



We have the legal right of way.

Michael Kirkman, Executive Director of Disability Rights Ohio
Interested Party Testimony on House Bill 166
Senate Finance Committee
May 28, 2019

Chair Dolan, Vice Chair Burke, Ranking Member Sykes, and members of the Senate Finance Committee, thank you for the opportunity to provide interested party testimony on House Bill 166 (HB 166) in opposition to section 5123.603. My name is Michael Kirkman and I am the Executive Director of Disability Rights Ohio (DRO). DRO is designated by the Governor under federal law as the protection and advocacy system and client assistance program for people with disabilities in Ohio. DRO is a non-profit 501(c)(3) with the mission to advocate for the human, civil, and legal rights of people with disabilities. Our thirteen member board is made up of a majority of people with disabilities from around the state who live, work, and play in a variety of settings.

DRO applauds Governor DeWine and the General Assembly for making much needed investments in services and programs that are essential to people with disabilities including multi-system youth; mental health services in schools; direct service provider wage increases; additional federal drawdown for the Opportunities for Ohioans with Disabilities Agency; home and community based service waivers through the Department of Developmental Disabilities; and mental health services through the Department of Rehabilitation and Corrections and the Department of Youth Services.

These increases provide much needed investments in critical areas for people with all types of disabilities. However, HB 166 includes language that would put Disability Rights Ohio and our clients at risk.

Section 5123.603 of the budget bill requires the Senate President and Speaker of the House of Representatives to establish a joint legislative committee to investigate whether DRO should continue to be designated as the state's protection and advocacy system (P&A) and Client Assistance Program (CAP). This joint legislative committee would submit their report to the Governor with their recommendations. To our knowledge, this level of legislative oversight over an independent non-profit organization that does not receive any GRF dollars would be unique; no other private organization in the state is subject to this level of review.

Disability Rights Ohio already undergoes extensive examination by the federal regulators, has a yearly audit, and files a 990. These documents are public and available for review. Subjecting DRO to be reviewed by the legislature every two years would create a "potential undue burden

on the P&A and the state.”¹ Additionally, any attempt to designate a new organization as the P&A or CAP could jeopardize funding for other essential programs in the state, including the Ohio Developmental Disabilities Council and the state Vocational Rehabilitation agency, OOD. Most important would be the impact on our clients, as they would no longer have the unique breadth and depth of knowledge that DRO brings to their representation.

DRO has a team of dedicated attorneys and advocates that work daily on issues impacting people with disabilities. Some of these issues include education; helping people find work; transportation; service animals; access to long term services and supports, including ICF and home and community based services; and protection against abuse and neglect. Specifically, in 2018 DRO completed and worked on **6,340** individual requests for services. This included **204** reports of abuse or neglect, and also conducted just under **170** investigations or monitoring of facilities, and helped over **100** victims of crime.

This is just a small glimpse of the wide range of work we do on behalf of our clients, many of whom live within your districts. Without the experienced and highly focused attorneys and advocates at DRO, these individuals would not have received representation and essential resources to help them navigate complicated systems, understand their rights, ensure they receive necessary services, and be effective self-advocates.

Disability Rights Ohio’s work is client driven and the services we provide are highlighted through our weekly series *#AdvocacyMatters*. To better understand DRO and the work of the organization we would like to highlight four (4) of our client stories:

1. A student in the 7th grade was expelled twice and missed 117 days of schools. After her mom called our office, our advocates realized she had been transferred away from her school and her new school was not handling her disabilities appropriately. After DRO intervened, she was able to get back on track, took the SAT’s, and graduated on time.
2. After a hospitalization that landed our client in a nursing home, she wanted to get back into the community. DRO helped her advocate to be enrolled on a Medicaid waiver, find housing, and access medical equipment she would need to live safely in the community.
3. After receiving calls regarding an Adult Care Facility putting people with mental illness at risk, DRO worked with the facility to address the issues and make the necessary changes. These improvements helped ensure the well-being of residents at the facility.
4. After receiving reports of a death at a facility, our team found staff had gotten drunk and killed the person with a disability and then tried to cover it up. We are currently working with the local prosecutor to support criminal charges.

¹ Federal guidance letter, 5/10/2019

Beyond our individual services, DRO also partners with other organizations and advocates to work collectively on systemic issues impacting people with disabilities. Through our partnerships we provide information to coalitions and self-advocates on legislation, the budget process, and other policy changes that would have an impact. DRO's continued advocacy has helped elevate the voice of self-advocates and coalitions and provided them essential information they may not have otherwise been able to access.

We are always proud to discuss our work and tell our story. It is also important to clarify who we are and who we aren't.

***We are** an organization that has existed for nearly 40 years who advocates for choices of people to live and work where they choose, without discrimination or artificial barriers.*

We are not an organization that advocates to restrict or remove living options where people who live there find them valuable and desire to remain.

***We are** an organization that historically has been involved in litigation to prevent dumping from state facilities to nursing homes and unsafe group homes.*

We are not an organization that has the ability to close facilities.

***We are** an organization that frequently works behind the scenes to ensure safe transfers from facilities that do have to close.*

We are not an organization that apologizes for persistently rooting out abuse and neglect, especially in children's mental health facilities.

***We are** an organization who uses litigation as a last resort.*

Disability Rights Ohio is a necessary and critical component to ensuring the rights of people with disabilities in Ohio are protected. Section 5123.603 of HB 166 is an undue burden on our organization and could threaten the ability for us to provide these essential services to our clients. We urge the Senate Finance Committee to remove this language from the bill to ensure people with disabilities have an effective protection and advocacy system in Ohio.

Thank you for the opportunity to provide testimony on HB 166. I would be glad to answer any questions you may have.