the new regulations, Congress included the following provisions to address students with disabilities' access to institutes of higher learning:

- ✚ Making students with intellectual disabilities who enroll in higher education programs eligible for Pell Grants and Federal Work-Study funds for the first time.
- ✚ Creating a new program to expand the number of postsecondary programs for students with intellectual disabilities.
- ✚ Supporting model demonstration projects to make college course materials more accessible for students with print disabilities.
- ✚ Establishing a National Technical Assistance Center at the Department of Education to support all efforts to enhance the participation of students with disabilities in higher education.

Under the new regulations, Carriers are:

- ✚ Required to provide pre-boarding to passengers with disabilities for airlines that do not assign seats in advance.
- ✚ Required to ensure that movable aisle armrests are proportionately provided in all classes of service. For foreign carriers, the requirement applies to new aircraft ordered after May 13, 2009 or delivered after May 13, 2010 (retrofitting has never been required).
- ✚ Further, when carriers remove any of the old seats on existing aircraft and replace them with newly manufactured seats, half of the replacement aisle seats must have movable armrests.
- ✚ No longer required to carry a power wheel chair in the cabin, even if it could be disassembled to fit on board. Carriers may require that power chairs be transported in the luggage section.
- ✚ Allowed to require a "safety assistant" for an individual with a mobility impairment so severe that he/she cannot physically assist in their own evacuation. The previous regulation did not require physical assistance; the ability to provide oral directions was considered sufficient.

- ✚ Required to allow the use of portable oxygen concentrators (POCs) in the passenger cabin. POCs must, however, meet applicable safety, security and hazardous materials requirements for safe use aboard aircraft. Concentrators do not contain compressed oxygen, so are not considered a hazardous material. They provide oxygen from the air in the plane. Passengers planning to use POCs may be required to give advance notice and early arrival, and must carry batteries sufficient to last 150% of longest flight time.
- ✚ Required to include easy-to-read captions for the hearing-impaired in its safety and informational videos. Airlines also must promptly provide the same information to hearing- and vision-impaired passengers that it provides to other passengers in airport terminals or on the aircraft – such as information on boarding, flight delays, schedule changes, weather conditions at the flight’s destination, connecting gate assignments, checking and claiming of baggage, and emergencies. The rule does not specify how carriers should make this information available to passengers who are deaf or hard of hearing.
- ✚ Allowed to require passengers who use emotional support or psychiatric service animals to provide advance notice of their intent to travel and/or supporting documentation– not the case with service animals in general.
- ✚ Required to ensure that any intraterminal transportation (e.g., shuttle vehicles, moving sidewalks) within their area of control is accessible.

The full text of new regulations is available at:

<http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=DOT-OST-2004-19482>. It is the last document (1298) listed in docket DOT-OST-2004-19482



Voting is your right as an American. Register and vote!



State Voter Registration Deadlines Approaching
Some as early as October 4th

(<http://www.rockthevote.com/voting-is-easy/important-dates/>)

Party Platforms

Want to learn about the Republican and Democratic policy platforms? Check out:

Democrats,

<http://www.demconvention.com/assets/downloads/2008-Democratic-Platform-by-Cmte-08-13-08.pdf>

Republicans,

<http://www.gopplatform2008.com/2008Platform.pdf>

On The Path

Of the Earth

Ruthie-Marie Beckwith, Ph.D.
Executive Director, TMA

In this edition of the PATH, I want to let you know the impact that those of you who are creating and sustaining microboards in Tennessee are having in other parts of the country is extraordinary. Inspiring stories pour in almost every day about the renewed hope that having the opportunity to learn about microboards (and now, cooperatives) has made in individuals' lives. Please take the time to read a particularly moving story we recently received from Illinois that is on Page 7 of this edition.

Our project team's work in Georgia, Illinois, and Iowa is demonstrating that ANYONE really can have a microboard and that working within the state's existing structure is possible. Those of you who have microboards, and those who serve as volunteer board members, are demonstrating that ORDINARY CITIZENS can carry out this work. Indeed, as more Tennessee microboards improve their quality enhancement scores, you are demonstrating that ordinary citizens can excel and provide support and accountability for any funding the microboard receives.

Due to your hard work, and YES, it is your hard work that has made this all possible, other individuals with disabilities across the country are experience self-determination for the first time in their lives. It is the day in

and day out oversight, support, direction, questions, challenges overcome, meetings, paperwork, and commitment that has attracted this attention on a national level and served as the examples that others are now following.

Soon, 40 representatives from 15 states will join microboard members and staff from Tennessee in an intensive advanced microboard development seminar. The representatives will spend two days learning about how the Tennessee Microboards Association helps to create microboards and the reasons behind each laborious step many of you are working on or have successfully completed! Finally, on October 22, 2008, we are happy to announce that Tennessee will sponsor the first meeting of the NATIONAL MICROBOARDS STEERING COMMITTEE! (More news about the formation of the National Microboards Organization will follow in our next newsletter).

People with disabilities and their families are experiencing trying and uncertain times in Tennessee. However, despite the changes and challenges these times present, I want to let you know that even as our light here may flicker, others are still seeing it as a beacon and are following in your steps to a brighter future.

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This document was produced with support from the TN Council on Developmental Disabilities

Home Health/Private Duty Nursing and DMRS Waiver Services New from the Division of Mental Retardation Services

Tony Garr [<mailto:tgarr@thcc2.org>]

Please be advised we have received the following clarification from Tenn Care regarding Private Duty Nursing. In an effort to ensure consistent understanding amongst all involved parties it is our understanding that this information has also been shared with the MCOs.

The TennCare Home Health and Private Duty Nursing coverage limits defined in the State's approved 1115 waiver application must be uniformly applied by the MCOs to ALL adults age 21 and older, including persons with mental retardation that may be enrolled in one of the State's 1915(c) MR Waiver Programs. These are coverage limitations in the approved TennCare 1115 waiver demonstration, and there are no exceptions.

These coverage limitations were effective 9/8, are applied to all new requests for HH or PDN, including new requests for persons enrolled in an MR Waiver Program.

The coverage limitations specified in the TennCare 1115 Waiver are not applicable to the MR Waiver Nursing Services benefit that is available under each of the State's 3 MR Waiver Programs to persons enrolled in those programs. Persons who are enrolled in MR Waiver programs have access to MR Waiver nursing services that are beyond the coverage limitations applicable under the TennCare 1115 Waiver Program. But that access is through the MR Waiver (not the TennCare) nursing benefit.

In order to ensure coordination and continuity of care, adults age 21 and older in one of the MR Waivers will be permitted to access all medically necessary Nursing Services under the MR Waiver in which they are enrolled.

If a person is currently receiving TennCare nursing which exceeds the new coverage limitations, rather than immediately reducing the TennCare nursing services to comply with coverage limitations, we want to facilitate a smooth transition to the MR Waiver nursing benefit. Tenn Care plans to work together with the MCOs and DMRS to identify these individuals. There are approximately 80 persons. Implementing the new coverage limits for these persons should be delayed. Tenn Care has asked DMRS to begin facilitating transition of these individuals to MR Waiver nursing services ASAP. It is critical that the MCOs coordinate with DMRS and with Support Coordination agencies in this transition process.

TennCare cannot continue to provide nursing services which exceed the coverage limits. But, they are committed in the short-term to a seamless transition for these enrollees and so will coordinate that reduction with transition to medically necessary MR Waiver nursing services. Once the transition is arranged, the MCO will be notified when they may issue notice to terminate TennCare nursing services.

In summary, the new HH/PDN coverage limits will be applied to all adults, including adults in an MR waiver program. TennCare is simply delaying implementation for this small group temporarily in order to facilitate transition of all nursing services for MR adult waiver enrollees to the applicable MR waiver.

LEGISLATIVE NEWS

Capital Insider, A publication of Disability Coalition Collaboration

ADA Amendments Act

On Wednesday, September 17, the U. S. House of Representatives passed the [ADA Amendments Act \(S.3406\)](#) by voice vote under a unanimous consent procedure. The House passed bill is identical to the bill passed unanimously in the Senate the previous week. The measure now goes to the White House where it is expected to be signed into law soon by President Bush. This bill is intended to restore lost protections within the ADA stemming from decisions by several federal courts which narrowed disability discrimination coverage.

Health Care

On Monday, the House of Representatives, under suspension of the rules, will vote on the Paul Wellstone and Pete Domenici Mental Health Parity Addiction Equity Act of 2008. This bill requires group health plans to cover mental health and substance abuse conditions on the same terms as any other illness. The Senate will take up the bill this week as part of a larger tax bill

Housing

By voice vote, under suspension of the rules, the U.S. House of Representatives passed the [Frank Melville Supportive Housing Investment Act of 2008 \(H.R. 5772\)](#). This legislation would reform the Section 811 Supportive Housing for Persons with Disabilities Program. A Senate companion bill is expected to be introduced shortly. The legislation seeks to reform the Section 811 Supportive Housing Program for People with Disabilities so that more units can be produced more quickly.

Please note that you can view previous issues of the [Capitol Insider](#), at thearc.org anytime by choosing "Capitol Insider" under "Public Policy" on the Disability Coalition Collaboration's website.

TMA Human Rights Committee

TMA has formed and received approval for a Human Rights Committee for the benefit of the individuals our microboards support.

The committee is chaired by Dr. Murphy Thomas, an extremely knowledgeable and experienced psychologist and has other wonderful advocates, consumers, and parents as members.

At this point the committee will meet QUARTERLY. Access on an emergency basis was determined at our first meeting.

Please contact your regional TMA office for information about scheduling a Human Rights Committee hearing.

Why does everyone
believe you
when you say
there are
four billion stars,
but check
when you say
the paint is wet?

ON THE RADIO!

Jayme Sickert (the chairperson of the Georgia Microboards Association) and Ruthie Beckwith (the Executive Director of TMA) were guests of Greg Kirk on "Disabilities Issues and Answers" on his radio show September 11th, 2008. Jayme described microboards and what they do and how they can help people in Georgia. You can hear the show if you:

1. go to www.contacttalkradio.com
2. scroll down and click on Greg Kirk's photograph (he is the host)
3. scroll down to where it says recent shows and click on the one for 9/11/08

The show was very informative and included some great information both of established microboards and for those considering establishing a microboard.

TENNESSEE DISABILITY MEGACONFERENCE

The TN Disability MegaConference – a coalition of more than 50 organizations—is seeking presentations for its 7th Annual gathering in Nashville, May 28 and May 29, 2009 with exciting, innovative and interactive sessions to make this year's conference the best to date!

If you are interested in being a presenter, contact

Lori Israel
MegaConference Program Committee
c/o The Arc of Tennessee
151 Athens Way, Suite 100
Nashville Tennessee 37228

E-mail: speakers@thearctn.org
Fax: 615-248-5879
Phone: 615-248-5878 x22

Topic areas that will be considered:

Academics	Access	Administrative/management
Assistive technology	Disability specific	Employment
Empowerment	Housing	Interactive
Quality supports	Recreation and leisure	Relationships/sexuality
Systems change		

Special preference will be given to sessions that are interactive and geared towards individuals with disabilities as the target audience. Deadline for submissions is the end of the business day, November 10, 2008.

More information and an application can be obtained at www.thearctn.org.

Mail Call from Illinois

*Even a great symphony
begins with the first note*



Teri,

I just wanted to let you know what this process has meant to me and my family. We set out three months ago to create Justin's path. Justin is in residential placement and has been for almost two years. We aren't happy with the current provider. I had lost site of the dreams I had for my son. I had let go of the possibilities and through this process we have been able to rekindle the passion, support and creativity of everyone surrounding Justin.

I think mapping out his life path is brilliant. This way we were able to breakdown where we are today, where we want to be in two years and how we need to get there. Now these goals seem to be more manageable and we have an army of volunteers to help him succeed. The visual path serves as a reminder of what we need to work on at school, at home and in the community. Everyone is on the same page and I am not the only one responsible for his education and well being. In the long run if we aren't able to successfully open a CILA as a coop, I am glad that we have had the opportunity to go through this process because our family and friends have come together with the express goal of managing the art of living for Justin. He has gone to Six Flags; he has been to the soup kitchen to assist those less fortunate. Justin has started attending a non- segregated high-school where he has joined the Pep squad. He is on his way to living in his apartment with a roommate and working at the Theatre, having a healthy relationship with the opposite sex.

I am looking forward to the next step in the process.

Thanks,
Laura

Ruthie-Marie,

I would love for you to share our experiences. I would also like to share that Justin calls and asks us for visits now and if we can accommodate we do and Grandma and Uncle Ryan took Justin for lunch and bowling on Saturday. They had a great time! Uncle Ryan said, "It was everything he had hoped it would be." I couldn't have asked for a better response. They are going to do it again on October 25th. Until now Uncle Ryan saw Justin at family parties and when he came over but really never spent any one on one time together. How wonderful is it that, they can enjoy each other out in the community doing something that Justin loves. I am so ecstatic. I truly can't wait to move forward on this journey so that Justin's life is filled with daily opportunities like this.

Thanks,
Laura

The deadline for our fall edition is December 20th, 2008.

E-mail stories or other articles to empfanatic@aol.com or bobbisway@aol.com

TN Microboard Association reserves the right to publish or refuse to publish any article submitted.

People First of Tennessee, Inc.

&

Tennessee Microboards Association, Inc.

MicroConference 2009

at

The Embassy Suites, Murfreesboro, TN

Friday, April 3rd and Saturday, April 4th, 2009

This year we have included a layaway plan for prepaying the conference fees. That's right! Coming up with the money for the MicroConference at the last minute can be tough. So, just like Wal-Mart or a Christmas Club, now you have a chance to make five (5) monthly payment to cover your conference costs.

The deadline for pre-registering for the layaway plan is October 31st, 2008 and the last pre-payment will be due February 28th, 2009.

For more information, call

People First of Tennessee (615) 898-0075 or

Tennessee Microboards Association at (615) 594-5899

Or go to our website at www.tnmicroboards.org