



THE CNMI DESIGNATED PROTECTION & ADVOCACY SYSTEM:

Providing legally - based advocacy services on behalf of individuals with disabilities and their families

Advancing the understanding of and appreciation for P&A services and disability related issues

Enhancing the quality of P&A services and efficiency of the organizations operations

Posse

Charging through Barriers of Discrimination

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Developmental Disabilities Awareness Month

Every year in March, the local Developmental Disabilities Network / Tri-Agency Partners - made up of the Governor's Council on Developmental Disabilities (CDD), University Centers on Excellence in Developmental Disabilities (UCEDD) and the Northern Marianas Protection & Advocacy Systems, Inc. (NMPASI) along with various other local partner agencies - band together in celebration of what has been coined as Developmental Disabilities Awareness Month.

Generally, local and federal partners use March to collaborate in a concerted effort to highlight the many ways in which people with and without disabilities come together to form strong, diverse communities with an underlying goal to shine a light on our community of people with developmental disabilities and demonstrate the reason they should and how they can be independent, contributing members of society. Ultimately, the goal of the DD awareness campaign is

to raise awareness about the need for inclusion of people with developmental disabilities in all facets of community life, as well as to develop an understanding of the barriers that people with disabilities still face in connecting to the communities in which they live.

For this year, the CNMI's Governor will host a Proclamation signing on March 2, 2021, to officially proclaim March as Developmental Disabilities Awareness Month.

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March is Brain Injury Awareness Month

Traumatic Brain Injury (TBI), defined as injury to the brain as a result of blunt force trauma to the head that can result from falls, being struck by or against something, motor vehicle accidents, assaults and/or other unknown causes, is a leading cause of death and disability in the U.S. An estimated 2.8 million Americans sustain a traumatic brain injury each

year. As such March 2021 is also recognized as TBI Awareness Month as a means to help educate our community about issues related to living with a brain injury. Some specific goals for this designation, similar to the goals for designating DD Awareness month, are to (1) increase understanding of brain injury as a chronic condition, (2) reduce stigma

associated with having a brain injury, (3) showcase the diversity of injury and the demographics of the community and (4) improve care and support for individuals with brain injury and their families.

For more information please visit the Brain Injury Association of America at www.biaa.org.

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Protection & Advocacy Systems: Who we are and what we can do.

In this issue of the Posse we will look at the role of the Protection & Advocacy system and its impact on our community.

Protection & Advocacy Systems (P&As) are established in every state, the District of Columbia, the US territories, in addition to the Native American Protection & Advocacy System, for a total of 57 programs. These programs were created to address public outcry in response to abuse, neglect, and lack of programming for individuals with disabilities. The United States Congress created distinct statutory grant programs to address the specific needs of distinct populations of persons with disabilities. The P&A systems were established under the Developmental Disabilities Assistance and Bill of Rights Act and later expanded under the Protection & Advocacy for Individuals with Mental Illness Act to be more inclusive of representation of a broader population of people with disabilities.

Each P&A administers programs that come from four federal agencies: The Administration on Intellectual and Development Disabilities (AIDD), the Substance Abuse and Mental Health Services Administration (SAMHSA), the Rehabilitation Services Administration (RSA), and the Social Security Administration (SSA). There are eight programs administered by the P&A and each program has specific eligibility criteria for individuals served.

P&A funds go to the state P&A System designated pursuant to the Developmental Disabilities Act. The Northern Marianas Protection & Advocacy Systems, Inc (NMPASI) is the Commonwealth of the Northern Mariana Islands designated P&A System.

The purpose of the P&A is to pursue legal, administrative, and other appropriate remedies, to ensure the protection of, and the advocacy for, the rights of people with disabilities. Common activities the P&As conduct are:

- Investigating, negotiating, and/or mediating problems presented by individuals with disabilities who are eligible for program services;
- Providing legal counsel and/or litigation services to persons and/or groups who are eligible for services;
- Providing education and/or training for staff, governing boards, advisory councils, volunteers, service delivery professionals, constituency groups, and other members of the community; and
- Providing information, referral and/or technical assistance to individuals with disabilities, attorneys, government agencies, and other advocacy groups.

Legal representation of eligible people with disabilities is dependent upon an alleged rights violation based on a person's disability.

For more information on the eligibility criteria for each individual program, please contact NMPASI at 235-7273/7274 or visit online at www.nmpasi.org.

PADD: The Original

The Protection and Advocacy for Developmental Disabilities (PADD) program was formed by the Developmental Disabilities and Bill of Rights Act of 1975. A developmental disability is defined as a physical or mental impairment that manifests before the age of 22 and becomes an extensive/permanent limitation to self-sufficiency/-self-direction/self-care, mobility, learning, independent living and speaking and understanding. The PADD program pushes for the rights of individuals with physical and/or intellectual developmental disabilities with the general intent to allow people with developmental disabilities full inclusion in society/community, access

to all community programs, events, services, opportunities etc. in accordance with the civil, legal and human rights of each individual. PADD conducts investigations of alleged discrimination to ensure people with developmental disabilities are free of human rights violations and free of manipulation. Furthermore PADD assists clients to make informed choices through technical assistance and training. Additionally PADD looks to insure that recipients are able to receive all available amenities in competitive employment and contribute to their community.

Link to a short video on Developmental

Disabilities <https://www.youtube.com/watch?v=R1amTatZkBk>
For more information about the protection and advocacy for people who are being discriminated against due to assumed disability, contact the Northern Marianas Protection & Advocacy Systems, Inc. (NMPASI) at (670) 235-7273/4 or visit us on the web at www.nmpasi.org, www.facebook.com/NMPASI, and follow us on Instagram @nmpasi670.

PAIMI FAQs

What is the PAIMI Program?

How disability rights came to be has an intriguing timeline, interwoven with much of the country's other rights movements and how society saw people as individuals. To sum it up, and not get jumbled in all the history, there weren't always laws in place protecting those with disabilities, let alone specific laws to help those with mental illness. In 1975, the U.S. Department of Health and Human Services (DHHS) created a program to protect and advocate for the rights of persons with disabilities. Even then, it wasn't until 1986 that Congress passed the Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act, for adults and children with significant mental illness or emotional impairments who were vulnerable to abuse, injury, and neglect. The passing of the PAIMI Act meant funding and laws that gave Protection & Advocacy systems like NMPASI access to public and private residential facilities that care for those with mental illness, their residents and their records in order to investigate reports of abuse and neglect. The PAIMI Act also gives NMPASI and other state P&As the ability to pursue administrative, legal, systemic and legislative activities regarding complaints of abuse, neglect, and civil rights violations.

Why do we do it?

PAIMI work is not always easy. Like most jobs, advocacy work holds its share of conflict and stress. When you add mental illness and the stigma that surrounds it into the mix, it gets even harder. So Why do we do it? We do it for those who are not able to do it for themselves and for those who are still learning to do it for themselves. We do this work to right the wrongs, to educate the community, to help self-advocates and to prevent possible abuse. We strive to end stigma. We look toward creating a community that treats everyone including those with mental illness with decency and respect.

Who is eligible?

PAIMI eligible individuals are those diagnosed with a significant mental illness or emotional impairment; they are inpatients or residents in public or private residential facilities that provides care or treatment to individuals with mental illness; or those who were abused, neglected or had their rights violated while receiving care or treatment in a public or private residential facility.

Source: Disability Rights Oregon

Where do you get help?

If you feel that you or someone you know has been discriminated against because of a mental illness, please contact the Protection and Advocacy for Individuals with Mental Illness (PAIMI) program at the Northern Marianas Protection & Advocacy Systems, Inc. (NMPASI) at 670-235-7273/4 or visit us on the web at www.nmpasi.org, www.facebook.com/NMPASI, and follow us on Instagram @nmpasi670.

The P&A Safety Net

Out of the eight federal programs administered by a Protection & Advocacy (P&A) system, the Protection & Advocacy for Individual Rights (PAIR) program is the most diverse. The PAIR program was created to protect the legal and human rights of individuals with disabilities who are not eligible for assistance under the Protection & Advocacy for Developmental Disabilities (PADD) program, Protection & Advocacy for Individuals with Mental Illness (PAIMI) program, or the Client Assistance Program (CAP).

Providing the same level of scope of services as other P&A programs, more people with disabilities are eligible for the PAIR program than any other federal Protection & Advocacy program, PAIR receives the lowest funding support per person. In the CNMI the PAIR program receives about \$85,000.00 per year and has on average of 73 individuals represented annually. Based on national findings, a report from the National Disability Rights

Network (NDRN) states, the PAIR program covers individuals with physical disabilities, such as spinal cord injury and amputations; sensory disabilities, such as blindness and deafness; and neurological impairments, such as multiple sclerosis and muscular dystrophy. Critical disability protections and advocacy issues addressed by PAIR include access to quality supports and services in the community to foster independent living, access to transportation, and employment and housing discrimination.

The number of people with disabilities is increasing due to aging, illness, accidents, advances in healthcare, and longer life expectancy. Additionally, a high number of the soldiers wounded to date in the conflicts in Iraq and Afghanistan, many of whom have multiple disabilities, are eligible for PAIR advocacy assistance. The need for PAIR services is growing parallel to this trend.

In addition to the growing demand for services, PAIR advocacy plays

an important role in reducing the need for other more expensive government supports. For example, a person who remains employed because of PAIR advocacy may not need Social Security Disability Income. A person who leaves an expensive institutional setting to live in a more appropriate integrated and economical community setting not only has the chance for a better life, but saves substantial federal Medicaid dollars and helps fulfill the community integration promise of the Olmstead Supreme Court decision. Rapidly growing demand for services by children and adults with disabilities far exceeds the resources appropriated for this critical program.

Protection & Advocacy for Assistive Technology

The Protection & Advocacy for Assistive Technology (PAAT) program was created in 1994 as part of the Technology-Related Assistance Act. The PAAT program does not provide devices and/or services directly. Instead it advocates for use of an individual's resources to pay for the product. For example, a person in need of a wheelchair may acquire one through the use of their Medicare/Medicaid coverage, or through a program like Special Education or Vocational Rehabilitation. PAAT staff assists people in need of assistive technology in collecting and/or completing documents required to use funding sources in getting the devices and/or services they need to improve and/or maintain active, independent lives.

Social Security Protection Programs



The Social Security Administration (SSA) is best known as a source of financial assistance. Whether it be for Retirement benefits or Disability Insurance (SSDI) that a person has paid into through employment, or the Supplemental Security Income (SSI) for those unable to work as a result of their disability. In addition to these financial benefits, the SSA also provides funding for two distinct Protection & Advocacy programs.

The Protection & Advocacy for Beneficiaries of Social Security (PABSS) program was created to provide information and advice about obtaining vocational rehabilitation and employment services, and advocacy services to assist beneficiaries of Social Security Disability Insurance (SSDI) and/or Supplemental Security Income (SSI) to secure, maintain, or regain gainful employment. PABSS staff work to help remove barriers to employment.

Services offered by the PABSS program include, but are not limited to:

- **Securing services from community agencies, including Employment Networks providing services under the Ticket to Work program;**
- **Helping people who are entitled to benefits understand Work Incentives and issues with their disability benefits;**
- **Protecting beneficiaries' rights regarding conditions of employment; Helping beneficiaries understand and protect their employment rights, responsibilities and reasonable accommodations under the Americans with Disabilities Act and other applicable laws;**
- **Protecting rights to transportation;**
- **Protecting access to housing assistance; and**
- **Obtaining vocational rehabilitation and employment related services and supports.**

One advantage of employment is that it leads to financial independence. While working, an individual who is currently a beneficiary of Social Security may be able to keep some of their benefits and enjoy satisfaction earning an income through a job that is of interest to them.

The newest P&A program through SSA is the Strengthening Protections for Social Security Beneficiaries program. The program is created to strengthen monitoring of beneficiaries who have Representative Payees, (i.e., people who manage their benefits for them). When a Representative Payee is suspected of misuse of a person's benefits, the program allows Protection & Advocacy systems to conduct periodic onsite reviews of payee's records and develop Corrective Action Plans as needed. Payees who are found to have mishandled and/or misused a beneficiaries funds, may be disqualified from acting as a Representative Payee for the current or future beneficiaries.

Client Assistance Program

Helping individuals with disabilities gain independence through employment



The Client Assistance Program (CAP), is a unique program in Protection & Advocacy (P&A) systems. Aside from the program title not beginning with Protection & Advocacy, the CAP is the only program that is not always administered by a state's P&A system.

The CAP was established to advise and inform clients, client applicants, and other individuals with disabilities of all of the available services and benefits under the Rehabilitation Act of 1973, as amended, and of the services and benefits available to them under Title I of the Americans with

Disabilities Act (ADA). CAP advocates for and protects the rights of individuals seeking or receiving services under the Rehabilitation Act. The CNMI CAP works directly with the Office on Vocational Rehabilitation (OVR) and the Center for Living Independently (CLI) when an eligible individual encounters an obstacle or conflict in obtaining the services they need to work or live independently.

The CAP may help people with disabilities receive quality services by advocating for their interests and helping them identify resources, understand procedures, resolve

problems, and protect their rights in the rehabilitation process.

Additional services under the CAP include assisting and advocating to establish relationships with programs providing services under the Rehabilitation Act by engaging in individual or systemic advocacy and pursuing legal, administrative and other available remedies. Class actions may not be pursued under the CAP

CAP, like other P&A programs, does not provide financial, housing, or medical benefits directly to individuals with disabilities.

The CNMI CAP has assisted eligible individuals in securing their employment goals and/or their independence by:

- **Assisting individuals with problems they experience in seeking or receiving VR services;**
- **Resolving issues at the lowest possible level, using advocacy skills, dispute resolution, and negotiation;**
- **Assisting and representing individuals in their appeals of decisions regarding services;**
- **Working with the Office on Vocational Rehabilitation and community groups to resolve systemic problems;**
- **Providing public education on the rights of individuals with disabilities; and**
- **Providing information and referral to related services.**



NMPASI

AUTHORITY TO ACCESS

One of the most powerful tools at a P&A's disposal is the Access Authority granted to them. Our Legal Counsel provides a look into this legal instrument used in representing and protecting people with disabilities.

As the state designated P&A system, Federal law provides the authority for NMPASI to investigate incidents of abuse and neglect of persons with disabilities when it determines that there is probable cause to believe the incidents occurred, to access facilities and all records regarding such incidents, and to take administrative, legal, and other appropriate remedial action to protect persons with disabilities.

NMPASI has the authority to investigate incidents of abuse and neglect of individuals with disabilities if the incidents are reported to NMPASI or if there is probable cause to believe the incidents occurred. 42 U.S.C. § 10805(a)(1)(A); 42 U.S.C. § 15043(a)(2)(B); 29 U.S.C. § 794e(f)(2).

NMPASI is authorized to pursue administrative, legal, and other appropriate remedies to ensure the protection of individuals with disabilities. 42 U.S.C. § 10805(a)(1)(B); 42 U.S.C. §

15043(a)(2)(A); 29 U.S.C. § 794e(f)(3).

NMPASI is authorized to have access to facilities provided care or treatment for a person with disabilities. 42 U.S.C. § 10805(a)(3); 42 U.S.C. § 15043(a)(2)(H); 29 U.S.C. § 794e(f)(2). For example, facilities may include hospitals, jails and prisons. 42 U.S.C. § 10802.

In addition to access to facilities, NMPASI is authorized to have access to all records, including confidential records, with respect to whom a complaint has been received or with respect to whom as a result of monitoring or other activities there is probable cause to believe that the individual has been subject to abuse or neglect. 42 U.S.C. §§ 10805(a)(4) & 10806; 42 U.S.C. § 15043(a)(2)(I); 29 U.S.C. § 794e(f)(2).

In some cases, access to records that are relevant to conducting an investigation is required to be provided not later than 3 business days after NMPASI makes a written request for the records involved, 42 U.S.C. § 15043(a)(2)(J)(i); and, if there is probable cause to believe the individual is in serious and immediate jeopardy or in the case of death, access to records must be provided within 24 hours. 42

U.S.C. § 15043(a)(2)(J)(ii).

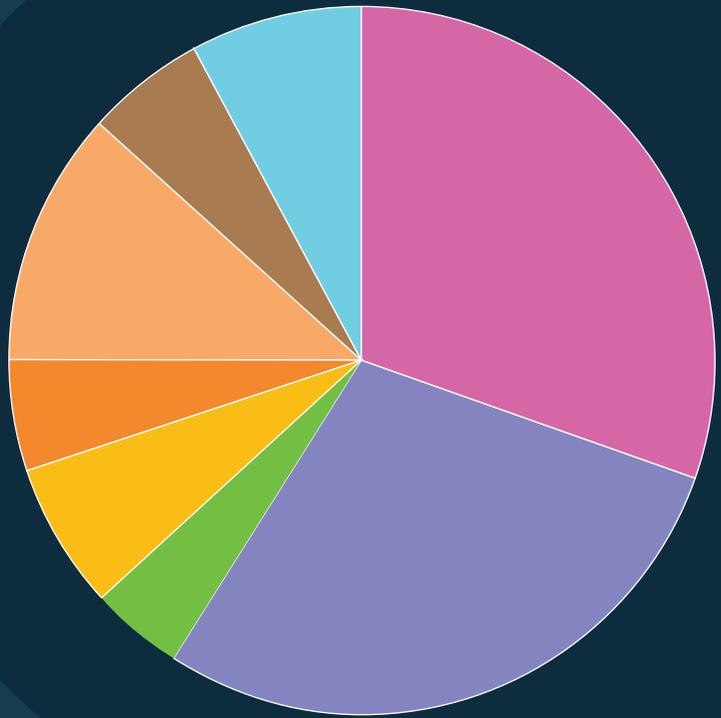
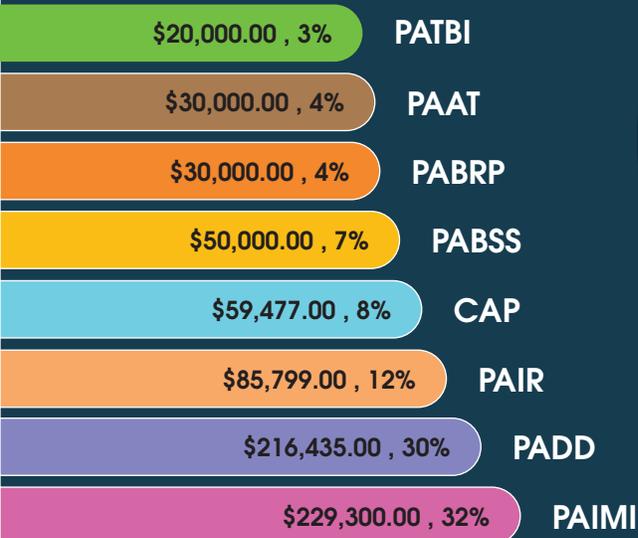
NMPASI is the final arbiter of probable cause to believe an individual has been subject to abuse or neglect and cannot be second-guessed. A facility may not refuse access to records merely because it disagrees with the existence of probable cause. See *NMPASI v. Villagomez et al.*, USDC Civil Action No. 01-0040 [Order Denying Defendants' Motion to Strike Affidavits, Granting Plaintiff's Motion for Summary Judgment, and Awarding Plaintiff Costs and Reasonable Attorney Fees] (Dec. 14, 2001).

For more information regarding the authority of NMPASI in carrying out its mission to protect the human, civil, and legal rights of persons with disabilities, see 42 U.S.C. § 10801 et seq. [Protection and Advocacy for Individuals with Mental Illness Act]; 42 U.S.C. § 15001 et seq. [Developmental Disabilities Assistance and Bill of Rights Act], and 29 U.S.C. § 794e [Protection & Advocacy of Individual Rights].

NMPASI

Funding Fiscal
Year 2021

\$721,011.00 Total



Meet our Staff



Jim Rayphand
Executive Director



Noel Soria
Fiscal Officer



Cleo Nening
Admin Officer



John Cabrera
Program Aide



Greg Borja
Program Manager



Jeanne Rayphand
Legal Counsel



Elsie Tilipao
Projects Specialist



Dawn Sablan
Projects Specialist



Sharleen Sablan
Client Advocate



Luis Macaranas
Client Advocate

Northern Marianas Protection & Advocacy System, Inc

P.O. Box 503529
Saipan, MP 96950

Phone: 670-235-7273/4
Fax: 670-235-7275

“To protect the civil, legal, and human rights of individuals with disabilities”