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# INCITEMENT INCITEMENT

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March, 1991

## WHY IS SULLIVAN HIDING?

Once again ADAPT sent a formal written request for a meeting with Dr. Louis Sullivan. Explaining our concerns, ADAPT requested an opportunity to discuss the issue. But, last week his staff called to inform us Dr. Sullivan had again refused to meet with ADAPT. Apparently the interests of millions of people warehoused in facilities funded by his outmoded programs are not important to the good doctor. At least not yet.

Sullivan was caught off guard in Memphis TN, last month when he attended a Free the Children fundraiser. Local ADAPT folks picketed outside. One of the event organizers who was an ADAPT supporter, she invited them to her house where Sullivan was having a breakfast meeting the next  
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## BALTIMORE BOUND

ADAPT is gearing up for another round of actions on attendant services! This time we are going right to the dragon's den. ADAPT will be in Baltimore April 27 through May 2 to bring the issue of lack of community based, user directed attendant services to the faces of those who control the system. And WE NEED YOU TO JOIN US!!!!!!!!!!!!

Why Baltimore? Because it is the home of the Health Care Financing Administration, HCFA, (pronounced hick-fa) which is the part of the federal government which controls Medicaid policy and funding for: attendant services, nursing homes, state disability institutions, etc.

Why Else? Baltimore is only a hop (by ADAPT standards) down the road from Washington DC, home to the American Health Care Association, AHCA, the major lobbyists for the nursing home industry. Also the Department of Health and Human Services, HHS, run by Dr. Louis Sullivan, is in DC. HCFA is a branch of Health and Human Services, and ultimately it is Dr. Sullivan who will sign off on a national Medicaid funded attendant services program, and on dollars transferred from nursing home programs to attendant services.

In addition to the action-packed advocacy for which ADAPT has become know, this trip will include a training in community organizing and results oriented advocacy by Shel Trapp of the National Training and Information Center in Chicago.

To make your arrangements for hotel, etc. contact Robin at Denver ADAPT's NEW OFFICE: 12 BROADWAY, DENVER, CO 80203 OR CALL 303/733-9324. Rooms can be shared to keep costs down. ADAPT has also made arrangements with United Airlines, so if you make your plane reservations with Robin at ADAPT you will get a 5% discount.

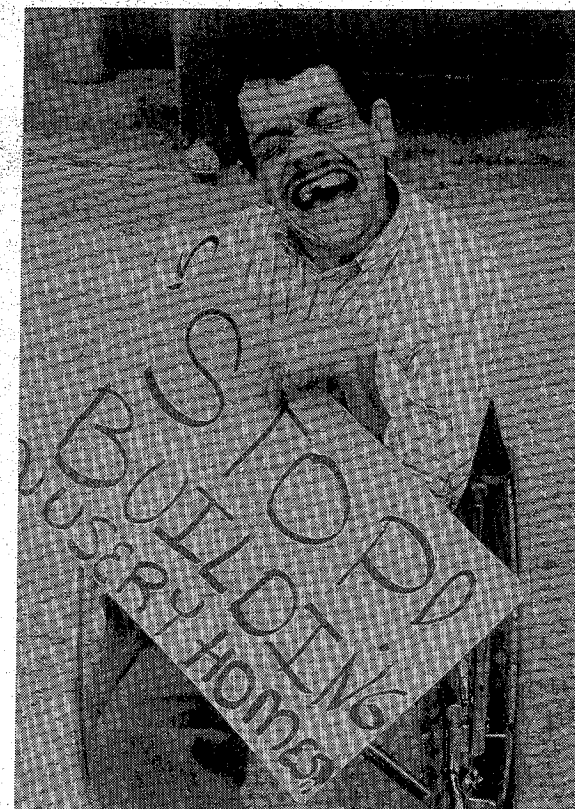


photo: Tom Olin

## ADAPT MEETS WITH AHCA DIRECTOR WILLGING

as reported by Wade Blank

After the Freedom Day round of protests, the Executive Director of the American Health Care Association (the national nursing home lobby group), Paul Willging, met with 40 representatives of ADAPT at the Radisson Hotel in Denver. Two executives from the Colorado Health Care Association, CHCA, and the Director of the Texas Health Care Association, THCA, also attended.

ADAPT began the discussion by reviewing the past. When nursing homes were started during President Johnson's administration, they were thought to be an innovative, good idea. However, ADAPT pointed out, in the quarter century which has passed since then, ideas about people with disabilities and services have changed drastically, and the concept of shutting people away has become antiquated.

Willging and his cohorts claimed to support ADAPT's goals completely, and they wanted to know "what our common ground was (between the two groups)." Willging added that ADAPT's information was outdated, the "industry" (as he put it) was now a \$50 billion dollar industry, not \$43 billion. According to AHCA, nursing home industry growth simply reflects the aging of our population. They admitted the lawsuit brought by Atlantis founders, and the national nursing home reform legislation it prompted, had helped to create big changes in the industry.

One of the Colorado HCA folks added, as she looked around the room she did not see anyone who should be in a nursing home. Ironically, by ADAPT's count about 75% of the people present had been in one, and many individuals shared their experiences, which were far from positive, about being on the "receiving end" of the industry.

The discussion reached the bottom line: dollars. And it seemed there could be no common ground there. The AHCA folks admitted the system favors "the industry." Willging frankly admitted "I'd lose my job if I supported your position." In a strange circular logic, AHCA said they could not

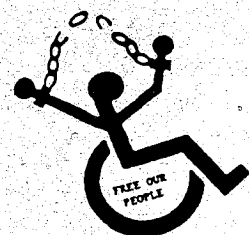
agree to give up nursing home funds, because the funds were for the individuals in the nursing homes, not for the facilities, so the funds were not the nursing homes' to give away.

ADAPT organizer Robin Stephens pointed out the nursing home lawsuit and new OBRA regulations call for the redirection of energy and funds to move people out into the community who are inappropriately placed in nursing homes. AHCA believes, however, that OBRA puts the industry under no obligation to release anyone.

The AHCA delegation would not EVEN agree to give up the funds for these individuals (as the HCAs actions in court and in the Capitol have already shown.) Since AHCA will not even entertain letting loose money for people who are leaving AHCA facilities, and who will no longer be "taken care of" by AHCA members, its hard to imagine finding "common ground".

Of course ADAPT wants to liberate more than just the folks affected by OBRA (which only applies to people with developmental disabilities or mental illness in nursing homes). People disabled after the age of 22, people with disabilities brought on by the aging process, people in state institutions, in back rooms of their families' homes, and on the streets need attendant services. All are equally human. All deserve the basic right of freedom, and all deserve the support services they need in the community, out with the rest of humanity.

Atlantis/ADAPT has moved!!!  
You can now reach  
National ADAPT at:



12 Broadway  
Denver, CO 80203  
303/733-9324 voice/TDD  
303/733-2676 fax

## FREEDOM DAY!!!

ADAPT activists in over twenty cities joined voices in the call to FREE OUR PEOPLE on January 15th, 1991. ADAPT observed the anniversary of Dr. Martin Luther King Jr.'s birth by staging protests against the needless lock-up of people with disabilities in nursing homes and other institutions. Each community sent the message in its own style. Despite the nation's focus on the "deadline for war" and the Middle East crisis, our message was heard, and passed along. The New Mexico Health Care Association went so far as to send its members a memo warning of ADAPT's planned actions in Baltimore this spring, and in Orlando this fall. Tennessee Health Care Association included in their newsletter an article entitled "Meeting with ADAPT Alarming."

Colorado targeted the nursing homes themselves. In **Denver** ADAPT demonstrated at Asperia House, the nursing home featured in the movie "When You Remember Me." Despite below freezing temperatures, 76 people demonstrated outside the building for a hour. Finally allowed inside, they toured the facility and met with the state Executive Director of the Colorado Health Care Association who *happened* to visiting at the same time. In **Pueblo** ADAPT's demonstrators were served coffee while officials faxed the demands to American Health Care Association, AHCA. **Colorado Springs** ADAPT marched 25 strong to the doors of a local nursing home. Marchers carried a Statue of Liberty draped in chains, to symbolize our people's liberty denied, and a coffin, to symbolize all who have died because of the lack of decent community based attendant services.

Federal authorities locked forty protesters outside the regional office building of Health and Human Services, HHS, and Health Care Financing Administration, HCFA, in **Chicago**. Peace protesters across the street and the impending war were given as excuses for only allowing three disabled people in the building at once. A National Public Radio reporter covered the event. Finally, while ADAPT's demonstration continued outside, a delegation met with a group of federal officials, who agreed to send Sullivan a letter. ADAPT made it clear this was only the beginning.

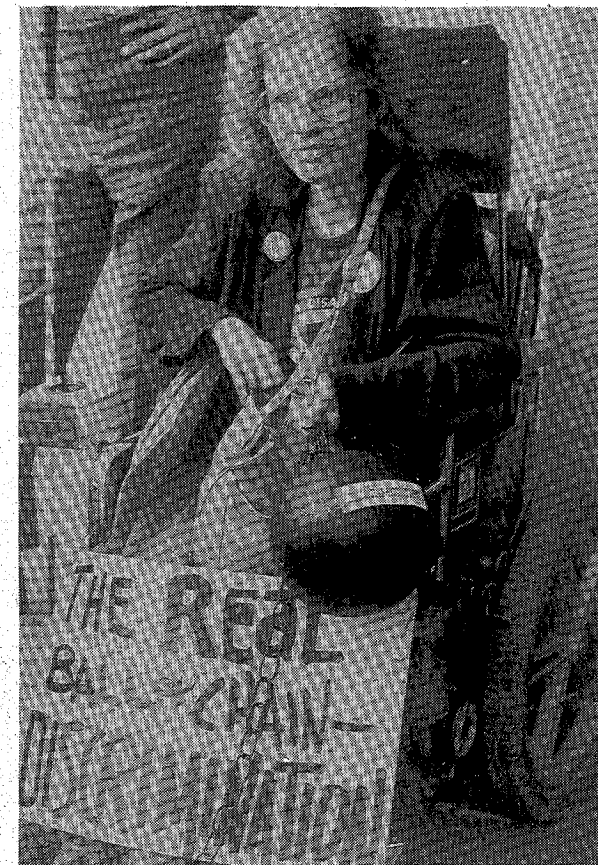


photo: Tom Olin

**New York** ADAPT folks also went to their local Health and Human Services offices and met with the Regional Administrator, who agreed to send their demands to Washington. **Rochester, NY** saw a demonstration when 30 new ADAPT folks picketed outside their federal building. In **Philadelphia** members of Disabled in Action also targeted their federal building for their Freedom Day demonstration.

Thirty folks in **Atlanta** showed up at the HCFA office to meet with the Regional Administrator, but they were told only five could go upstairs. When everyone else refused to leave the feds dug in their heels too. Six ADAPT members were arrested. The message sent: ADAPT is serious.

Various state Health Care Associations were also targeted. In **Nashville, TN** ADAPT closed down the Tennessee Health Care Association, THCA, with 20 protesters. Just as in Georgia, the cops finally helped the HCA staff sneak out the back. ADAPT of TN had given them a taste of not having choices, and apparently THCA had not liked the flavor. TN state officials have since agreed to apply for Medicaid waivers to help get folks out of

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nursing homes. In **Louisville**, 15 ADAPT folks surrounded the Kentucky Health Care Association, KHCA, office. Finally, KHCA officials met with them inside and sent ADAPT's demands up to the national office.

In **Albuquerque, NM**, 20 folks took the issue to both of their United States Senators. Then, under an ADAPT Access American flag, they marched down one of the main streets of town to the New Mexico Health Care Association. There they convinced officials to fax ADAPT's demands to the national office.

ADAPT of Texas joined forces in **Austin** to protest at our Department of Human Services' (the Medicaid state agency) state headquarters. The Commissioner met with 40 ADAPT folks in the lobby for an hour, and agreed to send a letter to Sullivan supporting a national mandated attendant services program. The next day ADAPT continued the action at the Department's Board meeting, and the Board passed a policy statement redirecting the agency's priorities from institutions to community based services.

In **Jackson, MS**, 35 protesters converged on the state Medicaid office. In addition to passing along ADAPT's message to their state, Jackson's folks had the additional goal of showing their officials their displeasure with the state's inability to get a Medicaid waiver to expand the extremely limited attendant options in Mississippi.

Massachusetts' efforts, coordinated by CORD, focused on their state's still existing institutions for people with mental retardation, so euphemistically referred to as "State Schools." Ex-inmates (A.k.a. "residents") and their supporters protested outside the Dever (in **Taunton**) and Fernald (in **Waltham**) State Schools on January 17th.

**Cleveland OH, Albany NY, Baltimore MD, Eureka CA, Hartford CT, South St. Paul MN, Syracuse NY, and Topeka KS** also held demonstrations calling for attendant services to **FREE OUR PEOPLE**.

ADAPT of Texas and *Incitement*  
are *moving...*



our new address will be:  
1339 Lamar Square Blvd. Suite B  
Austin, TX 78704  
512/442-0252 512/442-0522 fax

### Tax Incentives for Access Modifications

To help support efforts to comply with the ADA, Congress made some changes in the tax code. A tax credit was added and the tax deduction was changed. Both can be used more than one time, but **THE TWO PROVISIONS CANNOT BE USED TOGETHER, IT IS AN "EITHER/OR" DEAL.**

**Section 44** is a new provision allowing eligible small businesses to take a tax credit (up to \$5,000) for removing barriers. The tax credit equals 50% of the modification cost, between \$250 and \$10,250, per year. An eligible small business has 30 full time employees or less, and gross receipts below \$1 million. The credit can be applied to: removing architectural, communications, physical and transportation barriers; provide qualified interpreters, captioning, TDDs, etc.; provide readers, taped texts, brailled materials, etc; to get or modify equipment; or to provide similar accommodations.

**Section 190** provides that any taxpayer may take an annual tax deduction of up to \$15,000 from removing barriers from a place of business or trade (this is a reduction from the \$35,000 previously allowed.) This only applies to removing barriers from existing facilities. Modifications can include changes to: walks, parking lots, doorways, ramps, toilets, warning signals, public telephones, transportation vehicles, etc. In addition, another part of Section 190 covers barrier removal which is not covered by the above regulations, but which may meet a local access code, for example.

### Concrete Change Calls for Another Round

by Eleanor Smith

March 13th, 1991 was the long-awaited date (mandated by the Fair Housing Amendments of 1988) when mobility impaired people could go to check out or visit a newly-constructed apartment and expect to enter freely. The Fair Housing Amendments law states that apartments first occupied by a tenant on or after March 13th (or receiving building permits after January 1990) must have no-step entrances, and at least 32 inch doors throughout the interior. Builders have had over three years to educate themselves about the most effective, least expensive ways to incorporate the few basic access features required. Instead, industry groups like the National Association of Home Builders, NAHB, have spent large amounts of money trying to gut the new law. Meanwhile NAHB has generated lots of publicity on how concerned they are about access for elderly and disabled people, truly earning the label "Hypocritical."

Disabled people and their friends had good reason to be nervous that on March 13 and thereafter new apartments would NOT be accessible and builders would NOT be held materially accountable by HUD for not complying. **NATIONAL ACTIONS WERE HELD MARCH 13 TO LET THE BUILDING INDUSTRY AND HUD KNOW DISABLED PEOPLE CARE ABOUT THIS.** Austin, Atlanta, Chicago, Denver, Los Angeles,

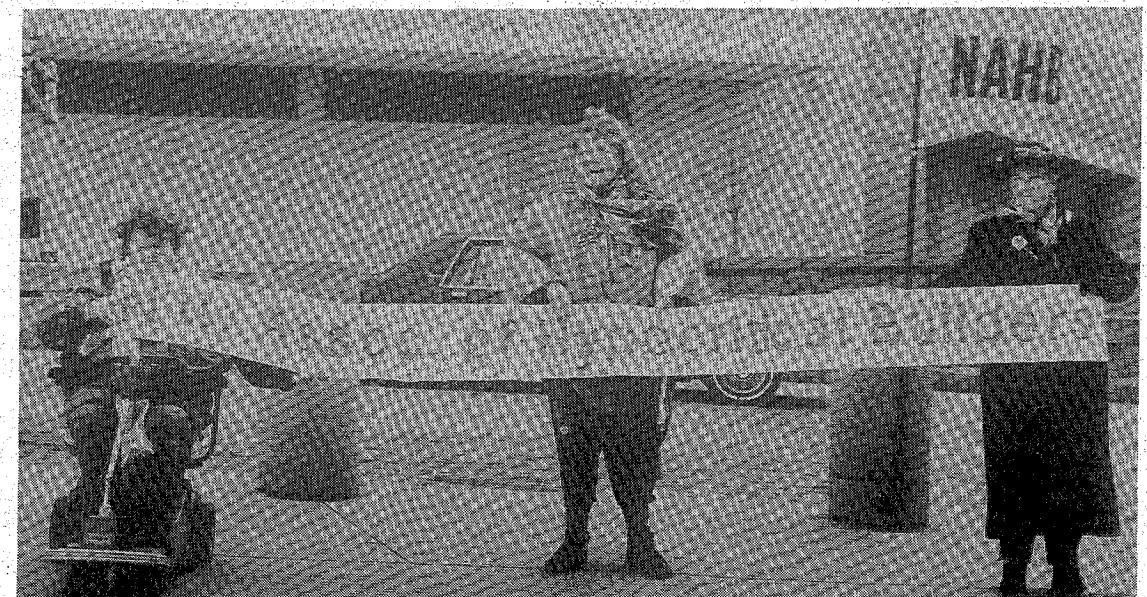
### Salt Lake Protest Huge Success

ADAPT surprised AHCA membership and Executive Director Willging at a recent conference in Utah. In typical ADAPT style, the group of 40 snuck up a kitchen elevator in AHCA's inaccessible hotel, and disrupted the conference. Willging agreed, in writing, to send ADAPT the names and addresses of his board of directors, and have 12 ADAPT representatives at the May 9th AHCA Executive Committee meeting when AHCA will vote on any resolution ADAPT proposes.

ADAPT also took the state Health Care Association to task. They closed down UHCA building and would not let any of their staff in or out without two forms of ID and a doctor's permission.

While AHCA was conceding to ADAPT's demands, the state of California was filing suit against Health and Human Services over the OBRA nursing home reforms.

Memphis, and New York, were among the cities which participated. Organizers of these actions are seeking participation for future actions in as many cities and towns as possible. Contact Eleanor Smith, Concrete Change Atlanta (404)375-7455, or Rene Luna Concrete Change Chicago (312)226-5900 voice or (312)226-1687 TDD.





## ADA REGULATIONS ROLLING ALONG

The Americans with Disabilities Act, ADA, regulations (which further clarify what will be required by the law) are slated to be finished by July 26, 1991. To meet that fast approaching deadline, the regulations (rules) are moving along at a quick pace. People need to pay attention and react quickly to make sure the strong promises for access and equality made by the ADA are kept. Business, transit companies, builders, and others who fought passage of the ADA are lobbying hard against the regulations, so supporters must also stay active and involved. Lots of letters are needed.

The Department of Transportation, DOT, published the regulations on purchase of new vehicles last October, since this part went into effect thirty days after the ADA was signed. The rest of the DOT proposed regulations should be published by mid-March. These rules will cover things like access to mainline, paratransit, rail transit and privately owned transit like Greyhound. DOT may or may not hold six hearings around the country on these rules.

The Architectural and Transportation Barriers Compliance Board (ATBCB) is writing two sets of proposed technical standards: one for buildings and facilities (for Titles II & III), and one for transportation buildings and vehicles. The first set was published in the Federal Register on January 22 and comments are due March 25th. The second will be published very soon.

The Department of Justice, DOJ has written proposed rules for Title II (local and state government) and Title III (Public Accommodations). Title III was published in the Federal Register February 22nd, and Title II on (or about) February 28th. Kinds of issues covered in these regulations include: all public accommodations (restaurants, stores, doctor's offices, movie theaters, etc.), how much must be done when a building is altered, who is responsible for making changes, how much must be provided in the way of auxiliary aids and services (interpreters, readers, braille, TDDs, etc.) Written comments are due April 23rd.

The Federal Communications Commission, FCC, published proposed rules last December, and comments were due by mid-February. The National Center for Law and the Deaf reports the proposed regulations are fine; for more information you can contact them at Gallaudet University: 202/651-5373.

The Equal Employment Opportunity Commission, EEOC, held hearings last fall and will be publishing proposed rules should be out by mid-March. No more hearings are planned so letters will be the only way to comment.

This information was compiled by the Disability Rights Education and Defense Fund, DREDF, and the Consortium of Citizens with Disabilities, CCD. They are putting together comments on all the proposed regulations, which they will share. To find out more, call DREDF:

Marilyn Golden 415/644-2555 voice, or 415/644-2626 TDD, or 415/841-8645 fax - in California, or  
\* Liz Savage or Marilyn Golden in DC 202/986-0375 v/TDD, or 202/462-5624 fax. 1633 Q St Suite 220, Washington, DC 20009. (note new address and phone in DC)

For copies of the proposed regulations you can: contact libraries and state agencies for the above mentioned Federal Registers, contact the various federal agencies listed above, contact local advocacy groups, or check with many computer bulletin boards which are also sharing this information.



photo: Tom Olin



## ADAPT STAGES "ACTION" FOR TV'S *EQUAL JUSTICE*

by Tari Susan Hartman

"Hollowdale is a jail! Free our people NOW!" is the "chant heard round the world" in the "Opening Farewell" episode of *Equal Justice*, scheduled to air Wednesday, April 3, 10pm on ABC. Let's hope Dr. Louis Sullivan, and the folks at AHCA, are watching this historic breakthrough in the dignified portrayals of people with disabilities in American television. This episode highlights an action to protest the lack of in-home attendant services which forces people into nursing homes. Sound familiar? Good.

Fourteen members of Southern California ADAPT were hired to stage the action along with a couple of veteran actors with disabilities. Other ADAPT folks and other disability activists (editor's note: largely due to the efforts of EIN-SOF Communications) worked with the producers, writers and the non-disabled actress who plays the starring role of Kerry Lynn.

This episode focuses on Lynn, an attractive, relentless and dynamic defense attorney with a disability. She develops a relationship with series regular Peter "Briggs" Brigman, an Assistant District Attorney. EIN-SOF conducted a national search for an actress who uses a wheelchair to play the part, but unfortunately the actress hired is non-disabled. Fundamentally this is like putting an actor in "black face."

If *Equal Justice* is picked up next season, producers (Thomas Carter Company, ABC Productions and Orion Television Entertainment) will continue the disability story line. Spread the word about this show, encourage others to see it and write to us. Please send comments to Tari Susan Hartman/EIN-SOF Communications; 6380 Wilshire Blvd. #125; Los Angeles, CA 90048.



*Sullivan continued from p. 1*

morning. The ADAPT folks cornered him outside for a brief meeting (the house being inaccessible), but his response to their proposed meeting with representatives of ADAPT regarding a national attendant services policy was less than inspiring. As Chris Colsey, one of the ADAPT folks there put it, "he avoids the issue the whole time."

ADAPT organizer Diane Coleman pointed out the parallels between slavery as a states rights issue, and his current "local option" attendant services policy. Then she stated our desire to meet to discuss this national problem and our proposed solution, but Sullivan suggested a meeting with the HHS Regional Director. Coleman pointed out ADAPT is looking for a national policy. Sullivan responded: "...I have ten regional directors. It is impossible for me to meet, you know, everywhere I go with everyone there. That's why I have 120,000 employees of the Department... Everyone who has a problem I can't meet in my office..."

It's hard to believe Sullivan was at a loss for words. In the Fall 1990 issue of *Worklife* magazine, Dr. Sullivan is quoted regarding the ADA:

The story of America is the story of growing opportunity. Throughout our history, our most positive theme - our beacon to the world - has been the leveling of barriers when they hold back individual energy and talent... The Americans with Disabilities Act belongs to this noble line. ADA is about ... a life of independence, a life of contributing to others... America is indebted to those who worked so hard to enact the ADA.

It seems hard to measure the depth of commitment behind the ADA statement, given his refusal to meet with ADAPT. Surely even a bureaucrat such as Sullivan should understand the prospect of meeting with 120,000 employees acts as some kind of barrier.