



DRC NEWS

Employment First Comes to Maine

The Disability Rights Center and a broad coalition of people with disabilities, families, advocates, service providers and state agency representatives – all committed to improving and enhancing employment opportunities for Maine citizens with disabilities – have successfully put Maine on the map as an “Employment First” state. In June, L.D. 1352, Maine’s *Employment First Act*, became public law. When the legislature considered the bill at public hearing, they were met with over 40 individuals and agency representatives testifying in support of this legislation. They heard powerful stories from people with disabilities about challenges they had faced and roadblocks they had encountered in seeking independence and fulfilling work. Senate President Justin Alford, L.D. 1352’s lead sponsor, presented the bill to the Labor, Commerce, Research and Economic Development Committee, emphasizing that Maine people with disabilities are “woefully underrepresented” in our workforce.

President Alford stated:

“Here in Maine, people with disabilities have an employment rate of 26%. To be clear – that’s not an *unemployment* rate, that’s the *employment* rate of people with disabilities. The end goals of this legislation are clear – to help every person with a disability find employment, climb out of poverty, and move toward being self-sufficient...”

Today, over 30 states are moving ahead with some kind of formal or informal Employment First initiative; only a handful of states have both policy and formal legislation supporting these efforts, as Maine does. Maine’s coalition work is strengthened by the broad base of commitment to the initiative – from people with disabilities, advocates, providers, and crucial state government leaders.

Maine’s coalition has demonstrated a particular commitment to the principle that *everyone* can work, and that people with the most significant disabilities need to be given the opportunity to explore work and achieve greater independence.

In her testimony before the committee, Betsy Hopkins, Director of Maine’s Division of Vocational Rehabilitation, testified:

“You may hear that there is no way that individuals with very high support needs could ever work. I am here to tell you that those are exactly the people that we do mean when we talk about Employment First.”

Kim Moody, DRC’s Executive Director, summarized the bill’s purpose:

“Advocates have heard many times the disheartening stories of people with disabilities who have been discouraged from exploring work ...”

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Meet DRC's Newest Staff Members!

Riley Albair, PABSS Paralegal

Riley Albair joins the Disability Rights Center after spending the past year as an AmeriCorps volunteer at Merrimack Valley – North Shore Legal Services in Lowell, Massachusetts. During this time, she worked as a paralegal to staff attorneys in the areas of family, housing, immigration and elder law. Riley is a 2009 graduate of Skidmore College where she received a degree in English. In addition to a college semester abroad in Paris, Riley has also lived in Buenos Aires, where she served as a volunteer for Fundación Leer, which works to promote literacy throughout Argentina.



Of joining DRC, Riley states: "I am very excited to be working at the DRC, where I can put my passion for helping all people obtain equal justice and opportunity into action." As the PABSS (Protection & Advocacy for Beneficiaries of Social Security) Paralegal, Riley will be assisting Social Security recipients with employment-related issues.

Riley is excited to be back in Maine and looks forward to many hours spent hiking its trails or just sitting back and relaxing with a good spy novel.

Kasey Ciolfi, Developmental Services Advocate, Portland

Kasey Ciolfi is a May 2013 graduate of the University of Maine School of Law. Originally from Massachusetts, Kasey received her bachelor's degree in Psychology from Worcester State University. As an undergrad, Kasey spent a summer in Morocco and, while in law school, she studied abroad in Ireland for a semester.



In the spring of 2012, Kasey completed a Legal Externship at DRC where she worked on voter registration initiatives, researched Temporary Assistance for Needy Families (TANF) policies and assisted with DHHS Administrative Hearings. Kasey states that her previous experience at DRC was extremely memorable and she thoroughly enjoyed working with the Litigation Team. When the position of Developmental Services Advocate opened up, she jumped at the opportunity to become a permanent part of the agency.

Kasey loves to travel (she's covered 4 continents) and watch endless hours of "Law & Order" repeats. She is also the proud parent of Parker, "the world's cutest puppy."

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Meet DRC's Newest Staff Members!

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David Morse, Esq., Developmental Services Advocate, Rockland

In April 2013, David Morse began working as the Disability Rights Center's Developmental Services Advocate in Rockland. Prior to joining DRC, David first had to relocate from Fairbanks, Alaska, where he spent two years as a staff attorney for the Alaska Legal Services Corporation. David is a 2010 graduate of the University of Maine School of Law and a 2007 graduate of Saint Joseph's College in Standish.



While in Alaska, David represented individuals in a wide range of civil issues, including Medicaid Choice Waiver program termination or denial appeals, wrongful evictions and public housing benefit issues. In moving back to his home state to join the Disability Rights Center, David says: "I'm very excited to be a part of a team of dedicated professionals that consistently makes huge positive impacts on the lives so many of my fellow Mainers day after day."

When not working, David can be found reading, researching genealogy or tuned in to such sci-fi television shows as "Star Trek" and "Dr. Who".

Legislative Wrap-Up: Bills of Interest to Individuals with Mental Illness

This session, the Legislature considered several bills that may be of interest to individuals with mental illness. The following is a brief overview of some of these bills and their current statuses. For a summary that includes more bills of interest, please feel free to contact DRC.

The bills listed below were passed into law:

L.D. 534, "An Act To Improve Care Coordination for Persons with Mental Illness", deals with confidentiality of mental health records. This bill allows, but does not require, health care practitioners, including clinical nurse specialists, psychologists, social workers, counseling professionals and physicians specializing in psychiatry, to exchange information with other health care practitioners or a facility, without patient authorization, if it is for the purposes of care management or coordination of care. The professional does have to make a reasonable effort to notify the individual or the authorized representative of the individual of the disclosure.

This bill also allows for the exchange of mental health information, but the disclosure of Psychotherapy notes is not permitted under this provision. Additionally, information related to substance abuse treatment, identification, diagnosis and referral information may not be disclosed by a practitioner or facility that provides these services and receives federal funding.

Bills that Became Law

L.D. 534, "An Act To Improve Care Coordination for Persons with Mental Illness"

L.D. 609, "An Act To Increase Suicide Awareness and Prevention in Maine Public Schools"

L.D. 805, "An Act To Require Notice to and Input from Municipalities in Which Certain Group Homes Are Located"

L.D. 1433, "An Act To Amend the Laws Governing Mental Responsibility for Criminal Conduct"

L.D. 1509, known as the Biennial Budget

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2013 Legislative Session Brings Additional Changes to Maine Rules Governing Restraint and Seclusion in Schools

Less than a year after taking effect, Maine's new rules governing the use of restraint and seclusion in schools ("Chapter 33") were modified again. The revisions were in response to concerns expressed by teachers and administrators regarding implementation of Chapter 33. Although many of the concerns were based on a lack of understanding of what the regulations actually required, it was clear that these politically powerful groups would be successful in ensuring the Legislature took up the issue. As a result, the DRC Education Team worked with a broad group of stakeholders to educate policymakers and develop compromise language in an effort to ensure that students continued to be protected from the overuse and misuse of restraint and seclusion. The 2013 revisions, which primarily addressed restraints, took effect on April 29, 2013.

Briefly, seclusion is defined as "involuntary confinement of a student alone in a room or clearly defined area from which the student is physically prevented from leaving." Restraint is defined as "an intervention that restricts a student's freedom of movement or normal access to his or her body." But the following actions, even though they may restrict a student's freedom of movement, are not considered restraint: a) physical escort (discussed below); b) physical prompt (a teaching technique that uses physical contact to enable a child to learn and model a movement); c) physical contact meant to comfort a student, if accepted voluntarily; d) a momentary deflection of a student when the student's movement would be destructive or dangerous; e) the use of seat belts or passenger restraints when used as intended during transportation; f) the use of a medically prescribed harness, used as intended, and g) contact necessary to break up a fight (discussed below).

Chapter 33 continues to characterize both seclusion and restraint as emergency interventions which

may only be used when there is a risk of injury or harm to the student or to others, and only after other less intrusive interventions have been attempted. However, with the new changes, the risk of harm need not be imminent. In other words, any emergency situation that presents a risk of injury or harm would permit the use of restraint or seclusion in Maine schools.

Seclusion is defined as "involuntary confinement of a student alone in a room or clearly defined area from which the student is physically prevented from leaving." Restraint is defined as "an intervention that restricts a student's freedom of movement or normal access to his or her body."

The most significant change was to the definition of physical escort, which is excluded from the definition of restraint. Contact with a student that meets the definition of physical escort is not a restraint and need not meet restraint rules. Physical escort "is temporary touching or holding for the purpose of inducing a student to walk to another location, including assisting the student to the student's feet in order to be escorted" (emphasis added). This definition retains the concept that the student is on his/her feet and moving under his/her own power when being escorted, but removes the requirement that this be voluntary. The new definition also permits a teacher to assist a child (who might be lying or sitting on the floor) onto their feet in order to be escorted.

Finally, according to a number of administrators, fights between students were also problematic. Since physical fights between students are documented and handled through school disciplinary procedures, Chapter 33 was amended so that any brief physical contact necessary to break up a fight was excluded from the definition of restraint.

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Adults with Intellectual & Developmental Disabilities

Public Feedback Forum 2013

If You Are

An Adult with an Intellectual or Developmental Disability

A Family Member

A Friend

A Guardian

An Advocate

We Want to Hear from You!

The Disability Rights Center, in collaboration with the Center for Community Inclusion & Disability Studies (CCIDS), the Maine Developmental Disabilities Council (MDDC), the Maine Developmental Services Oversight & Advisory Board (MDSOAB), Speaking Up for Us Maine (SUFU) and the Maine Department of Health & Human Services Office of Aging & Disability Services (OADS), will be hosting a series of public forums on August 13th, 14th & 15th.

The purpose of these forums is to gain input on services for adults with intellectual and developmental disabilities - what works, what doesn't work, what would be helpful to you (the consumer), and how each of our agencies can work together to improve these services.

Public Forum Dates & Locations – All Forums are Scheduled for 3:30pm - 6:00pm

Tuesday, August 13, 2013	Wednesday, August 14, 2013	Thursday, August 15, 2013
<i>Augusta</i>	<i>Bangor</i>	<i>Ellsworth</i>
Bangor Savings Bank 5 Senator Way	Bangor Public Library 145 Harlow Street	Ellsworth Town Office 1 City Hall Plaza
<i>Portland</i>	<i>Presque Isle*</i>	<i>Farmington</i>
The Iris Network 189 Park Avenue	No. Maine Community College Martin Building, Room 106 33 Edgemont Drive	Franklin Memorial Hospital Balsam & Chisholm Rooms 111 Franklin Health Commons

*Interpreters will be available at each location, however, if you would like to attend the Presque Isle forum and need an interpreter, please contact DRC at 1.800.452.1948 by August 1, 2013.

If you cannot attend one of these forums, but would like to provide feedback, please complete our online survey: <http://www.surveymonkey.com/s/MaineDS2013>. Please note that this survey will only be available Friday, August 16 until Friday, August 30.

For more information about these forums, visit our website, http://www.drcme.org/2013_Public_Forums.html, or contact Sara Squires at ssquires@drcme.org.

Legislative Wrap-Up

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L.D. 1433, “An Act To Amend the Laws Governing Mental Responsibility for Criminal Conduct”, was signed into law, as amended. The objective of this bill is to reduce use of Riverview Psychiatric Center for court-ordered evaluations and to accelerate the processes for assessing and determining whether individuals are incompetent to stand trial.

L.D. 1509, more commonly referred to as the Biennial Budget, includes a provision to fund services for non-MaineCare eligible individuals with serious and persistent mental illness. To pay for these services, the adopted budget appropriated \$2.7m in settlement funds from a lawsuit against Janssen Pharmaceuticals, as designated by the Attorney General. This amount covers only the first year of the biennium; nothing is allocated for the second year.

The following is a list of bills that were carried over to the next session and which you may be interested in following when the Legislature reconvenes in January:

L.D. 87, “An Act To Improve Community Mental Health Treatment”, requires the Department of Health and Human Services to develop programs that provide services and housing to persons with chronic mental illness, and which ensure that psychiatric rehabilitation and recovery occur in the least restrictive setting, consistent with the person's choice within the person's chosen community. After an amendment and \$5.6m fiscal note were added to this bill, it was carried over to the next legislative session.

L.D. 968, “An Act To Provide Needed Psychiatric Hospitalization for Persons with Mental Illness”, states that when a person with mental illness has been determined (by a health care practitioner) to be in need of hospitalization, the Commissioner of Health and Human Services must make psychiatric hospitalization available (including out-of-state) within 12 hours. The sponsor and supporters were really seeking to have this bill create a solution to the problem of individuals waiting in emergency departments and jails, for extended periods of time, for an available psychiatric bed. The bill was carried over to the next legislative session where it is expected that alternative language will be developed.

L.D. 1515, “An Act To Increase the Availability of Mental Health Services”, was designed to increase use of the Department of Corrections’ mental health unit for treatment of individuals in the correctional system who might otherwise be treated at Riverview Psychiatric Center. The bill also includes a provision permitting involuntary medication of individuals in the mental health unit who lacked capacity, if authorized following a Superior Court hearing.

Bills that Were Carried Over

L.D. 87, “An Act To Improve Community Mental Health Treatment”

L.D. 968, “An Act To Provide Needed Psychiatric Hospitalization for Persons with Mental Illness”

L.D. 1515, “An Act To Increase the Availability of Mental Health Services”

For more information on all of the bills of the 126th Legislature’s 1st Session ,

including the ones noted above, you may wish to visit the Maine Legislature’s Bill Status Search Page

<http://www.mainelegislature.org/LawMakerWeb/search.asp>

Employment First
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“We’ve heard from dismayed families about the transition young people with disabilities make from school years to young adulthood, without ever exploring in any meaningful way the goal of future employment and greater independence. Our failure to offer people more sends them the sobering message that this is all they ought to expect.

This law promotes the inclusion of all Maine citizens with disabilities into a fundamental aspect of society: that of work – earning money, being given the opportunity to contribute to society and exploring one’s full potential.”

For more information on the Employment First Maine Coalition and opportunities to participate in this initiative, visit <http://www.employmentfirstmaine.org>.

What is Employment First?

In 2010, the Association of People Supporting Employment First (APSE) adopted this statement on Employment First:

“Employment in the general work-force is the first and preferred outcome in the provision of publicly funded services for all working-aged citizens with disabilities, regardless of level of disability.”

Simply stated, Employment First has come to mean:

Expecting, encouraging, providing, creating, and rewarding integrated employment in the workforce; at minimum or market rate wages and benefits; as the first, preferred outcome of working-age youth and adults with disabilities; particularly in support of people with significant disabilities unlikely to benefit from traditional job development approaches.

For more information, please visit <http://www.apse.org>.

Rules Governing Restraint and Seclusion in Schools
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In most respects, Chapter 33 remained intact following the 2013 revisions, and key aspects of the rule were unchanged.

These include:

A required reporting process that includes verbal notification to parents the same day that restraint or seclusion is used, followed by a copy of the written report within seven days;

Debriefing among staff the day following the incident and a more formal meeting (such as an IEP or 504 Team meeting) is required after three incidents of use in a school year;

A requirement that a sufficient number of staff are trained in the safe use of restraint, and that school districts maintain a list of all staff who have received the required training;

A formal complaint process through each school district with a mechanism to appeal the district’s decision to the Maine Department of Education; and,

Incident reporting from school to district and from district to Maine Department of Education (DOE).

Data on the use of restraint and seclusion will be reported to Maine DOE soon and will likely be available to the public through freedom of access requests by the end of the summer 2013. For the period of July 1, 2012, to June 30, 2013, all districts will be reporting to Maine DOE on the total number of restraints and seclusion, the number of students subjected to a restraint and seclusion and any serious injuries to students or staff.

If you have specific concerns about the use of restraint and seclusion in the case of an individual student or group of students, please contact the Disability Rights Center.

Support the Disability Rights Center Join MaineShare's Virtual Hike & Bike!

As a member organization of MaineShare, the Disability Rights Center invites you to participate in this year's Virtual Hike & Bike! All funds collected will go directly to support the work of MaineShare!

This is the 6th year of MaineShare's Smaller Footprint Hike and Bike. You choose your own hike, bike ride, or walk and raise money for MaineShare. With this Virtual event there are no expenses involved or resources used, so every dollar goes to MaineShare.

What is a Virtual Event?

Start and finish your hike or bike anywhere you want between now and Labor Day! MaineShare's virtual Hike and Bike gives you the opportunity to join in from your own backyard or on your favorite trail or ride on the day that is convenient for you. Do a solo trek, form a team, or get a group together.

Getting started is easy!

It only takes a few minutes to create your online Personal Fundraising Page.

- Go to <http://www.firstgiving.com/maineshare/hike-and-bike-2013>;
- Click on the green "JOIN NOW" button at the top of the page;
- Create your Fundraising Page;
- Personalize the text and photo on your Fundraising Page to express why you want to support MaineShare's work;
- Pick a time to participate between now and Labor Day; and,
- Send the link to friends, family, and colleagues - anyone who you think will help you reach your goal.
- If you are looking for ideas on where to go, visit the Maine Bicycle Coalition's website, <http://www.bikemaine.org>, and download a copy of *Bicycle and Pedestrian Trails in Maine: A Guide to Maine's Multi-Use Connections*.

When you are finished, mail any checks collected to:

MaineShare
PO Box 2095
Augusta, ME 04338

Why raise money for MaineShare?

Your support will help MaineShare continue to raise funds for the Disability Rights Center and other groups working for a clean, healthy, prosperous, and accessible Maine.

To learn more about MaineShare, visit <http://www.maineshare.org>.

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