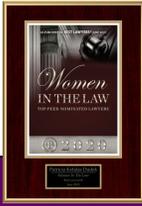


Patricia E. Kefalas Dudek & Associates

**Passionate Advice and Advocacy
for all Stages of Life**

September 2020



ELDRS Update

Medicare Changes

*By Paul Sturgul, Sturgul & Long, S.C., Hurley, Wisconsin
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Because of the COVID-19 pandemic, health care has changed in the U.S. Most of these changes have been aimed at treating the sick and at stopping or slowing the spread of the COVID-19 virus. Congress has passed much legislation due to COVID-19, but most of these bills have dealt with the economic fallout. While there have been some health care provisions, most of the governmental health care responses have come through the Centers for Medicaid & Medicare Services (CMS), part of the Department of Health and Human Services (HHS). These changes have come about through what are known as section 1135 waivers. We think of these waivers as Medicaid waivers because we hear so much about them in Medicaid parlance, typically as attempts by states to restrict Medicaid coverage. But they can apply to Medicare as well. They are technically waivers under section 1135 of the Social Security Act. The waivers relating to COVID-19 are available only after both the President and the Secretary of HHS have declared a State of National Health Emergency.

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Survival of the Fittest

Protecting Yourself Against Scammers

We added the subtitle as we wanted to make it immediately clear that this article has nothing to do with evolution or surviving Covid-19. But Covid-19 does not pose the only threat to our well-being in today's society. A combination of technological advancements, simple (and complex) greed, and a large group of vulnerable pigeons has caused the art of the scam to grow rapidly in recent years. Statistics published by the Consumer Sentinel Network, maintained by the Federal Trade Commission recently reported that in 2019 the United States had 1,679,934 consumer fraud claims made an additional 650,572 identity theft complaints. (<https://www.iii.org/fact-statistic/facts-statistics-identity-theft-and-cybercrime>). While not every consumer fraud or identity theft operation has a basis in technology, most do. You can take certain precautions to limit your exposure and make yourself a smaller target.

[Click Here to Read the Full Article](#)

Update on Coronavirus Relief Bill (from The Arc US)

Disability rights advocates must continue mounting the pressure on Congress. Senators returned home to their districts until September 8 for summer recess without passing coronavirus relief legislation to address the dire needs of people with disabilities, their families, and the direct support workforce.

The Senate **must** take up the House bill and provide solutions. Congress must pass a bill that includes dedicated funding for Medicaid home and community-based services, personal protective equipment (PPE), paid leave for all caregivers, and economic impact payments for all people with disabilities.

Please join us and [urge the Senate to act now.](#)

ADDITIONAL Info from The Arc

The Census Must Go On: Complete Yours TODAY!

As we approach the end of the 2020 Census—originally October 30—The Arc is distressed that the [U.S. Census Bureau is cutting short efforts.](#) Ending the self-response phase and critical door-knocking efforts of the census one month early on September 30 risks severely undercounting already hard-to-count populations like people with disabilities, immigrants, people of color, those who are low-income or experiencing homelessness, and other communities.

An undercount means the loss of important federal funding for programs like Medicaid, food assistance, housing vouchers, education services, and more across communities in every state. The census is a critical tool to bring political power and resources to people with disabilities and their families. We can't wait another 10 years to be counted! It only takes a few minutes to respond.

[Complete yours online today.](#)

Legal Advocacy Successes in COVID Complaints, Education Cases

Since March, The Arc, with its chapters and other partners, has filed 11 complaints with the U.S. Department of Health and Human Services, Office for Civil Rights, challenging COVID-19 medical discrimination, including:

- [Crisis standard of care plans,](#)
- [No-visitor policies,](#) and
- [Inaccessible COVID-19 testing sites.](#)

Resolutions have been reached with Utah, Alabama, Connecticut, and Tennessee leading to critical revisions to policies to prevent discrimination. This work has received extensive coverage in outlets including [The New York Times,](#) [The Atlantic,](#) [Vox,](#) [Forbes,](#) and the [Washington Post.](#)

Federal judges have recently denied motions to dismiss The Arc's class action lawsuits in Georgia and West Virginia on behalf of students with disabilities, allowing these lawsuits to proceed. [Sign up for more legal updates.](#)

How Have USPS Delays Impacted You?

The National Council on Independent Living (NCIL) and the American Association of People with Disabilities (AAPD) are asking for your help in collecting stories that we can use to illustrate how the changes to the U.S. Postal Service (USPS) are impacting people with disabilities.

We are looking for stories from people who have experienced delays in receiving the following:

How have USPS delays impacted you in receiving:

- Medications
- Medical supplies, including durable medical equipment
- Basic Necessities
- Paychecks or benefit checks
- Bills and notices
- Other information or supplies received by mail

Stories from people who plan to vote by mail in the November election.

- How do you feel about the changes to the USPS so far, and how have these changes impacted your plans to vote in November?

Have changes to the USPS impacted you in any way not described in the above two questions?

[Click Here to Submit Your Story](#)

How Do People with Disabilities Feel About Discussing Their Disabilities?

For people with disabilities, talking about our disabilities is complicated. Sometimes, when people ask their perennial questions, or just look at us in a certain way, we can almost hear them say it:

“Go on! Do that thing you do, where you remind me how my own little problems aren’t so bad. Do that ‘inspiration’ thing that makes me feel better about myself for admiring you.”

What does it mean when a wheelchair user speaks at a political convention? What does it mean when a blind person gives a motivational speech, when an amputee engages students or employees on “disability awareness?” What does it mean when any disabled person, in the ordinary course of their day, is asked to explain their disability, or tell their disability “story?” And what does it mean when the disabled person tells their story? And what does it mean when they say, “No, not today. Not here. Not for you. I’m not here to be your inspiration.”

From a non-disabled point of view, it must sometimes seem like we disabled people can’t make up our minds. That’s because the whole subject is fraught with conflicting choices, each with pluses, minuses, and even moral implications.

[Click Here to Continue Reading](#)

Isolation, Disruption and Confusion: Coping With Dementia During a Pandemic

The coronavirus has upended the lives of dementia patients and their caregivers. Adult day care programs, memory cafes and support groups have shut down or moved online, providing less help for caregivers and less social and mental stimulation for patients. Fear of spreading the virus limits in-person visits from friends and family.

These changes have disrupted long-standing routines that millions of people with dementia rely on to help maintain health and happiness, making life harder on them and their caregivers.

“The pandemic has been devastating to older adults and their families when they are unable to see each other and provide practical and emotional support,” said Lynn Friss Feinberg, a senior strategic policy adviser at AARP Public Policy Institute.

[Click Here to Read the Full Article](#)

Voluntary Closure of Nursing Homes in Michigan

Disclaimer: This publication is intended to serve as a preliminary research tool for attorneys. It is not intended to be used as the sole basis for making critical business or legal decisions. This document does not constitute, and should not be relied upon, as legal advice.

There are a number of reasons that may lead a nursing home to voluntarily close, such as low numbers of residents or other economic factors. A voluntary closure also occurs when a facility that performs other licensed health-care services (such as hospice services) decides to delicense all of its nursing home beds. In order to ensure a smooth transfer of resident care, a nursing home must take many steps before closing its doors. The closing facility must contact various state and federal agencies at the outset, and coordinate with all entities involved throughout the closing process

[Click Here for the Full Publication](#)

The Partnership for Inclusive Disaster Strategies **REPORT** **COVID-19 & Disability Rights** **Daily Calls: February 28 - July 31**

The Partnership for Inclusive Disaster Strategies (The Partnership) is the only U.S. disability-led 501(c)3 nonprofit with a focused mission on equal access, disability rights, and full inclusion of people with disabilities, older adults, and people with access and functional needs before, during, and after disasters and emergencies.

[Click Here for the Report](#)

Innovative Options for Housing, Community and Support

Many people with disabilities and their families are reimagining what adult life could look like and where it could take place for adults, who want to live separate from their parents and siblings but still need extra support in daily living. Like my son, they are more drawn to designing their own living situation that taking whatever might be “assigned” by an agency.

Home life is about both the physical space and the people who interact with you in that space. People with disabilities have the right to choose support services that are independent of their physical residence, so that if they want or need to change the former, they don’t have to change the latter. Like all of us, they also have a need to find and maintain a community beyond either their immediate family or their paid support workers. Today, we look at some configurations that address these two aspects. ...[Click Here to Continue Reading](#)

What Happens If Family Members Disagree About Care of an Aging Parent?

Aging parents often need help with personal care, health concerns, and financial decisions. They may even lose the mental capacity to make decisions and care for themselves. If an elderly parent has legal documents authorizing individuals to handle those matters and issues, there may not be any family disagreements. Unfortunately, elders often do not have the necessary documents in place. What happens then — especially if family members cannot agree about the elder’s care and finances?

[Click Here for More Information](#)

Civil rights laws alone aren’t going to help people with disabilities in a post-COVID America

But for many people with disabilities, COVID-19 wasn’t a needed reminder about those taken-for-granted everyday freedoms. Rather quickly, the pandemic revealed deeply entrenched inequalities upheld by discriminatory, ableist beliefs. Things like not getting needed masks, respirators or even medical care simply because disabled lives are seen as less of a priority. Or, a total disregard for the anxiety and panic masks may cause some people with autism or to people who rely on lip reading to effectively communicate.

For people with disabilities at work or in school where life continued remotely, major assumptions were made that employment and academic accommodations mandated by civil rights legislation continued under these new conditions. Yet, many people with disabilities are struggling with unmet needs because appropriate accommodations have not kept up with remote work or study.

These serve as a reminder that people with disabilities remain second class citizens and they will only be further forgotten if something isn’t done throughout and following the pandemic. [Click Here to Continue Reading](#)

Home Care Agencies vs. Registries: What's the Difference?

Mom lives in her own apartment and she likes it that way! But while she is socially isolating during the pandemic, her adult children and grandkids worry about her. They tried to video chat, but she couldn't figure it out. And during their visit over the holidays, they noticed Mom wasn't keeping up with household tasks or personal hygiene. She has sustained several falls, and sometimes she forgets to take her medications. "It's time for home care," everyone agrees.

Hiring a home care worker can be a daunting task. Where do you begin the search? Maybe you could ask your doctor? Maybe a friend knows someone? Or do you place an ad on Craigslist or another online site? And you worry about recent stories in the news telling of unscrupulous caregivers taking advantage of vulnerable clients. [Click Here to Keep Reading](#)

How Medicaid Waivers Can Pay for Daily Life Supports

..Life, as we the parents know, is expensive. It's even more expensive for people with disabilities, who need to pay for support workers and services on top of the rent or mortgage, utilities, food, transportation, and recreation that we all need to pay. This is why helping people with disabilities to access public benefits has become a significant aspect of my practice. To pay for a quality adult life, most people with disabilities need to put together their own work earnings PLUS all available government benefits PLUS supplemental support from their parents or other family members. [Click Here to Read the Full Article](#)

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

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