



BULLETIN

April 2007

Vol. 4, Issue 2

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Center for Personal Assistance Services
Department of Social & Behavioral Sciences
University of California San Francisco
3333 California Street, Suite 455
San Francisco, D.C. 94118
Telephone: 866-PAS-9577 (866-727-9577) or
415-502-7190 TDD/TTY: 415-502-5216
E-mail: PAS@ucsf.edu
<http://www.pascenter.org>

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<http://www.ed.gov/about/offices/list/osers/nidrr/>

<http://www.disabilityinfo.gov>



Center for Personal Assistance Services State of the Science Conference

"Meeting the Nation's Need for Personal Assistance Services: State of the Science", hosted by the Center for Personal Assistance Services at the University of California, San Francisco will be held this month on Friday, April 27, 2007 at the National Press Club in Washington, DC.

The Center is pleased to have as our keynote speaker Andrew Imparato, the President and CEO of the American Association of Persons with Disabilities (AAPD) who will be speaking about "Justice Delayed: Modernizing PAS Policy in a Challenging Climate" concerning policy and legislation for people with disabilities in general and personal assistance services in specific.

The full agenda is as follows:

**Meeting the Nation's Needs for Personal Assistance Services
State of the Science Conference -
National Press Club, Washington, D.C.
April 27, 2007**

8:00-8:30 am

Continental Breakfast and Registration

8:30-8:45 am

Welcome and Purpose of the Meeting

David Keer

Program Specialist, National Institute on Disability and Rehabilitation Research (NIDRR)

Co-chair, Interagency Subcommittee on Disability Statistics U.S. Department of Education Office of Special Education and Rehabilitative Service

D.E.B. Potter

Senior Survey Statistician, Agency for Healthcare Research and Quality

8:45-9:00 am

Personal Reflections on Aging with a Disability

Fernando Torres-Gil

Associate Dean for Academic Affairs and Professor of Social Welfare and Public Policy Director, UCLA Center for Policy Research on Aging, University of California, Los Angeles

9:00-10:30 am

Personal Assistance Services: A Public Policy Challenge

Moderator: Charlene Harrington, Ph.D.

Professor and Director, National Center for Personal Assistance Services, University of California San Francisco

Need and Unmet Need for PAS, Their Consequences, and Costs

Mitch LaPlante, Ph.D.

Associate Professor, University of California San Francisco

Home and Community Based Services: National Trends and Inter-state Variations

Martin Kitchener, Ph.D.

Professor, University of California San Francisco

Discussants:

Ollie Cantos, Former Director of Disability Policy, White House and Special Counsel to the Assistant Attorney General for Civil Rights, US Department of Justice

Mike Oxford, Director

Topeka Center for Independent Living

Questions and Discussion

10:30-10:45 am

Break

10:45-12:00

PAS Research on the Workforce and in the Workplace

Steve Tingus

Director, NIDRR (10 minutes)

Moderator: David Keer

Program Specialist, NIDRR

Trends in the PAS Workforce: Where Have We Been and Where Are We Going?

Steve Kaye, Ph.D.

Associate Professor, University of California San Francisco

The ADA and Beyond: Reducing Barriers to PAS at Work

Lewis Kraus, MPH, MCP

Vice President, InfoUse, Berkeley, California

Discussants:

Vera Salter, Ph.D.

Paraprofessional Health Care Institute, New York

D.J. Hendricks

Job Accommodation Network, West Virginia University

Questions and Discussion

12:00-1:15 pm

Luncheon

Introduction: Bob Kafka, Adapt of Texas

Justice Delayed: Modernizing PAS Policy in a Challenging Climate

Andrew Imparato

President & CEO

American Association of People with Disabilities

1:15-2:35

Future Research and Policy Directions

Robert Newcomer, Ph.D.

Professor University of California San Francisco

Consumer-directed home care: Washington State and Beyond

Joshua M. Wiener, Ph.D.,

Senior Fellow and Program Director, Aging, Disability and Long -Term Care, RTI International, Washington, DC

Focusing on the Needs of Vulnerable Working Age Populations

Nancy Miller, Ph.D.

University of Maryland Baltimore County

Does Medicaid Home Care Reduce Unmet Need?

Peter Kemper, Ph.D.

Professor, Pennsylvania State University

Questions and Discussion

2:35-3:20 pm

Open Forum Discussion

Charlene Harrington, Ph.D., Moderator

Panel: Mitch LaPlante, Ph.D., Martin Kitchener, Ph.D., Steve Kaye, Ph.D., Lewis Kraus, MPH, MCP, Robert Newcomer, Ph.D.

3:20-3:30 pm

Closing Remarks

Panel Members and Charlene Harrington, Ph.D.

Registration for the conference is free but space is limited so please register in advance. Registration and hotel information is available on the PAS Center website at http://www.pascenter.org/sos_conference.

The Center is funded by the National Institute on Disability and Rehabilitation Research (NIDRR) #H133B031102. In addition to NIDRR funding, the Center has received a conference grant from the Agency for Healthcare Research and Quality (#1R13 HS016608-01) to assist with the funding of the conference in Washington, DC, allow the conference to be hosted without a registration fee.

For those who cannot attend, the meeting will be webcast live on the National Press Club website as well as being archived there and on the Center for Personal Assistance Services website after the conclusion of the conference.

On the Center for PAS website

The following are new resources available on the Center for PAS website (<http://www.pascenter.org>):

- *Home & Community Based Services: State-only funded programs*

This is an update of the report and data, now current through February 2007.

To retrieve data on these topics by state, go to

http://www.pascenter.org/state_based_stats/state_only_funded.php?title=State+Only+Funded+HCBS

- *Medicaid Managed Long-Term Care: An Introduction*

To retrieve the report, go to

http://www.pascenter.org/publications/publication_home.php?id=546

- *Nursing Facilities, Staffing, Residents, and Facility Deficiencies, 1998 through 2005*

This is an update that has data through 2005.

To retrieve the report, go to

http://www.pascenter.org/nursing_homes/nursing_trends_2005.php

Resources

Quality of Care Measures for Home and Community-Based Services Under Medicaid

The Deficit Reduction Act of 2005 directs the Agency for Healthcare Research and Quality (AHRQ) to develop quality measures for home and community-based services (HCBS) offered under State Medicaid programs. As the first step to implement this legislative mandate, AHRQ is conducting a state-of-the-art environmental scan and assessment of measures and instruments that could be used, or adapted for use, in this HCBS measures development effort.

To retrieve the report, go to

<http://www.ahrq.gov/research/ltc/hcbs.htm>

Medicaid Home and Community-Based Services: National Program Trends

Bnet.com presents a White Paper on Medicaid HCBS that was authored by PAS Center researchers. Long-Term Care (LTC) policymakers face mounting pressures to expand Medicaid home and community-based services while the cost of institutional provision continues to rise and consume the bulk of Medicaid LTC spending. This paper presents the latest program trends in the three Medicaid home and community-based

services programs and reports a national survey of cost control policies used on waiver programs in 2002. The findings show slowing annual rates of participation growth on individual programs, widespread use of cost controls on waivers including waiting lists, and the persistence of large interstate variations in Medicaid's provision of these services.

To retrieve the report, go to
<http://jobfunctions.bnet.com/whitepaper.aspx?docid=155921>

Management Review of the Home and Community Based Services Waiver Projection Process

The Office of the Inspector General, Agency for Persons with Disabilities (Agency), conducted a management review of the internal controls surrounding the compilation process of the Home and Community Based Services (HCBS) waiver budget surplus/deficit amounts. The scope of this review did not address the technical aspects of the projection methodologies used by the Agency. The initial scope encompassed an examination of the HCBS waiver budget projections in the agency Quarterly Reports for fiscal year 2005/2006.

To retrieve the report, go to
<http://apd.myflorida.com/news/docs/hcbs-projections.pdf>

Family Caregiver Support: State Facts at a Glance

The National Association of State Units on Aging (NASUA) in collaboration with the National Conference of State Legislatures and funded by the U.S. Administration on Aging, has released Family Caregiver

Support: State Facts at a Glance. The report provides information by state about family caregivers, the state-level programs that serve them, and legislation introduced and enacted.

To retrieve the report, go to
<http://www.nasua.org/familycaregiver>
or
<http://www.ncsl.org/programs/health/forum/caregiversupport.htm>

Issue Brief Examines Link Between Family and Paid Caregiving

A 12-page Better Jobs Better Care Issue Brief lays the groundwork for a new care giving paradigm that would acknowledge the complex connections between family and paid care giving and provide better supports for both.

For more information, go to
http://www.directcareclearinghouse.org/news_det.jsp?res_id=175610&res_type=6&txn_type

News

Independent Living Centers and Relocating Persons from Nursing Homes

In his Bulletin #203, Steve Gold reported that, using a Freedom of Information request, his group obtained the number of "individuals who were successfully relocated from nursing homes" by Independent Living Center in each State for both 2004 and 2005. In 2004, the ILCs reported that they "successfully relocated" 2,864 persons and in 2005, they reported 2,867 persons were "relocated."

To retrieve this bulletin, go to
<http://www.stevegoldada.com/stevegoldada/archive.php?mode=A&id=203;&sort=D>

Long Term Care Insurance Benefit Bill to Be Introduced in Senate

The Community Living Assistance Services and Supports Act (CLASS Act) is nearing introduction in the United States Senate. Introduced originally in the previous Congress as Senate Bill 1951, the current bill has been revised and is being carried by Senator Ted Kennedy. The purpose of the bill is to help adults with severe functional impairments obtain the services and supports they need to stay functional and independent, while providing them with choices about community participation, education and employment. The CLASS Act will establish a national insurance program, financed by voluntary premium payments to be collected through payroll withholding and placed in a "National Independence Fund." The Department of Health and Human Services will manage the Fund as a new insurance program, and may enter into contractual agreements with those entities that states direct to assume administrative/program implementation roles.

For more information, contact Connie Garner in Senator Kennedy's office.

To see the text of the bill, go to
<http://www.pascenter.org/documents/CLASSACT2007.pdf>

Supreme Court to Hear Case Concerning Home Care Workers

In *Long Island Care at Home v. Coke*, No. 06-593, the Supreme Court will decide whether the federal Fair Labor Standards Act, which requires payment of the minimum wage and premium pay for overtime, applies to homecare workers employed by third-party agencies.

In 2003, Evelyn Coke, a home care worker employed by a home care agency that did not pay her overtime, sued her employer, Long Island Care at Home, alleging that the regulation construing the "companionship services" exemption to apply to agency employees is inconsistent with the law.

Coke argues that Congress intended to progressively expand protections for workers engaged in formalized work relationships. The Fair Labor Standards Act as passed in 1938 was not applied to domestic workers because it was believed they were not engaged in interstate commerce. The Act was amended in 1961 and again in 1966 to reach all employees, including domestics who were employed by enterprises engaged in interstate commerce. Finally, the Act was amended again in 1974 to extend coverage to domestics employed by private households.

At the same time, Congress created an exemption for "any employee employed on a casual basis in domestic service employment to private babysitting services or any

employee employed in domestic service employment to provide companionship services for individuals who (because of age or infirmity) are unable to care for themselves." While the Department of Labor initially stated that Congress did not intend to exempt companions employed by third-party agencies (because it did not intend to take away preexisting coverage of such companions employed by enterprises engaged in interstate commerce), in 1975 DOL promulgated a regulation stating that companions employed by third-party agencies are exempt from coverage of the Act.

The United States Court of Appeals for the Second Circuit agreed with Ms. Coke, and refused to follow the regulations. The Second Circuit held that it was inconsistent with Congress' intent and also inconsistent with another DOL regulation defining the term "domestic service employment" to require employment by the household rather than by a third-party agency. The validity of the DOL's "third-party regulation" is the issue before the Court.

Home care workers provide the assistance that people with disabilities and older adults rely on to live at home instead of an institution. Currently, there are over 1 million workers in the United States providing help with activities of daily living such as dressing, bathing, cooking, cleaning, and transferring.

The application of the "companionship exemption" to home care workers employed by third party agencies hurts efforts to build the stable, professional workforce needed to

meet the growing demand for home care as the Baby boomers age and the US elderly population doubles in the coming years. The widening workforce care gap between the shrinking population of care workers (women between the ages of 25 and 44) and the growing elderly population of persons 65+ poses a significant public policy challenge for states around the country.

The Court will hear arguments in the case on April 16 and a decision is expected by summer. As the nation's long term care union, the Service Employees International Union offered pro bono legal services to Ms. Coke and has provided legal counsel during the appellate phases of the litigation.

For more information, go to

<http://www.nytimes.com/2007/03/25/nyregion/25aides.htm>

(Note: New York Times requires free registration before providing articles)

Research articles and reports

Two new publications related to home care workers available

Paraprofessional Healthcare Institute (PHI) has posted two new publications concerning home care workers on its homepage. The first is a Case Study of Washington State that examines health care coverage for direct care workers in that state.

To retrieve the report, go to

<http://www.paraprofessional.org/Sections/documents/CaseStudy-WA-1.pdf>

The second document, a joint project of PHI and the Service Employees International Union (SEIU) Training and Education Fund, is a blue print for the future of long-term care training, support and career development.

To retrieve the report, go to
<http://www.paraprofessional.org/Sections/documents/BlueprintSEIU775.pdf>

For more information on PHI, go to
<http://www.paraprofessional.org/>

SELECTED CONFERENCES DURING April, May, and June 2007

For more detail about these conferences, go to:
<http://pascenter.org/conferences/index.php>

April

April 11 - April 14, 2007

WASSA 49th Annual Conference

Hosted By: Western Social Science Association

Location: Hyatt Regency, Calgary, Alberta

<http://wssa.asu.edu/conferences/default.htm>

April 16, 2007

"Employment for Individuals with Disabilities with Criminal Records"

Hosted By: worksupport.com

Location: Web cast, 2.00 - 2.45 pm ET

<http://www.worksupport.com/training/upcomingwebcasts.cfm>

April 17 - April 19, 2007

Coordinated Leadership Conference

Hosted By: California Association of Area Agencies on Aging

Location: TBA

<http://www.c4a.info/Events2007.html>

May

May 03 - May 05, 2007

Aging and Disability Conference

Hosted By: Syracuse University's Gerontology Center

Location: 220 Eggers Hall, Syracuse University

<http://www.maxwell.syr.edu/cpr/gerontology/>

May 07 - May 08, 2007

33rd National IRI Forum

Hosted By: The George Washington University

Location: Washington, DC

<http://www.gwu.edu/~iri/forum.htm>

May 15, 2007

Transition to Meaningful Adult Roles: You Can't Put a Square Peg in a Round Hole

Hosted By: worksupport.com

Location: Web cast, 2.00 - 2.45 pm ET

<http://www.worksupport.com/training/upcomingwebcasts.cfm>



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May 18 - May 20, 2007

World of Possibilities Disabilities Expo

Hosted By: Caring Communities

Location: Timonium, MD

<http://expo.caringcommunities.org/>

May 22, 2007

"Organizational Change - Examples of Successful Case Studies"

Hosted By: worksupport.com

Location: Web cast, 2.00 - 2.45 pm ET

<http://www.worksupport.com/training/upco mingwebcasts.cfm>

May 30 - June 02, 2007

6th Annual Hawaii International Conference on Social Sciences

Hosted By: University of Louisville - Center for Sustainable Urban Neighborhoods

Location: Waikiki Beach Marriott Resort & Spa in Honolulu, Hawaii

<http://www.hicsocial.org/>

June

June 03 - June 05, 2006

Annual Research Meeting, 2007

Hosted By: Academy Health

Location: Orlando, Florida

<http://www.academyhealth.org/arm/>

June 12, 2007

"Customized Self Employment"

Hosted By: worksupport.com

Location: Web cast, 2.00 - 2.45 pm ET

<http://www.worksupport.com/training/upco mingwebcasts.cfm>

June 15 - June 19, 2007

RESNA Annual Conference

Hosted By: RSENA

Location: Arizona Biltmore, Phoenix, AZ

<http://www.resna.org/Conference/Conference.php>

June 16 - June 19, 2007

Festival of International Conferences on Caregiving, Disability, Aging and Technology

Hosted By: FICCDAT

Location: Ontario, Canada

<http://www.ficcdat.ca/>

The Center for Personal Assistance Services provides research, training, dissemination and technical assistance on issues of personal assistance services (PAS) in the United States. Personal assistance services (PAS) refer to help provided to people with disabilities to assist them with tasks essential for daily living. These tasks include bathing, dressing, getting around, toileting, eating, shopping, remembering things, and other activities. PAS, along with assistive technology such as wheelchairs, text readers, and hearing aides, help people with disabilities to participate in activities at home, at work, and in the community.

The purpose of this newsletter is to provide the latest news on issues relating to formal and informal PAS, home & community-based services, the PAS workforce, and workplace PAS within and outside of the Center.

Detail about the Center staff and advisors can be found at <http://www.pascenter.org/about/>