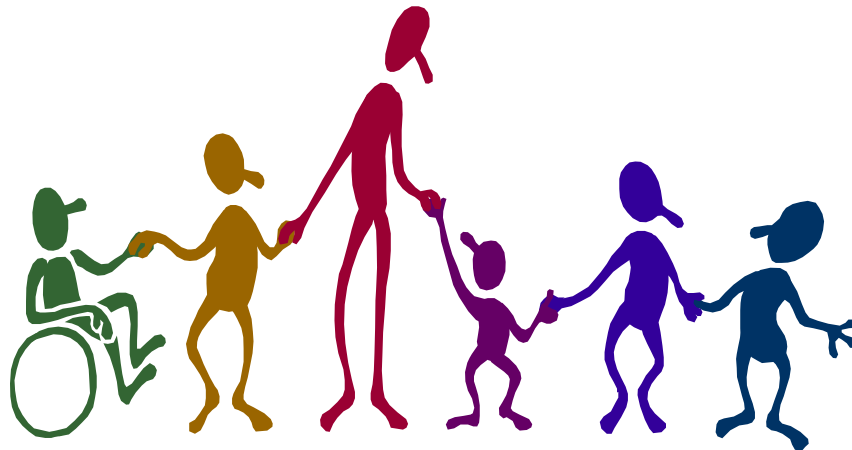


PROTECTION AND
ADVOCACY FOR
PEOPLE WITH
DISABILITIES, INC.

*The Protection and Advocacy System for
the State of South Carolina*

MAKING A DIFFERENCE
in the Lives of South Carolinians with Disabilities



**2004 ANNUAL
REPORT**

P&A's VISION

Protection and Advocacy for People with Disabilities, Inc. is a resource where individuals in South Carolina can obtain quality information and referral about disability rights, enabling people with disabilities to be effective self-advocates.

Outreach strategies assure full participation in P&A services for people with disabilities who are of rural or ethnic minority cultures.

There is full participation of students with disabilities in the public school system.

People with disabilities have equal access to places, goods, and services that are available to the general public.

People with disabilities who are in confinement will receive quality services including treatment and habilitation, personal safety and liberty, basic life necessities, and integration opportunities. These services will be individualized and productive recognizing the dignity and autonomy of each person.

No one will have to live in an institution due to the lack of appropriate supports and services in the community.

P&A's MISSION

To protect the legal, civil, and human rights of people with disabilities in South Carolina by:

- *Enabling individuals to advocate for themselves.*
- *Speaking on their behalf when they have been discriminated against or denied a service to which they are entitled.*
- *Promoting policies and services which respect their choices.*

Executive Director's Message



Dear Friends:

As I reflect on the past year I know that an annual report can only touch on highlights of our challenges and successes here at P&A. As the following pages show, we continued to provide outreach to underserved areas and groups and information and referral services to each caller. Advocacy also continued for the protection of individual rights in areas including housing, employment, transportation, education and healthcare. We collaborated with many of you on the broader issues that have significant implications for South Carolinians with disabilities. These include state and federal funding decreases for services, the revision of federal legislation concerning the right to a free and public education for children with disabilities and the fragmentation of health care services in our state. These are challenges that not only continue into the next year but will require our vigilance for some time to come.

There were also some activities unique to 2004. As this was an election year, we had the opportunity to see just how accessible our voting places were both in the primaries and a general election. As you will see on the following page, it is painfully obvious that much improvement is still needed.

During the year we were visited by the federal program that provides funding for our services to people with mental illness. It had been nearly a decade since P&A was reviewed by a federal agency. We were pleased that the review determined that "The P&A provides effective, comprehensive, consumer-focused services to PAIMI clients in a wide variety of settings."

Last fall we held a very successful special event in celebration of abilities. As I remember that evening I want to recognize again and thank all of you who helped P&A succeed by:

~serving on the Board of Directors, Advisory Councils and as staff and volunteers,

~calling P&A for assistance and telling friends and neighbors that P&A makes a difference,

~and providing friendship and support.

You have truly made a difference. I sincerely thank each and every one of you.

Gloria M. Prevost
Executive Director

MAKING A DIFFERENCE

in Voting

Protection & Advocacy for Voting Access (PAVA) is part of the 2002 Help America Vote Act (HAVA). HAVA resulted from concerns about the 2000 presidential election and is designed to make voting easier and more accessible for everyone, including people with disabilities. P&A's goal is to ensure that people with disabilities have complete access to all aspects of voting in South Carolina.

Our state has over 2000 polling sites, presenting many barriers for people with disabilities to participate equally in the voting process. In collaboration with the South Carolina Election Commission, P&A worked to ensure that polling sites were as accessible as possible to people with disabilities in preparation for the 2004 Presidential election.

As the polling site in Williamsburg County at right sadly illustrates, one problem is the lack of physical accessibility for people who use wheelchairs. This site was identified as inaccessible in February 2004. As a result of P&A's work with the Williamsburg County Election Commission, curbside voting was provided to people with disabilities during the June primary in Williamsburg County.

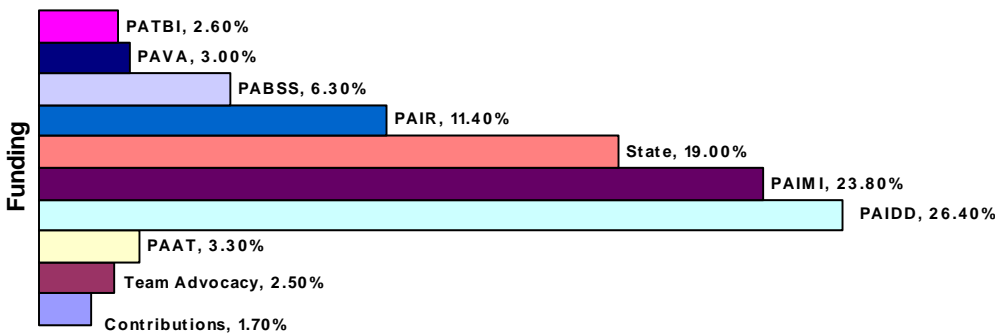


P&A educated almost one thousand people about the importance of accessible polling places and inclusion of people with disabilities in the voting process in order to overcome this and many other voting accessibility barriers. P&A also surveyed many of South Carolina's polling places with the help of hundreds of volunteers. These results will be used to inform each county of polling sites that must be made more accessible to people with disabilities.

Financial Summary for the Year Ending September 30, 2004

A nonprofit, tax-exempt organization, P&A was created to protect and advocate for the rights of South Carolinians with disabilities. P&A's budgets are approved by the Board of Directors and monitored regularly. Our independent auditor's report on the financial statements, provided by DeLoach & Williamson, LLP, expressed an unqualified opinion with no reportable conditions or instances of noncompliance. This is the highest rating that can be given by a CPA firm. P&A received \$1,743,068 in revenue for FY 2003-2004. Only 16% of expenditures were indirect costs.

A non-profit, tax-exempt organization, P&A was created to protect and advocate for the rights



Percentage of Revenue 2003-2004

FUNDING SOURCES

US DEPARTMENT OF HEALTH & HUMAN SERVICES

Protection & Advocacy for Individuals with Developmental Disabilities (PAIDD)

Protection & Advocacy for Individuals with Mental Illness (PAIMI)

Protection & Advocacy for Traumatic Brain Injury (PATBI)

Protection & Advocacy for Voting Access (PAVA)

US DEPARTMENT OF EDUCATION

Protection & Advocacy for Individual Rights (PAIR)

Protection & Advocacy for Assistive Technology (PAAT)

SOCIAL SECURITY ADMINISTRATION

Protection & Advocacy for Beneficiaries of Social Security (PABSS)

STATE FUNDING

Office of the Governor, Division of Children's Services, Office of Foster Care Review

Department of Mental Health Team Advocacy Project

CONTRIBUTIONS

Ongoing support of our generous friends and donors

MAKING A DIFFERENCE

in Institutions



Solomon Reeder with his Aunt

P&A learned through attending a Human Rights Committee meeting that Solomon Reeder was being physically restrained while living at an institution for people with developmental disabilities. Staff were requesting that Mr. Reeder receive a more severe form of physical restraint as a way to change his behaviors. P&A began to address this issue by working with the client and his aunt. As a result, his behavior support plan was changed to include positive replacement behaviors such as having magazines of his choice and one-on-one time with favorite staff members. He now visits his aunt often where he enjoys playing basketball, reading magazines, listening to music and cooking.

in Helping Veterans

A veteran who had Traumatic Brain Injury had been declared incompetent and placed in a residential facility by the Veterans Administration (VA) when he was released from the hospital. The man asked for assistance because he thought that he was ready to leave this facility, and so did his doctor. P&A worked with the VA to have the man determined competent. His VA benefits were returned, and he now lives on his own.

in Preventing Abuse and Neglect

An man with schizophrenia wanted help addressing concerns he had regarding his medication, individualized therapy, and medical treatment. P&A met with the client and provided him with written directions for self-advocacy that would help him talk to staff about his concerns. As a result of this coaching, he talked to his treatment team about these issues. Due to his ability to advocate for himself, he saw a neurologist and an eye doctor for medical treatment. As a result of P&A intervention, he received a copy of his individualized treatment plan, and his medication regime was modified to more accurately meet his needs.

with Assistive Technology

P&A helped a man who needed a new wheelchair and other durable medical equipment in order to remain as independent as possible. His doctor and provider filed a request for Medicaid to pay for the new equipment in the summer of 2003. As of November of 2003, Medicaid had taken no action on the request despite follow-up by the provider. P&A intervened, and by January of 2004 his requests for payment of the new chair were granted.

in Clients' Lives

through Information and Referral Services.....

"I felt hopeful...something I had not felt in a very long time."

"I learned how to best advocate for my child."

"I learned that one person can make a huge difference in your life, our advocate, was that person."

"I feel good knowing that someone is there to let me know what my child's rights are."

through Case Representation.....

"I support your efforts because your agency provides a vital and needed service for people with disabilities and their families."

"I am so grateful for this organization and my representative. The accommodations allowed me to keep my job and tremendously help with the physical pain."

"My P&A representative was very professional and helpful with my son's case."

**P&A Helped 3,164
South Carolinians with Disabilities Through Case
Representation and
Information & Referral this fiscal year.**

MAKING A DIFFERENCE

in Employment



Velma "Toni" McWhorter

In December of 2003, Toni McWhorter, who is deaf and has a cochlear implant, contacted P&A for help. She had been working for a non-profit youth organization in Charleston for more than five years and had been terminated from her job. She had already filed a discrimination complaint with the South Carolina Human Affairs Commission, and mediation was agreed upon. As a result of P&A's efforts, a settlement was reached in favor of the client.

through Information and Referrals

Education Evaluation Granted: A 12-year-old diagnosed with ADHD and bipolar disorder had not been evaluated for special education despite his mother's repeated requests. He had frequently been suspended and had been placed at an alternative school without needed special education services. His mother contacted P&A for help, and the advocate suggested that she specifically ask for an expedited hearing because of the disciplinary actions. The district immediately completed an evaluation for special education.

Vehicle Tax Exemption Restored: An 82-year-old woman who uses a wheelchair as a result of polio needed assistance regarding the purchase of a new van. The dealer inadvertently had titled the new van only in her husband's name. Since he does not have a disability, they would no longer be exempt from the annual vehicle property tax, as provided by SC law for vehicle owners who use wheelchairs. P&A advised her that the tax benefits would apply if she were at least a joint owner and suggested she ask the dealer to make the necessary legal adjustments with both the financing bank and the State to add her name. The dealer agreed! P&A has a fact sheet listing tax exemptions and benefits that apply to people with disabilities.

Realtor Apologizes for Discriminatory Treatment: A 24-year-old woman who is deaf contacted a realtor about finding an apartment. The woman's mother went with her when she went to meet the realtor. Unfortunately, the realtor directed all questions about the apartment to the mother even though she was not going to be living there. The P&A advocate advised the woman of her rights under the Fair Housing Act and that a complaint could be made to the S. C. Human Affairs Commission. The advocate used e-mail to forward the commission's complaint form to the woman. The realtor later apologized to the woman and even helped her find a better apartment. The woman has decided not to file a complaint, but thanked the P&A advocate for providing information that will help her in the future.

with Volunteers

Over 100 South Carolinians donated their time and service to P&A in protecting and advocating for the rights of people with disabilities. These volunteers served on one of P&A's four statewide advisory councils, the Board of Directors, the development group, assisted with assessing polling sites and/or assisted with Team Advocacy inspections. P&A would like to thank all of those volunteers who continue to make a difference in the lives of South Carolinians with disabilities.

in Community Integration

Gordon Poston is a 14-year-old orphan who has autism and was living in a developmental disability (DD) institution. He wanted to move closer to his grandmother and live in the community. P&A worked with the DD staff and the Youth Mentor Program of the Office of the Attorney General. As a result, Gordon was placed in a Therapeutic Foster Care home. Therapeutic foster parents are specially trained to care for children like Gordon. In foster care, he attends school each day and often visits his grandmother.



Gordon Poston

in Education

A parent called P&A for assistance because the school had recommended placing her 10-year-old son with mental retardation and bipolar disorder, on home-based instruction because of behaviors he engaged in when school personnel took away his favorite lunch beverage. The client was in an MR self-contained class. P&A intervened and advocated for the client at an Individualized Education Plan (IEP) meeting. P&A recommended a behavior intervention plan. The behavior specialist agreed and recommended that the client remain in school on full days to get an accurate behavior plan written. The parent later reported the client was on full days and doing great.

GOVERNANCE & STAFFING

as of September 30, 2004

BOARD OF DIRECTORS

The Board of Directors has sixteen members. Four members are appointed by the Governor, and eight members are elected by the board, equally representing four regions of the state. The other four are chairs of program advisory committees. The board meets quarterly, the annual meeting is held in December.

Lillie Hart, Chair

Mary Yvonne Offord, Vice-Chair

Eric Johnsen, Secretary

Rochelle Williamson, Treasurer

David Almeida

James Brown

Ken Busch

Philip Clarkson

Mac Gibson

Harriet M. Johnson

Linda Kelley

Easter La Roche

Marian Lee

Barbara Leathrum

ADVISORY COUNCILS

Advisory councils advise the Board of Directors on the development of priorities for delivery of protection and advocacy services.

PAIMI

David Almeida, Chair

Linda Jacobs, Vice Chair

Yvonne Miller, Secretary

Craig Bowers

Viola Bowers

Charlie Brice

Linda Brittner

Joy Jay

Cynthia Lake Koethe

Sharan M. Ramsauer

Pamela Robinson

LeRoy E. Simmons, III

Robert Smith

George A. Wright

Mary York

Ex-Officio Members:

George Gintoli, SCDMH

Jim Perrow, DHEC

Staff Coordinator: Robin Wheeler

PAIR

Philip Clarkson, Chair

David Bandy

Karen Bates

Tressie Bateson

John Bradley

Frank Coppel

Mike Godkin

Herman Mischner

Thalia Whilhide

Staff Coordinator: Pete Cantrell

MAKING A DIFFERENCE

through Systems Change

Protecting Children with Severe Mental Illness and/or Mental Retardation

P&A assisted in changing many practices and policies this year; however, the diversion of 62 children with mental illness and/or mental retardation from secure facilities at the Department of Juvenile Justice to an alternative placement in the community can be viewed as paramount. The reason this is remarkable is that our involvement in the Alexander S class action lawsuit, which spanned a decade, was premised on the statistically significant fact that all children with severe disabilities declined significantly when placed in a secure facility at the Department of Juvenile Justice. P&A has long protected the constitutional right for juveniles to have a reasonable opportunity to correct their behavior. Judge Joseph Anderson ruled that placement in secure facilities denied juveniles with severe disabilities this opportunity. Therefore, as a result of P&A's advocacy, 62 children were afforded an opportunity to succeed; whereas if they had been placed in a secure facility, they would have been at greater risk of abuse and neglect.

DDSN to Provide Services for Children of Immigrant Parents

In collaboration with the Appleseed Legal Justice Center, P&A was involved with a major change in the Department of Disabilities and Special Needs (DDSN) policy. A social worker called P&A with concerns that children of immigrant parents were being denied DDSN eligibility, even when the children were themselves U. S. citizens. DDSN's traditional policy was that children had to be considered as having the same residence as their parents. By law, DDSN clients have to live in South Carolina. Therefore, unless parents were citizens or permanent residents of South Carolina, their child could not be either. This is contrary to federal Medicaid regulations which require Medicaid-funded services like DDSN to be available to ALL citizens. With research input from P&A staff, Appleseed attorneys prepared a clear legal brief and were ready to file a complaint with the federal Office of Civil Rights. During a conference with Appleseed and P&A attorneys, DDSN agreed it would change its policy. In determining eligibility, DDSN will now ask only about a child's own citizenship and not that of the child's family.

through Fair Hearings

Head and Spinal Cord Injury Medicaid Waiver Denials Reversed

A fair hearing was held in a case concerning the DDSN denial of eligibility of a client for Head and Spinal Cord Injury (HASCI) services through the HASCI Medicaid waiver. The woman needed HASCI services in order to move from her current hospital placement into the community. After extensive testimony and the presentation of expert evidence that the client's current problems were caused by the head injury she had suffered, the hearing officer for the Department of Health and Human Services (DHHS) decided on April 1, 2004, to reverse DDSN's decision denying eligibility under the applicable HASCI requirements.

P&A requested a fair hearing to challenge DDSN's denial of a client's application for HASCI waiver services because the man needed the waiver in order to move to a community setting. In June of 2004, the DHHS hearing officer reversed the decision and found that the client met the criteria as defined in the applicable code section. The hearing officer held that DDSN's reasons for denial were contrary to the plain language of the statute, that the opinion of our psychiatrist outweighed that of the DDSN Consumer Assessment Team and that the code section does not require that the limitations be "solely" or "definitively" attributed to the injury.

MAKING A DIFFERENCE

through Outreach, Education and Training

Minority Rural Outreach Program: P&A worked to reach underserved areas this past fiscal year by focusing on increasing calls from groups that do not traditionally seek or know about P&A's services. **Forty-eight percent of those represented by P&A identified themselves as belonging to a minority.** This demographic indicates that P&A is doing an effective job of reaching minority groups. Special projects included expanding outreach to target the Hispanic and Latino communities, as well as Jasper County.

In an effort to increase accessibility for Spanish speaking people with developmental disabilities, P&A collaborated with the S. C. Developmental Disabilities Council and the S. C. University Center for Excellence in translating documents for all three organizations.

Promoting Olmstead: To advocate for people with DD having a choice of where they wish to live in the community and who will provide their services, P&A conducted fourteen training sessions. Twelve were provided at Disability and Special Needs Board locations and in DD centers in South Carolina. As a result of targeting these isolated facilities, there was a strong primary consumer presence with a total of over 300 primary consumers trained.

by Advocating for Improved Quality of Life

The Team Advocacy Project was created in 1985 in response to repeatedly expressed concerns about the quality of resident living conditions in South Carolina residential facilities. Using a survey tool and conducting interviews during inspections, Team Advocacy members assess quality of life indicators and report findings statewide.

In 2004, with the assistance of trained volunteers, **Team Advocacy conducted 76 unannounced inspections** of community residential care facilities (CRCF's) throughout the state. Inspections were completed at facilities located in 27 (59%) of the 46 counties in South Carolina. **The Teams interviewed 326 residents** and found that many of them had needs for clothing (45%), hygiene supplies (18%) and important medical exams or adaptive equipment including vision exams/eyeglasses (17%) and dental services (11%). Other major concerns included medication mismanagement, limited resident access to the community and poorly stocked bathrooms. Team Advocacy responded by reporting the concerns to state service and non-profit advocacy organizations and state licensing and monitoring agencies such as the SC Department of Health and Environmental Control (DHEC), the SC Department of Labor Licensing and Regulation (LLR) and the Long-Term Care Ombudsman.

The success of Team Advocacy would not have been possible without the dedication of trained volunteers who interview residents and assist the Team Advocate during inspections. Volunteers donated over 207 hours of their time during inspections in 2004. Team Advocacy currently has over 30 volunteers.



GOVERNANCE & STAFFING, Cont'd

PAIDD

Barbara Leathrum, Chair
Ruth Thomas, Vice Chair
Mary Bennett
Paula Byers
Robert DuBose
Johnny Epps
Cynthia Evans
Betsy Funderburk
Nancy Siden
Tammy Smith
Mary Lou Stahlsmith
Susie Tolson
Staff Coordinator: Dave Zoellner

MROP

James Brown, Chair
Beverly Dill
Mary Eaddy
Aubrey Miller
Stacy Nesmith
Charmissa Stuckey
Daisy J. Tate
Rodonna H. Tiller
Staff Liaison: Paula Bracey

STAFF

Gloria Prevost, Executive Director
Jennifer Addison, Attorney
Lorene Arnette, Advocate
Paula Bracey, Information Technology
Brenda Burnette, Advocate
Pete Cantrell, Attorney/Team Leader
Rochelle Caton, Attorney/Team Leader
Allyson Concha-Posey, Advocate
Lana Cook, Advocate
Elizabeth Cook, Attorney
Anna Maria Darwin, Attorney
Nikki Fair, Advocate
Lelia Ferguson, Attorney
Sandra Hagler, I&R Specialist
Paulette Jones, Attorney/Team Leader
Ashanti Keitt, Advocate
Nancy McCormick, Attorney
Cindy Parker, Advocate
Angela Nix, Advocate
Susan Perry, Advocate
Maria Planas, Advocate
Mary Ravenel, Accounting Manager
Melissa Reitmeier, Director of Quality Assurance and Training
Phyllis Ross, Advocate
Faye Smith, Administrative Assistant
Tanya Thompson, Advocate
Anne Trice, Director of Administration
Catherine Tuano-Buice, Administrative Assistant
Leona Washington, I&R Specialist
Robin Wheeler, Attorney/Team Leader
David Zoellner, Managing Attorney

PROTECTION & ADVOCACY FOR PEOPLE WITH DISABILITIES, INC.

3710 Landmark Drive, Suite 208
Columbia, South Carolina 29204

P&A is a private, non-profit, corporation that is the protection and advocacy system for the state of South Carolina. Established in 1977, P&A is a member of the National Association of Protection and Advocacy Systems and is authorized by state and federal law to protect the rights of people with disabilities in South Carolina. As required by federal law, P&A is independent of all agencies that provide treatment or other services.

Please feel free to contact our helpline, [1-866-275-7273 \(Voice\)](tel:1-866-275-7273) or [1-866-232-4525 \(TTY\)](tel:1-866-232-4525) for updates on any of the issues you have read about in this 2003-2004 Annual Report or to request service. **This publication is not intended to be legal advice. P&A does not discriminate on the basis of disability, race, gender or national origin in the provision of its programs or services.**

Pete Cantrell is the designated coordinator for Sec. 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

This publication is funded in part by the Administration for Children and Families, the Maternal and Child Health Bureau and the Substance Abuse and Mental Health Services Administration divisions of the U. S. Department of Health and Human Services, the Rehabilitative Services Administration of the U. S. Department of Education, the Social Security Administration, and the State of South Carolina. Any opinions, findings, conclusions, or recommendations in this publication are those of the authors and do not necessarily reflect the views of the agencies that provide funding.

Mailing List

If you are not on our current mailing list and would like to receive our newsletters, call, write or e-mail us at info@protectionandadvocacy-sc.org to be added to our electronic mailing list. Please visit our website at www.protectionandadvocacy-sc.org to learn more about P&A and the services we provide to South Carolinians with disabilities.