



PROTECTION & ADVOCACY SYSTEM, INC.

Mission Statement



To establish, expand, protect, and enforce the human and civil rights of persons with disabilities through administrative, legal and other remedies.





THREE MAIN ENDEAVORS:

- **P&A HAS FEDERAL AUTHORITY TO GAIN ACCESS TO FACILITIES, RECORDS, AND PERSONS TO INVESTIGATE ALLEGATIONS OF ABUSE AND NEGLECT.**
- **PROVIDE LEGAL REPRESENTATION AND INDIVIDUAL ADVOCACY, EDUCATION, AND TRAINING.**
- **PROMOTE SYSTEMIC CHANGE TO ENHANCE QUALITY OF LIFE FOR CHILDREN AND ADULTS WITH DISABILITIES.**



General information:

- In Wyoming since 1977.
 - Member of the nation's largest law firm providing legal advocacy for people with disabilities.
 - Independent of any other state or federal agency.
 - Provides services to qualifying individuals based upon case selection criteria.
- P&A operates 9 different programs to assist individuals with disabilities in Wyoming.
 - **PAIDD** (Protection and Advocacy for Individuals with Intellectual and Developmental Disabilities)
 - **PAIMI** (Protection and Advocacy for Individuals with Mental Illness)
 - **PAIR** (Protection and Advocacy of Individual Rights)
 - **CAP** (Client Assistance Program)
 - **PABSS** (Protection and Advocacy for Beneficiaries of Social Security)
 - **PAAT** (Protection and Advocacy for Assistive Technology)
 - **PAVA** (Protection and Advocacy for Voting Access)
 - **PATBI** (Protection and Advocacy for Individuals with Traumatic Brain Injury)
 - **PARP** (Protection and Advocacy for Representative Payees)
 - Every state is federally mandated to have a protection and advocacy system to protect the rights of people with disabilities.

PAIDD



PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES

**“[A] protection and advocacy system . . . In
each State to protect the legal and human
rights of individuals with developmental
disabilities.”**

42 U.S.C. § 15041

PAIDD



- The Developmental Disabilities Assistance and Bill of Rights Act of 2000
- To be eligible for PAIDD assistance an individual must meet the developmental disability definition:
 - a severe and chronic disability:
 - ✦ Attributable to a mental or physical impairment
 - ✦ Manifested before the individual attains the age 22
 - ✦ Likely to continue indefinitely
 - ✦ Results in substantial functional limitations in three or more areas of major life activity
 - ✦ Reflects a need for lifelong or extended duration services
 - An individual from birth through age nine who has a substantial cognitive delay or acquired condition may be considered to have a developmental disability without showing limitations in three areas of major life activity.

PAIMI



PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS

“[T]o ensure that the rights of individuals with mental illness are protected and to assist States to establish and operate a protection and advocacy system for individuals with mental illness which will protect and advocate the rights of such individuals . . . And investigate incidents of abuse and neglect.”

42 U.S.C. § 10801(b)

PAIMI



- Established in 1986 under the Protection and Advocacy of Individuals with Mental Illness Act.
- In order to be eligible for PAIMI assistance, an individual must meet the definition of “individual with mental illness” under the statute.
- Individual with mental illness—an individual who has a significant mental illness or emotional impairment, as determined by a mental health professional qualified under the laws and regulations of the state.

PAIR



PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

“[T]o protect the legal and human rights of individuals with disabilities who need services that are beyond the scope of . . . The client assistance program . . . Are ineligible for protection and advocacy programs under . . . The Developmental disabilities Assistance and Bill of Rights Act . . . And are ineligible for services under the Protection and Advocacy for Mentally Ill Individuals Act.”

29 U.S.C. § 794e(a)

PAIR



General Information

- Established under the 1993 amendments to the Rehabilitation Act.
- Assistance under the PAIR program is available to people who cannot be served in certain of the other P&A programs.

CAP



CLIENT ASSISTANCE PROGRAM

“[T]o establish and carry out client assistance programs to provide assistance in informing and advising all clients and client applicants of all available benefits . . . With respect to services under this subchapter, a client assistance program may provide the assistance and advocacy with respect to services that are directly related to facilitating the employment of the individual.”

29 U.S.C. § 732(a)



CAP



- Established by the 1984 amendments to the Rehabilitation Act.
- CAP services are available to people seeking or receiving services from a Rehabilitation Act project, program, or community rehab program.
- Available to anyone who has applied for, is eligible for, or is receiving Vocational Rehabilitation Services.
- Primary function is to assist with problems with state Vocational Rehabilitation agencies, and Independent Living organizations.

PABSS



PROTECTION AND ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY

“For the purpose of providing services to disabled beneficiaries. Services provided . . . may include—information and advice about obtaining vocational rehabilitation and employment services; and advocacy or other services a disabled beneficiary may need to secure, maintain, or regain gainful employment.”

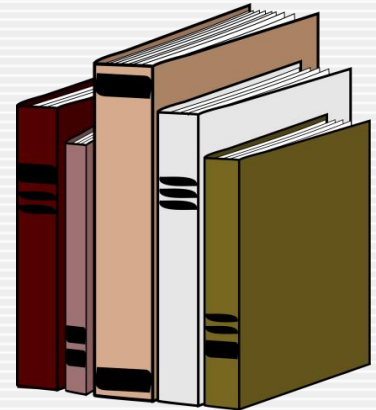
42 U.S.C. § 1320b-21(a)–(b)

PABSS



General information:

- The PABSS program was established in 1999 by the Ticket to Work and Work Incentive Improvement Act.
- The purpose of PABSS is to assist SSI or SSDI beneficiaries between age 14 through full retirement age who want to go to work, return to work, or maintain employment.



PAAT



PROTECTION AND ADVOCACY SERVICES RELATED TO ASSISTIVE TECHNOLOGY

**“[F]or the purpose of enabling such systems
to assist in the acquisition, utilization, or
maintenance of assistive technology devices
or assistive technology services for
individuals with disabilities.”**

29 U.S.C. § 3004(a)(1)



PAAT

- Established in 1994 through expansion of the Technology Related Assistance for Individuals with Disabilities Act.
- To qualify for assistance under the PAAT program, the person must be an “individual with a disability.”
- The PAAT program enables P&A to assist in the acquisition, utilization, or maintenance of assistive technology devices or services.



PAVA



PROTECTION AND ADVOCACY FOR VOTING ACCESS

**“[T]o ensure full participation in the
electoral process for individuals with
disabilities, including registering to vote,
casting a vote and accessing polling places.”**

52 USC §21061 (a)

PAVA



- Established by the 2002 Help America Vote Act.
- Purpose is to make sure that individuals with disabilities participate in the electoral process.
- P&A does this by:
 - Voter education
 - Training poll officials
 - Polling place accessibility surveys
 - Demonstrating how to use accessible voting equipment

 **Vote**



PATBI



PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH TRAUMATIC BRAIN INJURY

**“[F]or the purpose of enabling such systems
to provide services to individuals with
traumatic brain injury.”**

42 U.S.C. § 300d-53(a)

PATBI



Established under the Children's Health Act of 2002 and the Traumatic Brain Injury Act of 1996.

- Services Provided:
 - Information, referrals, and advice
 - Individual and family advocacy
 - Legal representation
 - Specific assistance in self-advocacy

PARP



PROTECTION AND ADVOCACY FOR REPRESENTATIVE PAYEES

**Strengthening Protections for Social Security
Beneficiaries Act of 2018**

PARP



- **Representative Payees may be selected for a representative payee review. The review is to determine if the payee has performed the following duties:**
 - Managed funds so the beneficiary(ies) have no unmet current needs.
 - Accounted for all funds received and spent.
 - Conserved any unspent funds in appropriate manner.
 - Complied with representative payee accounting and reporting responsibilities.
- **Protection & Advocacy System, Inc. conducts a review which includes:**
 - An interview with the individual or organizational representative payee;
 - A review of the representative payee's financial records for the requested beneficiary or sample of beneficiaries served;
 - A home visit and interview for each beneficiary included in the review; and
 - An interview with legal guardians and third parties, when applicable.

Services we DO NOT provide (including but not limited to):



- **DIVORCE**
- **CHILD CUSTODY**
- **SOCIAL SECURITY APPLICATIONS**
- **CRIMINAL REPRESENTATION**
- **PERSONAL INJURY**
- **CIVIL MATTERS NOT RELATED TO THE DISABILITY**
- **IMMIGRATION**
- **BANKRUPTCY**
- **UNEMPLOYMENT OR WORKERS' COMPENSATION**
- **INDEPENDENTLY COMMENCED PROCEEDINGS**

Review of: Incident Notification Process



Current Providers

Thank you for being an HCBS Provider!

YOU ARE A MANDATORY REPORTER!

Wyoming state law requires *any person* who suspects abuse, neglect, or exploitation of a vulnerable adult or child to report it.



Launch the video to review the process:

HCBS INCIDENT REPORTING PROCESS TRAINING



Report Incidents or Complaints



Notification of Incident Process



**THE INCIDENT REPORTING
NOTIFICATION PROCESS IS SET OUT IN
SECTION 20 OF CHAPTER 45 OF THE
WYOMING MEDICAID RULES**

- **Chapter 45: DD Waiver Provider Standards, Certification, and Sanctions:**

Section 20: Notification of Incident Process

Notification of Incident Process



Section 20(a): Providers *shall report* the following incidents involving waiver participants to the Division, the Department of Family Services, Protection & Advocacy System, Inc., the case manager, legally authorized representative(s), and law enforcement *immediately after assuring the health and safety of the participant and other individuals:*

Notification of Incident Process



- Suspected abuse (as defined by W.S. 35-20-102 or W.S. 14-3-202);
- Suspected self-abuse;
- Suspected neglect (as defined in W.S. 35-20-102 or W.S. 14-3-202);
- Suspected self-neglect (as defined in W.S. 35-20-102);
- Suspected abandonment (as defined in W.S. 35-20-102);
- Suspected exploitation (as defined in W.S. 35-20-102);
- Suspected intimidation (as defined in W.S. 35-20-102);
- Sexual abuse (as defined in W.S. 35-20-102); and
- Death.

Notification of Incident Process



Section 20(b): Providers *shall report* the following incidents to the Division, Protection & Advocacy System, Inc., the case manager, and legally authorized representative(s) *within one (1) business day*:

Notification of Incident Process



- Police involvement, such as arrests of participants or the participant's direct care provider, while they are providing services, or questioning of participants by law enforcement;
- Any use of restraint;
- Any use of seclusion;
- Injuries caused by restraints;
- Serious injury to the participant;
- Elopement;
- Medication errors that result in emergency medical attention; and
- Medical or behavioral admission and emergency room visits that are not scheduled medical visits.

Notification of Incident Process



Section 20(c): Providers *shall report* the following medication errors to the Division, the case manager, and legally authorized representative(s) *within three (3) business days*:

Notification of Incident Process



- Wrong medication;
- Wrong dosage;
- Missed medication;
- Wrong participant;
- Wrong route; and
- Wrong time, which is any deviation from the accepted standard time frame for the medication assistance.

Notification of Incident Process



Section 20(d): In addition to provisions of subsection (a) and (b) of this Section, if, at any time, a significant risk to a waiver participant's health and safety is identified, the provider *shall report* the incident to the Division.

Notification of Incident Process



Section 20(f): Providers *shall comply* with Division or other agency requests for additional information relating to any reported incident.

Final Note: Complaint Process



Chapter 45 - Section 21 Complaint Process - (a):

A provider or provider employee who has a *reasonable suspicion that a participant's health or safety is in jeopardy* shall immediately contact the Division, Protection & Advocacy System, Inc., and other governmental agencies, such as law enforcement or DFS to report incidents or concerns.

To submit an incident report to P&A



You can

- E-mail to: incidents@wypanda.com
- Fax: 307-638-0815
- Mail: 7344 Stockman St
Cheyenne, WY 82009
- Or hand deliver to the P&A office



www.wypanda.com



**WYOMING PROTECTION & ADVOCACY
SYSTEM, INC.**

**7344 Stockman Street
Cheyenne, WY 82009**

(307) 632-3496 (voice or relay)

Fax (307) 638-0815

1-800-624-7648 (assistance requests only)

Email: wypanda@wypanda.com