

# Protection & Advocacy Project HB 1014



# Mission & Philosophy

Uniting to champion the equality and inclusion of people with disabilities where we live, learn, work and play.

P&A...

- Fosters independence, productivity, and community integration
- Works exclusively for the client (person with the disability)
- Promotes client control in decision-making
- Seeks to fulfill the client's expressed wish within legal rights
- Empowers people with disabilities to self-advocate to the extent possible
- Ensures people with disabilities can shape their personal destiny

# State & Federal Authorities

- 1975 Developmental Disabilities Assistance & Bill of Rights Act
- 1986 Protection and Advocacy for Individuals with Mental Illness Act
- 1973 Section 509 of the Rehabilitation Act
- 1994 Technology-Related Assistance for Individuals with Disabilities Act
- 1996 Traumatic Brain Injury Act
- 1999 Section 1150 of the Social Security Act
- 2002 Help America Vote Act
- 2018 Strengthening Protections for Social Security Beneficiaries Act
- North Dakota Century Code § 25-01.3
- North Dakota Administrative Code § 65.5

# Who does P&A serve?

- Residents of North Dakota
- All Ages
- All types of disabilities
- Must have a qualifying disability as provided by federal programs
- No cost for services



# What does P&A do?

- Protective Services
- Self-Advocacy Assistance
- Advocacy & Legal Representation
- Information & Referral
- Training & Education
- Collaboration
- Systems & Legislative Advocacy



# Protective Services

Investigations - 63% of P&A's case work during FFY 2023 - FFY 2024

- Receive & screen reports of abuse, neglect, and exploitation (ANE)
- Perform risk management
- Conduct investigations or reviews investigations completed by providers
- Release Letter of Findings

Monitoring - Approx. 36/biennium

- Collaborates with HHS to conduct desk audits of incidents and onsite visits with DD providers (monitoring completed once every 3 years)
- Additional monitoring as needed

Representative Payee Reviews - Approx. 24/biennium

- Assigned reviews by Social Security Administration
- Perform review of financial records
- Complete interviews of beneficiaries/guardians
- Submit to SSA

# Protective Services – Case Example

## Neglect Investigation

P&A received a report indicating that an individual with a disability was living in a very rundown home with no running water. P&A investigated and found that the client's living condition was consistent with the report and was contributing to a deterioration of the client's health. P&A assisted the client with accessing Medicaid 1915(i) services, including case management, to support him with obtaining housing and finding a new living arrangement. He was also supported with a referral to Vocational Rehabilitation to work towards obtaining employment, so that he could gain skills to help him live and work more independently. As a result of P&A involvement, the client was able to access a safe and appropriate living environment, while benefiting from services and supports to aid his independence.

# Advocacy Services

- Assisting individuals with disabilities whose rights have been violated
- 37% of P&A's case work during FFY 2023 - FFY 2024
- Current focus areas for Advocacy:
  - Community Inclusion
  - Assistive Technology
  - Education
  - Employment
  - Criminal & Juvenile Justice





# Advocacy Services – Case Example

## Inclusion

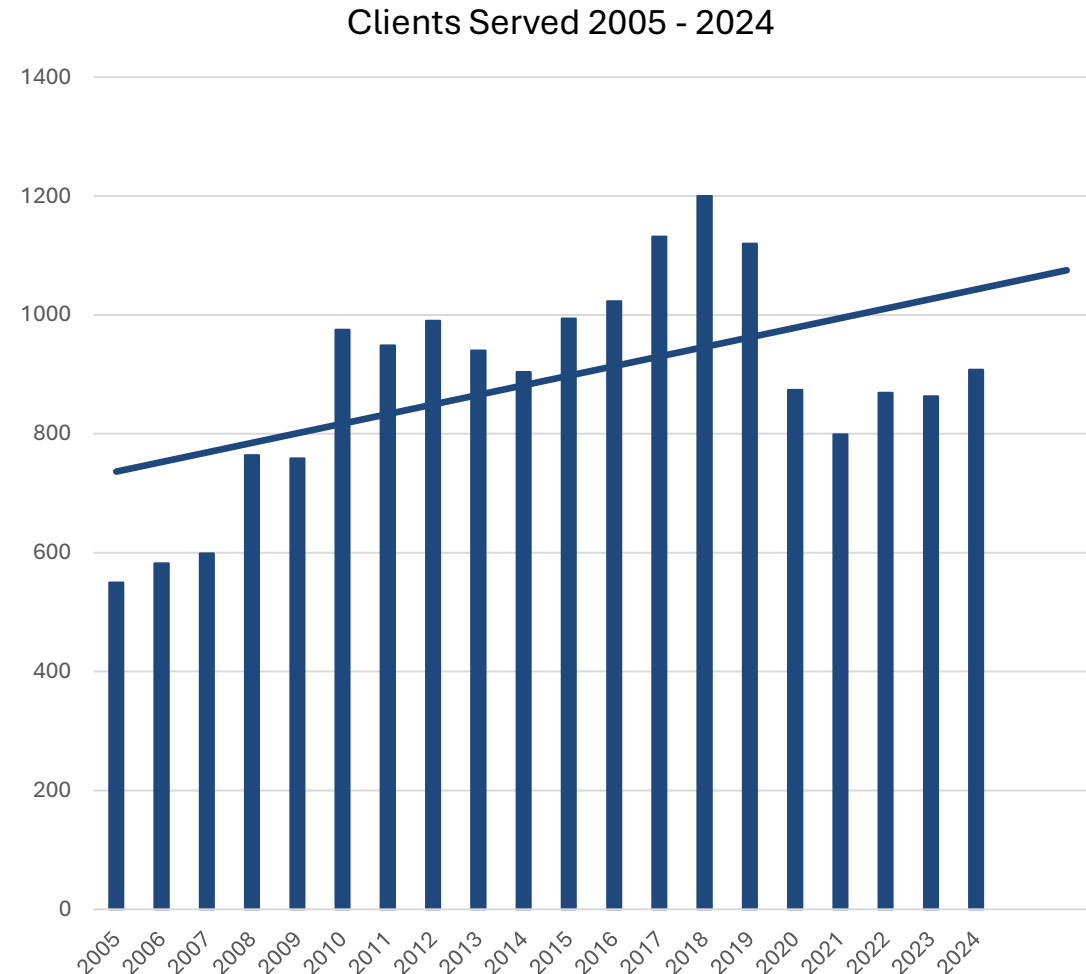
At the time of case opening, a person with a disability had been in an institution for over a year. There was no medical or treatment-related reason for remaining at the institution, but she remained there due to no available community placements. The client's wishes were to move to a border state to be closer to her family. P&A worked with the team to support the client in transitioning out of the institution. A provider from out-of-state had discussion with the team and agreed to provide services and supports for the client. The team assisted in getting the client connected with an out-of-state Money Follows the Person program and Blue Cross Blue Shield Expansion to financially fund her transition. As a result of P&A's involvement, the client is presently living in the least restrictive setting, near her family with the proper services and supports.

# Protective & Advocacy Services

FFY 23 - 24 Cases By Focus Area		
Focus Area	# of Cases	% of Cases
Protective Services	1,503	63%
Inclusion	251	11%
Education	411	17%
Health Care	9	0%
Employment	107	4%
Assistive Technology	37	2%
Criminal/Juvenile Justice	63	3%
Other	9	0%
<b>Total</b>	<b>2,390</b>	<b>100%</b>

# Protective & Advocacy Services

FFY	TOTAL CASES	TOTAL CLIENTS
2021	1,100	799
2022	1,164	869
<b>'21 Biennium</b>	<b>2,264</b>	<b>1,668</b>
2023	1,156	863
2024	1,234	908
<b>'23 Biennium</b>	<b>2,390</b>	<b>1,771</b>



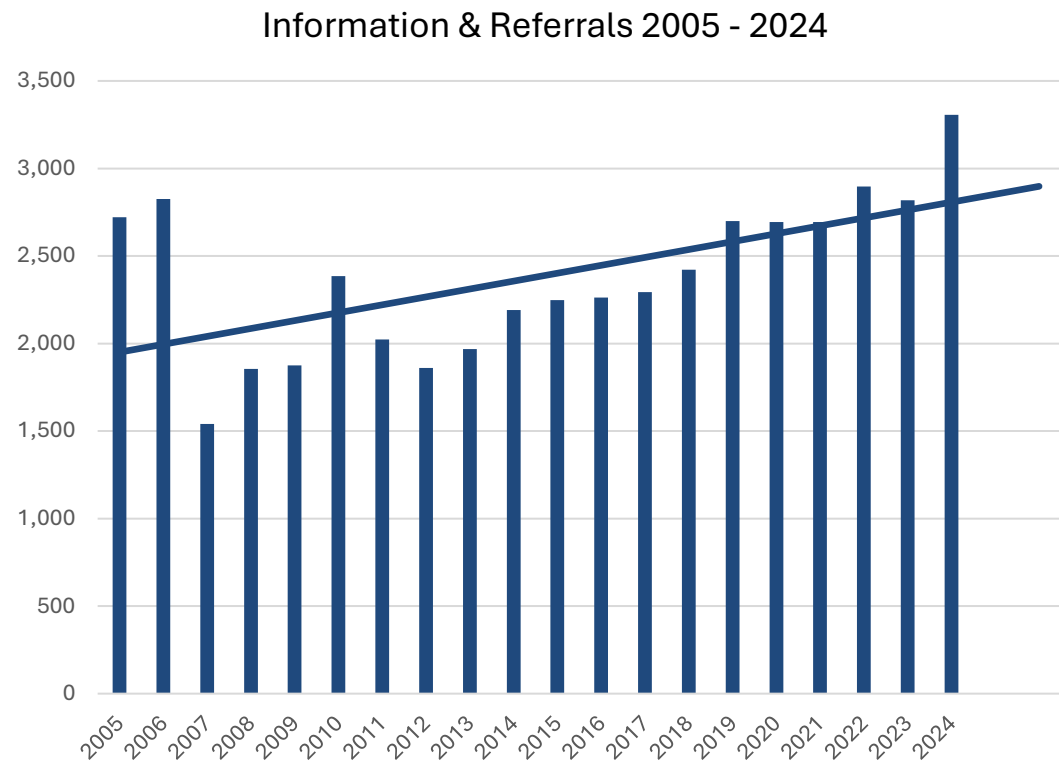
# Protective & Advocacy Services

- 99% of cases resolved completely or partially in the client's favor
- 94% agreed that P&A's work is beneficial to people with disabilities



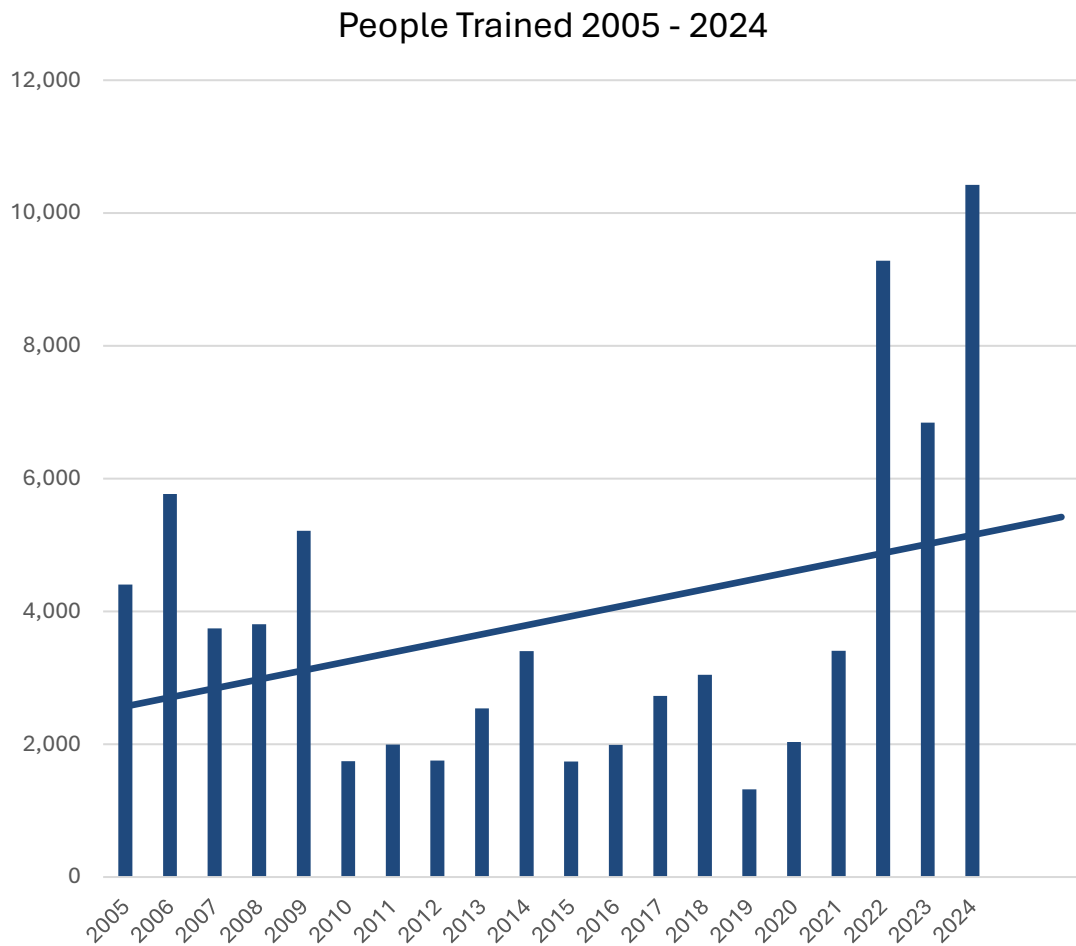
# Information & Referral

FFY	TOTAL
2021	2,694
2022	2,896
<b>'21 Biennium</b>	<b>5,590</b>
2023	2,819
2024	3,307
<b>'23 Biennium</b>	<b>6,126</b>



# Training & Education

FFY	TOTAL
2021	3,408
2022	9,283
<b>'21 Biennium</b>	<b>12,691</b>
2023	6,843
2024	10,423
<b>'23 Biennium</b>	<b>17,266</b>



# Goals & Challenges

- Goals

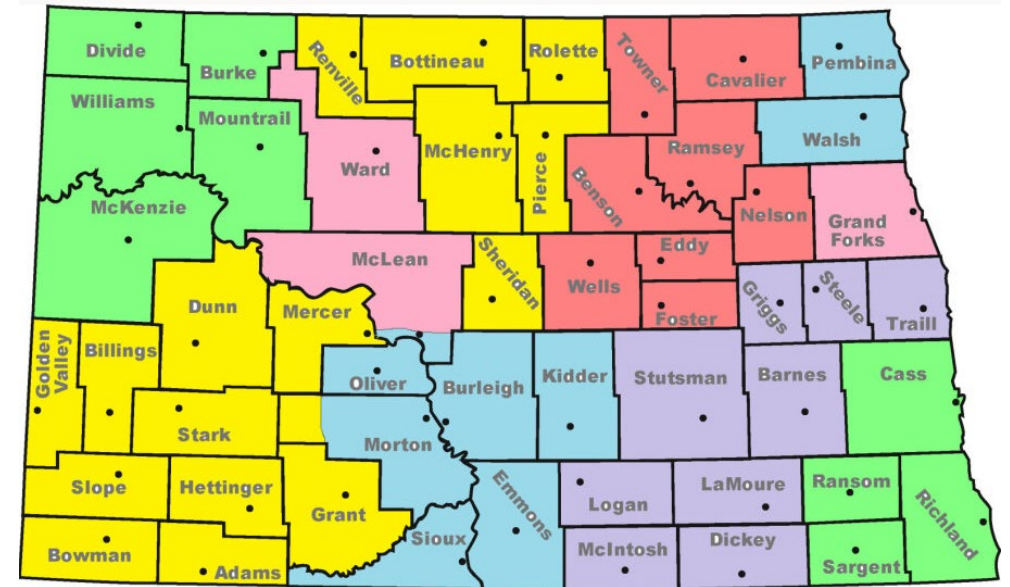
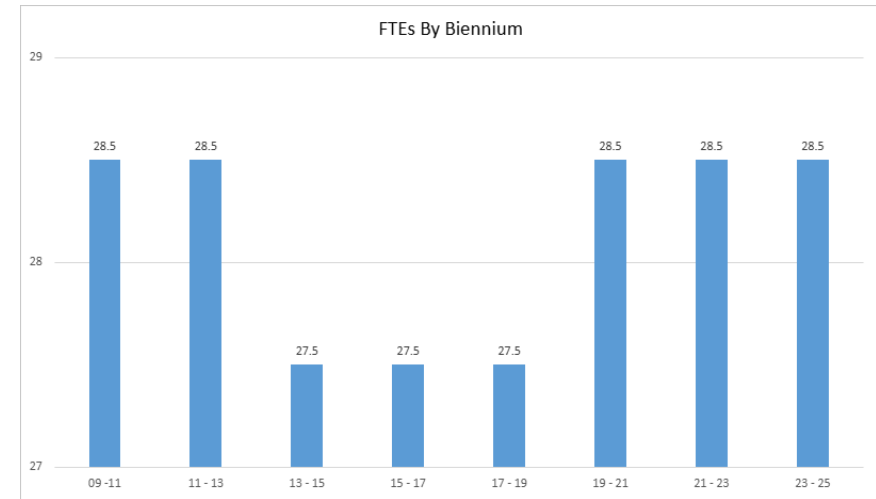
- Awareness
- Quality & Timely Services
- Collaboration
- Engaged Staff
- Operational Efficiency

- Challenges

- Increased Request for Services
- Lack of Resources
  - Staffing
  - Level Funding
  - Increased costs

# Staffing & Operations

1. Bismarck/Administration -13 FTEs
2. Belcourt - 1 FTE
3. Devils Lake - 1 FTE
4. Dickinson - 1 FTE
5. Fargo - 5 FTEs
6. Grafton - 1 FTE
7. Grand Forks - 2 FTEs
8. Jamestown - 2.5 FTEs
9. Minot - 1 FTE
10. Williston - 1 FTE



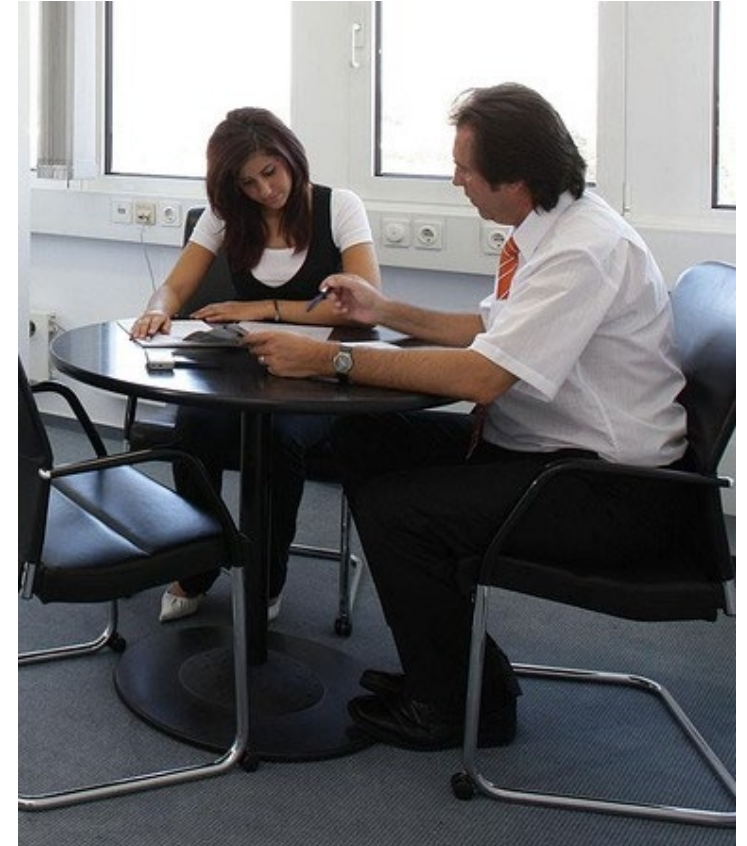


# Turnover

- 7/23 - 6/24 Turnover = 32%
- 7/24 - 3/25 Turnover = 11%
- Average time to fill = 3 months

## FTE Funding Pool

- Removed \$72,725 state general funds from P&A's budget
- Allocated \$50,908 to the FTE Pool
- \$192,964 incurred by P&A due to vacancies



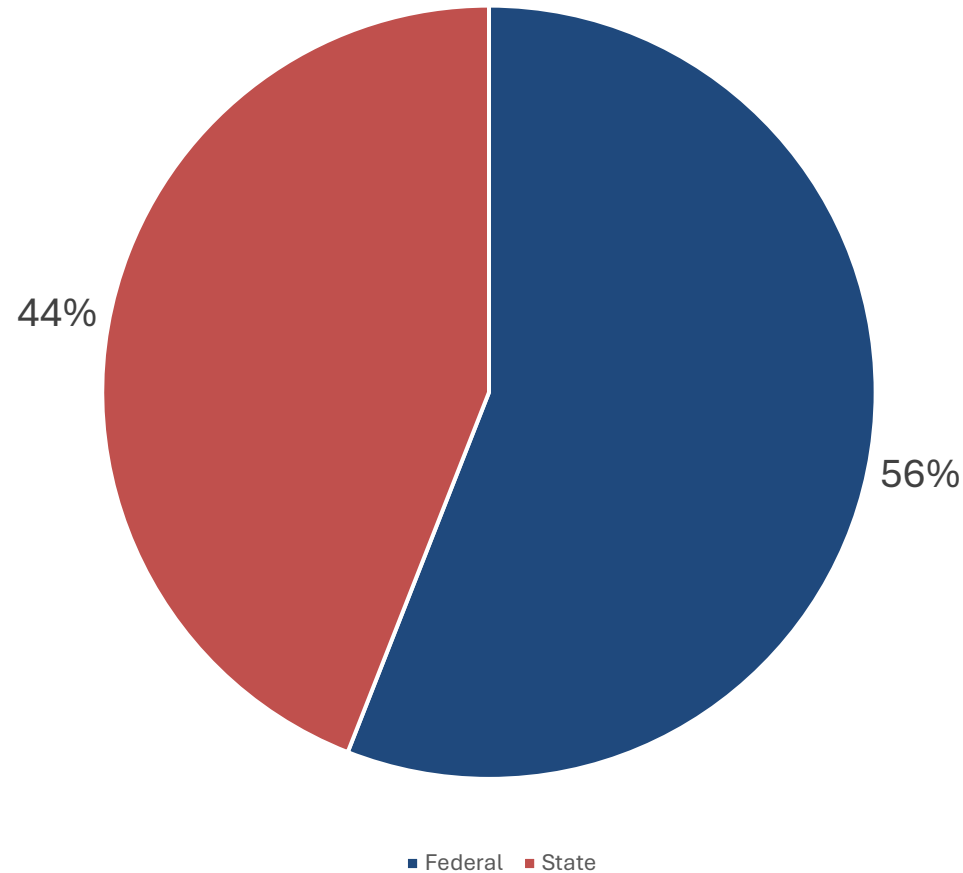
# Agency Funding

FEDERAL INCOME / PROGRAMS	ANNUAL AWARD
P&A for Developmental Disabilities	\$414,977
P&A for Mental Health	\$473,700
P&A for Individual Rights	\$195,895
P&A for Brain Injury	\$50,000
P&A for Assistive Technology	\$50,000
P&A for Voting Access	\$141,043
P&A for Beneficiaries of Social Security	\$123,965
P&A for Beneficiaries of Representative Payee	\$73,076

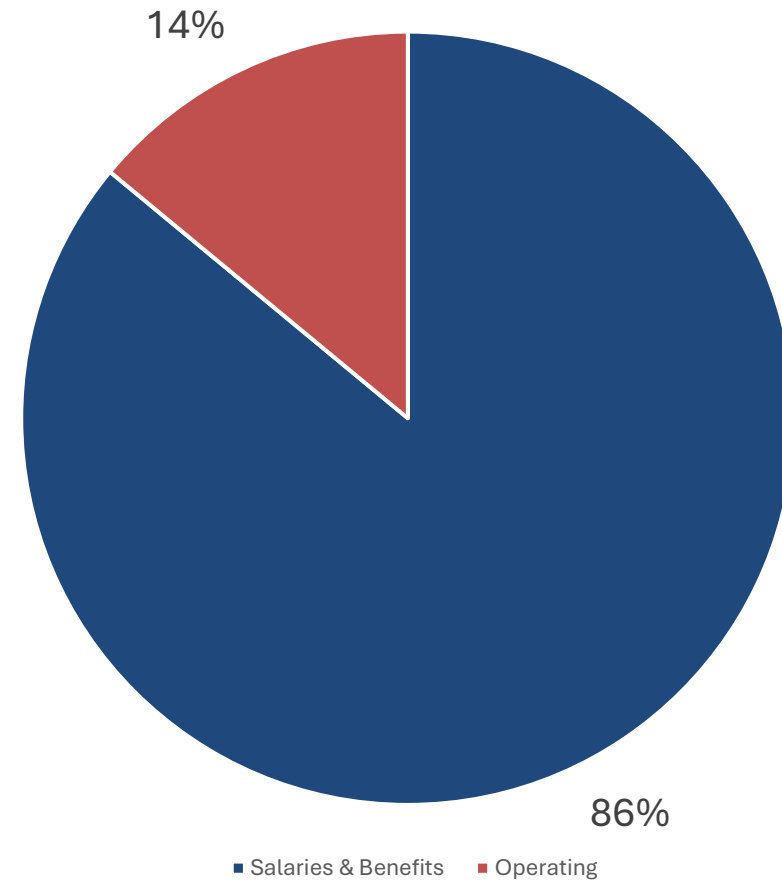
CONTRACT INCOME	ANNUAL AWARD
Client Assistance Program	\$139,652
Serious Event Screening	\$112,309

# 23-25 Biennium

Budget By Income



Budgeted Expenditures



## 25-27 Biennium Comparison

	Base Level	P&A Budget	Gov. Armstrong Budget	House Budget	Base vs. House
Federal Funds	4,359,417	4,451,483	4,792,011	4,747,288	387,871
State General Funds	3,431,853	4,017,283	3,865,368	3,822,953	391,100
Total	7,791,270	8,468,766	8,657,379	8,570,241	778,971
FTE	28.50	30.50	29.50	29.50	1.00

# 25-27 P&A Budget Request

Funding	
Federal Funds	4,451,483
State General Funds	4,017,283
Total	8,468,766

Optional Budget Requests	
1 FTE Workforce Technology Project	237,878
Retirement Payout	19,288
1 FTE Communications Specialist	237,878

# 25-27 House Budget

	<b>Federal</b>	<b>State</b>	<b>Total</b>
Base Level	4,359,417	3,431,853	7,791,270
Salary & Benefits Increase	221,588	204,901	426,489
23-25 FTE Pool	93,591	72,725	166,316
25-27 FTE Pool	(44,723)	(42,415)	(87,138)
1 FTE Workforce Technology Project	118,940	118,940	237,880
IT Rate Increase	22,477	17,661	40,138
Federal Funding Adjustment	(24,002)	-	(24,002)
Retirement Payouts	-	19,288	19,288
<b>Total</b>	<b>4,747,288</b>	<b>3,822,953</b>	<b>8,570,241</b>

# P&A's Priorities

- Maintain House Changes
- Consider additional adjustment of State/Federal Funding
- Consider funding the communications specialist FTE



# Additional Information

- No findings in most recent audit
- No other bills with financial impact



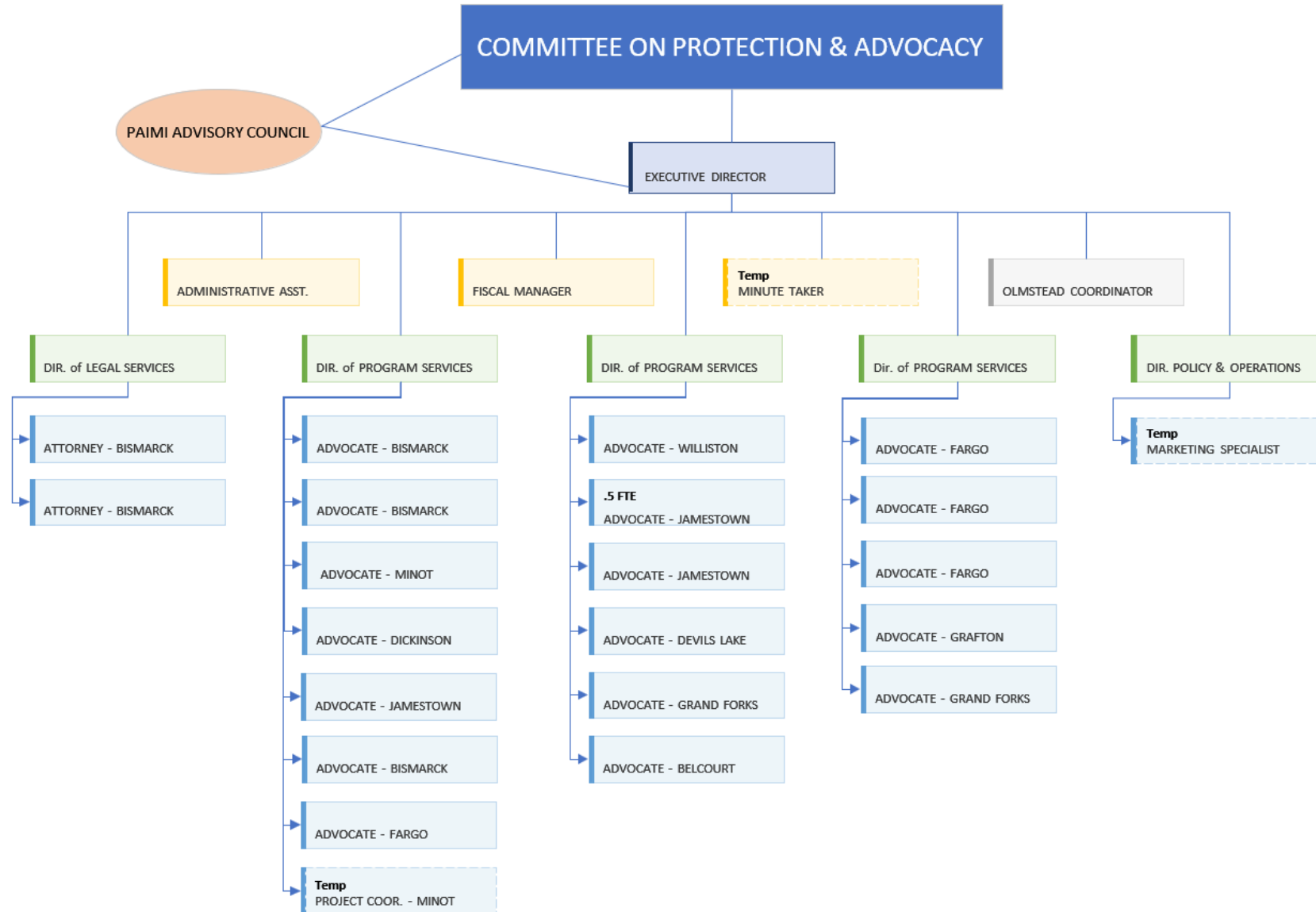




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# Organizational Chart



## Additional Case Examples

# Protective Services – Case Example

## Abuse Investigation

It was reported to P&A that there was an inadequate response by a facility in relation to a suicide attempt of a person with a disability and that facility staff were being verbally abusive to him. A subsequent report of a second suicide attempt was received soon after this. Through investigation, P&A found evidence to determine that appropriate medical attention was not sought in a timely manner for the first suicide attempt, which resulted in hospitalization. It was found that the facility had not kept the client safe when there was a second suicide attempt. Evidence also confirmed that staff cursed at the individual. As a result of P&A involvement, recommendations were made to the facility regarding reporting, documentation, medical care, and training. In response to P&A's investigation the facility developed a procedure to prevent individuals from having access to materials that may cause self-harm. As a result of P&A's involvement, individuals in this facility will be safer and receive proper medical care.

# Protective Services – Case Example

## Exploitation Investigation

P&A was contacted regarding potential exploitation of an individual with a disability who was homeless and didn't have any income. The individual's mother was his appointed guardian and representative payee. The client's mother had told him that he was not receiving SSDI benefits, and he didn't have any income. P&A investigated and found that the client's mother had continued to receive his SSDI payments; however, she was not providing for her son's basic needs. After concluding the investigation activities, P&A helped the client with obtaining a new representative payee and with the removal of his mother as his guardian in court. After the investigation, the client secured housing and support through the HCBS aged and disabled waiver, and his representative payee ensured that his bills were paid. As a result of P&A involvement, the client was able to safeguard his income and access appropriate services and housing.

# Advocacy Services – Case Example

## Employment

P&A was contacted by an individual with a disability due to concerns about employment with a large retail company. He had been employed for a long time performing self-checkout duties. He had concerns about his employment, because he was placed at a regular checkout register and had difficulties with this due to his disabilities. P&A assisted the client by contacting his supervisor and assisting with a request for a reasonable accommodation. As a result of P&A's involvement, the client was able to obtain a reasonable accommodation from his employer. The company gained information about reasonable accommodations and the client learned about his rights as an employee with a disability.

# Advocacy Services – Case Example

## Assistive Technology

P&A was contacted by the client and his mother, because they were experiencing challenges with ND Medicaid denying coverage for a new wheelchair. The client's wheelchair was over seven years old, was no longer safe, and could not be repaired. When P&A became involved it was found that the durable medical equipment provider had not complied with Medicaid's request to itemize the various supplemental equipment that was submitted with the initial quote, so that a determination could be made on medical necessity. Once this was done, it was discovered that items had been built into the chair that were not medically necessary and would not be approved. P&A was able to work with the client's case manager to obtain funding from the Waiver under the service category of equipment and supplies to cover the cost of the items that ND Medicaid denied. As a result of P&A involvement, all components of the chair were funded, and the client received a chair that fits him and will allow for his independence.



# Advocacy Services – Case Example

## Criminal/Juvenile Justice

A juvenile with a disability was facing legal charges due to the educational system citing him for disability-related behavior. P&A assisted the client with creating an individual justice plan (IJP) to limit further involvement with the justice system. The IJP identified enhanced supports through the Human Service Center and Youthworks, so the client could access academic, social, and emotional support and learning opportunities. In addition, the team was able to amend his Individualized Education Program (IEP) to include a behavior analyst that could further assess the student's behavior. As a result of P&A involvement, the IJP was implemented and the wrap around services were effective in supporting the student with intervention services through the developmental disabilities service delivery system.