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Subject: Making the ADA work for Older Adults

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Justice for Older Adults in Nursing Homes

Despite the many protections that the Americans with Disabilities Act offers, many older adult nursing home residents do not think of the ADA as applying to them. Justice in Aging, along with the Department of Justice Civil Rights Division and the Administration for Community Living, recently met with a small group of advocates to explore how the rights of older adults can be fully realized. Specifically we're exploring how [the groundbreaking Supreme Court decision in *Olmstead* v. L.C.](#), which held that the ADA prohibits the unnecessary segregation of individuals with disabilities can prevent institutionalization for older adults, and how we can [promote a robust system of home and community-based services \(HCBS\)](#) that provides meaningful access to those who become disabled as part of the aging process.

California Sends Landmark SSI Bill to Governor Brown

After months of work by a coalition of advocates, AB 1584, a bill that will provide an annual Cost of Living Adjustment (COLA) for the millions of low-income seniors and people with disabilities who rely on Supplemental Security Income (SSI) passed in both the California Senate and the Assembly last month. Now it awaits the Governor's signature. SSI is a monthly benefit for people over 65 and people with disabilities who have no or few other resources. It's a critical program, but the maximum monthly benefit of \$889 a month keeps recipients living below the federal poverty line. The recently enacted state budget does provide a COLA for 2017, however that is just a one-time increase for one budget year. AB 1584 addresses the problem for future years by putting the COLA requirement back into the statute books, from which it was removed during the recent financial crisis. The COLA isn't much but every little bit [helps seniors like the ones in this video](#) keep food on the table. Getting this bill passed through the state legislature was a major win for Californians for SSI - a large coalition of hunger, disability, and aging advocates all over California of which Justice in Aging is a part, and it helps build momentum among policymakers to do even more. [Learn more at CA4SSI.org](#).

Save the Date for the Dignity for All Forum

Interested in learning how we can all work together to ensure economic security for older adults? If so, you should set aside November 15 for a Justice in Aging-produced forum in Washington, DC, *Dignity for All: Ensuring Economic Security as America Ages*. The forum will take place at the **Henry J. Kaiser Family Foundation's Barbara Jordan Conference Center** and include researchers, service providers, and advocates exploring the issue of economic security for older Americans and their families. The half-day presentation will begin at 1 p.m. Eastern Time and include three panels. Attendees will hear from academics and economists regarding the latest data and what it means; individuals who provide direct service to low-income older adults will talk about what they're seeing in the field; and advocates will give attendees an overview of current advocacy efforts and discuss ways you can get involved. ***Stay tuned for the official invite and more information!***

Durable Medical Equipment for Medicaid Recipients Critical

[Consumers with both Medicare and Medicaid coverage](#) face recurring problems getting approval for vital items, such as wheelchairs, walkers, hospital beds, home oxygen equipment, and diabetes test strips used with a glucose monitor. These items are called [Durable Medical Equipment \(DME\)](#). Having access to reliable suppliers, getting swift approvals for coverage, and being able to get broken equipment repaired quickly is vital. Delays can put people in serious, life-threatening situations. We've been working with other advocates to raise DME issues with the Centers for Medicare and Medicaid Services (CMS). Last month, CMS put out a call to advocates to report issues so that the agency can work toward improvements. We're glad to see CMS paying attention to this important issue. Our comments to CMS can be [read here](#).

New Attorney Joins our Team under Borchard Fellowship

We're excited to welcome Catherine Bourque to the Justice in Aging team! Catherine, a 2016-2017 Borchard Fellow in Law & Aging, will be working with our Health Team in the Washington D.C. office. Catherine's project will focus on eligibility and other important reforms to Medicare Savings Programs and

problems with [balance billing practices in Medicare](#). Catherine previously worked at Greater Boston Legal Services on foreclosure defense and at AARP Foundation Litigation with the consumer rights unit. Catherine is a 2014 graduate of American University Washington College of Law and a member of the Massachusetts Bar.

In the News: Penalties Minimal for Nursing Home Deaths

A [PennLive investigation into nursing home violations](#) revealed that nursing homes across the state of Pennsylvania are rarely penalized by the State Department of Health for violations that contribute to resident deaths, despite federal guidelines that encourage tough penalties. Out of 46 care-related deaths, only one was classified at the highest severity level, “immediate jeopardy”. Violations that are classified as “immediate jeopardy” to residents’ safety are supposed to carry penalties. Justice in Aging attorney, Eric Carlson, in an interview for the piece said, “The department appeared to be taking the term ‘immediate jeopardy’ at its most literal,” and, “The state’s position is not consistent with how the term ‘immediate jeopardy’ has been defined and explained by the federal government.” A spokesperson for CMS said it is looking into the issue at a regional level. [Read the entire story](#).

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