



## **Commission on People with Disabilities**

December 12<sup>th</sup>, 2018

### **Welcome and Approval of November 2018 Meeting Summary Minutes:**

Seth Morgan, Chair, convened the meeting. A motion was made to approve the November 2018 Meeting Summary Minutes. The motion was seconded. A vote was taken, and the November 2018 Meeting Summary Minutes were unanimously approved as written. Approved minutes are available online at [www.montgomerycountymd.gov/cpwd](http://www.montgomerycountymd.gov/cpwd).

### **The Work of the Alzheimer's Association – Karen Fagan, MPH, Physician Outreach Specialist, Alzheimer's Association of the National Capital Area Chapter**

Website: [www.alz.org](http://www.alz.org)

#### **Handouts:**

- **10 Ways to Love Your Brain:**  
[www.alz.org/help-support/brain-health/10-ways-to-love-your-brain](http://www.alz.org/help-support/brain-health/10-ways-to-love-your-brain)
- **Volunteer Opportunities:**  
[www.alz.org/get-involved-now/volunteer](http://www.alz.org/get-involved-now/volunteer)
- **Support Groups - National Capital Area:**  
[www.alz.org/nca](http://www.alz.org/nca)

The Alzheimer's Association of the National Capital Area Chapter (NCAC) encompasses Montgomery and Prince George's County as well as suburban and Southern Maryland, Northern Virginia, and DC. Today, 5,700,000 Americans are living with Alzheimers. It is expected that by the year 2050 that number will increase to 14,000,000, which will have a tremendous financial burden on the health care system. Currently, the cost of care and support services for patients with Alzheimer's is approximately \$2,770,000,000 per year.

Karen noted the importance of educating the public about earlier diagnosis, so they can be involved in their quality life and future plans as well as reducing the burden on the health care system.

The Alzheimer's Association is a non-profit and volunteer-driven with the primary goal of eliminating Alzheimer's disease through the advancement of research; to provide and enhance care and support for all affected; and to reduce the risk of dementia through the promotion of brain health. They also offer a helpline that is available 24 hours a day, 365 days a year: 1-800-272-3900 (Toll Free). Callers can receive care, support, and information as well as arrange one-on-one care consultations with the family or caregiver and the person who has been diagnosed. Program managers are available to provide community outreach and education.

NCAC's main office is located in Virginia with satellite offices located in Rockville and Lanham staffed by care consultants. Support groups can be found throughout Montgomery County including Bethesda, Chevy Chase, Gaithersburg, Kensington and Rockville. Memory Cafes are welcoming places for caregivers and individuals with Alzheimer's or any type of dementias, brain orders, or form of mild cognitive impairment.

Participants can socialize, listen to music, play games, and enjoy other appropriate activities. Generally, Memory Cafes are hosted and/or facilitated by health care and social services professionals to provide guidance and respond to questions or requests for resources.

The website features information, education, support groups, tutorials, and videos. The website also offers an online registry and drug trial matching service. Individuals that are diagnosed in the early stages are able to access drugs that may address some of the symptoms of the disease, although it will not cure it or slow the progression. Early diagnosis may also enable individuals to participate in drug treatment trials. Georgetown University Medical Center has a Memory Disorders Program that is involved with the online registries. The program that works to prevent and treat Alzheimer's disease and related dementias by conducting innovative research, educating and training healthcare professionals and the public on research advances, and offering state-of-the-art clinical care.

Karen noted that in July 2018 an international meeting noted the association between reducing blood pressure and reducing the progression of mild cognitive impairment. Seth added that in December 2016 the U.S. enacted the 21<sup>st</sup> Century Cures Act which is designed to help accelerate medical product development and bring new innovations and advances to patients who need them faster and more efficiently. Specifically, it allows data to be collected through a larger pool of patients and shared with epidemiologists who will review and research subtle differences in the subgroups to help them figure out the causes of all neurological disorders. The Act was funded this year.

The floor was opened to questions.

**Is there a connection between individuals who have Down Syndrome and Alzheimers?** Yes, and it was noted that 99% of individuals with Down Syndrome will develop Alzheimer's by age 50. The Alzheimer's Association would encompass these individuals in their support system as well as individuals diagnosed with dementia as a result of Parkinson's disease.

**How can the Commission help the Alzheimer's Association?** Through increased outreach and awareness. The Association wants to partner with the community. Karen noted that the Association will be hosting a community forum in January at the Rockville Memorial Library. Betsy Luecking, Staff, suggested sharing information about the Association with County social workers and information and assistance staff.

**Comment regarding the collaboration between the Alzheimer's Association and other organizations.** For example, Alzheimer's Association partners with AARP for information and driving assessments for drivers with Alzheimer's and dementia.

**Does the NCAC have staff available to provide presentations to organizations?** Yes, managers are available to provide educational presentations. There is also a manager who is involved with diversity and inclusion. Betsy suggested reaching out to the County's minority health initiatives.

**Ashanti Alert System.** The new nationwide alert system is for missing adults generally between the ages of 16 and 64. This could be used for someone who goes missing due to Alzheimers. Karen noted that the Alzheimer's Association has a partnership with Medic Alert. If an individual goes missing who has Medic Alert, then Medic Alert notifies the Association so they can get involved in recovering the loved one.

**ADA and Reasonable Accommodations in Employment – Mark Maxin, Assistant General Counsel for Administration, U.S. Nuclear Regulatory Commission and former Commission Chair who was instrumental in making legal cases on Hiring Preference legislation which passed in 2009**

For 35 years, Mark has worked for the federal government in employment law. He spent 21 years as an attorney with the U.S. Department of Labor and has been assistant general counsel for administration at the U.S. Nuclear Regulatory Commission since 2004. Mark also teaches classes on constitutional law and disability law to graduate students at American University and federal employees in the Key Executive Leadership Program.

On November 9<sup>th</sup>, Mark received the “2018 Federal Labor and Employer Lawyer of the Year” award from the American Bar Association. Mark received the award for outstanding achievement in government service by a federal practitioner concerned with fairness and equal opportunity in the workplace.

Mark recognized Phil Andrews in attendance who is a former Councilmember and County Council President that helped facilitate many of the Commission’s accomplishments and supported the passing of the Hiring Preference. Phil Andrews now works for the State’s Attorneys Office as Deputy Chief of Community Outreach/Truancy Prevention Program/Teen Court.

Mark spoke about the Americans with Disabilities Act (ADA) which was signed in 1990 by President George HW Bush. Mark’s speech was as follows:

“Some of us sometimes forget what life may have been like without the ADA. Essentially, we talk about Rosa Parks and being discriminated against when she was sent to the back of the bus. For many folks who use wheelchairs prior to ADA they couldn’t get on the bus. Part of the message is to remember today that most things have improved. People don’t quite understand the nature of discrimination against the disabled. Most people, when they think of discrimination, they think of motive. They don’t understand the failure to act. Reasonable accommodation is a form of discrimination called surmountable barrier discrimination. Our President at that time helped to facilitate a law that helped to overcome many of the barriers. When I attempt to explain the ADA and when I attempt to explain it to lay people, I talk about Martin Luther King. Martin Luther King, of course, famously said that you should judge a person not by the color of their skin, but by the content of their character. Under the ADA, the principle was not to judge an individual by their medical or physical or mental impairment, but to do so based on their actual abilities. Now, when I discuss it, I talk about the exact words I expressed before the Council and beloved Phil Andrews. I still use those words. “That the blind can have vision. That the deaf can listen. That the speechless can have a voice. That those without arms can lift us up. That those without legs can move us. That the depressed can progress and achieve as long as we believe that each of us in our own way can produce, each of us in our own way is a gift. For those we shall not measure them based upon the steel of the wheel that moves them, but the steel in their heart that propels them. That in our world of reasonable accommodation according to the Supreme Court itself oftentimes the stereotypes and myths and fears associated with a medical condition are far more limiting than the medical condition itself.” I would say this when I talk about reasonable accommodation. The most important accommodation is not technological. It’s the power of an open mind. When I speak to supervisors and employees and I try to explain the inter-connection between reasonable accommodation and developments in technology, it is one of those areas in the law where what was impossible becomes possible, and we must continually talk and develop and grow and brainstorm and think and share to do the right thing. And by the way, this is coming from a management attorney. I have to legally advise human resources on what to do.”

Mark continued to discuss the passage of the County's hiring preferences for persons with a disability, Veterans with a disability, or a Veteran with no disability. As far as he knows, there is no other legislation in the country that provides such a preference. The County also passed in 2012 a non-competitive hiring process that was modeled after the Federal government's Schedule A Hiring Authority. Betsy Luecking, Staff, added that the hiring preference was passed in 2009. The special hiring authority had to be put on the ballot in 2012 and voted on by the public because the County would be altering its merit protection system. Montgomery County voters approved the ballot initiative by 80%. Since the hiring preference was passed in 2010, the County has cumulatively hired 289 employees: 27 are non-competitive hires, 37 are people with disabilities, 14 are veterans with disabilities, 206 are veterans, and 3 are unidentified.

Phil Andrews, State's Attorney's Office, discussed the County's [Mental Health Court](#) which is located in both the Circuit and District Courts and has been in place for two years. If an individual has been charged with a low-level crime such as vandalism, theft, trespassing, disorderly conduct, or simple assault, and the cause of the behavior is a mental illness, the individual can be recommended for a Mental Health Court where they will enter a treatment program instead of being prosecuted. It is similar to the Drug Court, which was initiated in 2006 and has had 200 graduates. There have been 25 graduates from the Mental Health Court. Phil invited Commissioners to attend the Mental Health Court at the District Court which meets every Thursday afternoon and takes approximately two hours with about 20 individuals checking into court each week. The treatment is an 18-month program and one-third to one-half also have a substance use disorder. Statistics show Mental Health Courts reduce the recidivism rate by about 20% to 30%. For the County's Mental Health Court, only 1 or 2 participants out of 25 have recidivated.

The floor was opened for questions.

**Does Autism fall under mental health?** Developmental disabilities can fall under mental health, but it depends on the individual circumstances. Post-traumatic stress disorder is also considered. The majority of mental health court participants have been diagnosed with type 1, such as bi-polar, depression, and schizophrenia. A clinical team conducts an assessment of the individual along with Health and Human Services.

**Is the Defense Bar taking advantage of, or is familiar with, the Mental Health Court?** Public defenders represent most of the participants, although some do have private attorneys. The public defenders are taking full advantage and were a part of the Commission that worked to develop the court.

**Are the percentage of inmates that have mental health issues reducing in County jails as a result of the court?** Jails are the biggest mental health treatment facilities in the United States. During the late 1800's only 1% of the jail population was deemed mentally ill. Due to the deinstitutionalization of long-term psychiatric facilities and the lack of community supports, many individuals became homeless, got in trouble, and ended up in jail. Currently, about 15% to 18% of male inmates have a severe mental illness. 30% of female inmates have a severe mental illness, but females only make up 10% of the total jail population so their percentage is smaller. Through early intervention they hope to see a reduction of the number of serious crimes committed by people who have a mental illness. There have been five or six people who have been arrested a total of 200 times cumulatively within a 5-year period. It is not rare for someone in the Mental Health Court program to have been arrested several times.

Betsy added that she met with the Director of Corrections and Rehabilitation yesterday along with a County judge and staff from the VA Community-Based Outpatient Clinic (CBOC) to discuss mental health services for Veteran. Currently, there are 15 Veterans at the Clarksburg jail out of 500 inmates. Of that number, 2 are eligible for mental health court. A Veteran must have an honorable discharge from the military in order to be served by the VA. The jail is working on ways to get the Veteran inmates discharges upgraded. At one time

there had been a discussion of having a separate Veterans docket, but there are not enough Veterans in the jail system to justify it.

Mark added that the Equal Employment Opportunity Commission has created new regulations and for the first time Federal agencies are now required to have personal service assistants for employees if they need them. In addition, the regulations include a goal that 2% of all Federal employees in a particular agency should have targeted (severe) disabilities and 12% of all Federal employees should have a disability (substantial impairment of a major life activity). While these are not quotas, but goals, Mark notes the new regulations can be used as leverage to employ persons with disabilities.

Mark ended his presentation by noting that he has been volunteering his time to assist with [interPlay Orchestra](#), a 25-year old nonprofit music organization of 67 adult musicians with and without cognitive and other disabilities: amateur musicians and professional musicians, high school seniors and university musicians as “Bandaides” (mentors), all performing together for the community in year-round concerts at the world-class Music Center at Strathmore.

#### **Chair and Vice-Chair Report – Seth Morgan and Trish Gallalee:**

Seth reported a meeting regarding bicycle issues and floating bus stops with Councilmember Hans Riemer has been postponed and will be rescheduled.

Trish reported the County Council approved the Bicycle Master Plan was approved by the Council on November 27<sup>th</sup>. She has sent a letter to Councilmember Riemer outlining her concerns about floating bus stops and people who are blind or who use wheelchairs and their safety with the road design. Go to [www.montgomerycountymd.gov/lookout](http://www.montgomerycountymd.gov/lookout)

The Steering Committee will meet next Wednesday, December 19<sup>th</sup> from 5:30pm to 7pm at 401 Hungerford Drive, Rockville. The Committee will discuss future meetings.

#### **Ex-Officio and Member Updates:**

Emily Lucio, ADA Title II Compliance Manager, reported today she distributed an event guide to County employees that details how to ensure their event is accessible as well as the facility it is being held in. The guide applies to County events for County employees as well as those attended by the general public. Larry Bram, Commissioner, asked for a version to be shared with agencies. Betsy added that County contractors should have a copy as well.

Larry Bram, Easterseals, reported he hosted his Royal Highness Prince Mired Raad Zeid Al-Hussein of Jordan and the delegation from the Higher Council for the Rights of Persons with Disabilities for a tour of the Easterseals Harry and Jeanette Weinberg Inter-Generational Center. Jordan recently passed their version of the ADA and aim to make every building accessible in 10 years. Jordan will also provide medical treatment and drugs to persons with disabilities free of charge.

Susan Smith, Housing Opportunities Commission (HOC), reported HOC was recently awarded 99 housing vouchers for non-elderly persons with disabilities ages 18 – 61 who are transitioning out of institutional or other separated settings; at serious risk of institutionalization; homeless; or at risk of becoming homeless. Individuals who have already registered on HOC’s waitlist need to update their profile to meet specific eligibility criteria: <http://www.hocmc.org/rental-programs/housing-path.html>. HOC will be pulling people off of the wait list in mid-January. HOC has notified HUD it will likely be a six-month process to have all 99 vouchers leased. HUD will be making more vouchers available at the end of January and HOC will be applying again. Betsy suggested

working with DDA to get individuals from the crisis resolution category, specifically those living with parents who are over a certain age.

Susan also reported that the Mental Health Advisory Committee advocated for additional funds for the Mental Health Court and the funds were approved by the County Council and County Executive.

Susan Hartung, Developmental Disabilities Advisory Committee, reported the County Council Work Group on Meeting the Needs of Residents with Developmental Differences has completed their report and has briefed the County Council's HHS Committee. Gabe Alborno, who is the new Chair of the Committee, was in attendance. Betsy will be working with Linda McMillan, Senior Legislative Analyst, County Council, on next steps and having the recommendations from the report implemented. It will require working with County Council and County Executive staff and working with Developmental Disabilities Administration on the State level. Report: [www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2018/20181126/20181126\\_HHS1.pdf](http://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2018/20181126/20181126_HHS1.pdf)

Denise Isreal, Department of Transportation (DOT), reported DOT has a new Call-n-Ride EzTransport mobile application pilot program for participants to view account balances, add value to an account, view transactions and trips, and access taxi service providers' contact information. Denise and Seth attended a presentation by Anytime Taxi, which is a new taxi cab company owned and operated by taxi cab drivers. The company will primarily be using wheelchair accessible vans and may add sedan service in the future. Seth is not sure the vans can accommodate people who use scooters, but he will ask the owners.

**Announcements:**

Jennene Blakely, Montgomery Parks (MP), introduced herself to the Commission. She started with MP in April as a Community Outreach Specialist. Jennene announced MP has recently received a close out letter from the Department of Justice for the 2011 settlement agreement. MP continues to improve accessibility for parks and programs and is working to make sure the ADA remains at the forefront.

**Next Full Commission Meeting:** Wednesday, January 9<sup>th</sup>, 2019 from 6pm to 7:30pm at Executive Office Building, 101 Monroe Street, Lobby Auditorium, Rockville, MD 20850

**Steering Committee Meeting:** Wednesday, January 16<sup>th</sup>, 2019 from 5:30pm to 7pm at Health & Human Services, 401 Hungerford Drive, Conference Rooms 1A/1B, Rockville, MD 20850

Submitted by: Carly Clem, Administrative Specialist I  
Betsy Tolbert Luecking, Community Outreach Manager