

DISABILITY RIGHTS NEW JERSEY

ADVANCING JUSTICE. ADVOCATING INCLUSION.

GWEN ORLOWSKI, EXECUTIVE DIRECTOR

Disability Rights NJ Report to State Rehabilitation Council

Client Assistance Program (CAP) Reporting Period: 04/01/25-06/30/25

Prepared by: Gwen Orłowski, Executive Director

Brief introduction of CAP

The Client Assistance Program (CAP) at Disability Rights NJ (DRNJ) provides legal advocacy and education to people with disabilities applying for or receiving services funded by the Rehabilitation Act, including vocational rehabilitation. CAP also provides legal advocacy and education about Title I (employment rights) of the Americans with Disabilities Act.

This year we are working to ensure equitable access to Vocational Rehabilitation (VR) services for VR applicants and clients by providing self-advocacy assistance, limited legal assistance, and extended legal assistance as well as education emphasizing individual plan for employment (IPE) development, informed choice, and access to appeal rights. We also educate policymakers about access to VR services and engage in systemic advocacy including participation in State Rehabilitation Councils.

CAP Goals and Objectives:

Goal 2: Ensure that people with disabilities can live and work in the community by accessing equitable person-centered services, supports, and resources.

A. Employment

- **OBJECTIVE 1:** Ensure equitable access to Vocational Rehabilitation (VR) services for VR applicants and clients by providing self-advocacy assistance, limited legal assistance, and extended legal assistance as well as education emphasizing individual plan for employment (IPE) development, informed choice, and access to appeal rights. Educate policymakers about access to VR services and engage in systemic advocacy including participation in State Rehabilitation Councils.

Individual Client Representation:

- Carry Over from 2nd quarter: 15 clients/15 SRs
NEW JERSEY'S DESIGNATED PROTECTION AND ADVOCACY AGENCY.

- Opened: 10 clients/10 SRs
- Closed: 11 clients/11 SRs
- Carry over into 4th quarter: 15 clients/14 SRs

Systemic Issue (repeat):

- In a client matter that went to fair hearing, an Initial Agency Decision was issued, and within 13 days, Disability Rights NJ issued exceptions. However, the Acting Director issued a Final Agency Decision prior to the 13th day, upholding the IAD against the client. Thereafter, the Deputy Attorney General wrote a letter positing that the ALJ may only issue a FAD under federal law because NJ had not adopted a two-tier fair hearing process allowed under federal law (pointing out that there was an expired regulation that did allow for the two-tiered process). Thereafter, the Acting Director issued a new letter saying that the ALJ decision was the FAD, and that her FAD was retracted.

Disability Rights NJ filed an appeal to the appellate division on the underlying substance, and the appellate division asked for a brief addressing the procedural issues. Disability Rights NJ filed the requested letter brief, but thereafter, at the client's request withdrew the appeal.

This issue needs to be resolved.

Examples of Client cases closed in the 3rd quarter:

- Disability Rights NJ represented a 21-year-old man diagnosed with quadriplegia to provide advice, counsel and limited advocacy regarding a reinforced frame and power wheels for the client's manual wheelchair. The client attends a college located on steep terrain with multiple campus buildings that are not wheelchair accessible. Client utilizes a power wheelchair and a manual wheelchair depending on the location of the classroom and need to access other campus buildings. The power wheelchair was paid for by the parent's employer-based insurer while the manual wheelchair was paid for by the client's parents. Due to the quadriplegia diagnosis and lack of wheelchair accessibility on campus that includes temporary ramps not designed for 400-pound plus power wheelchairs, the client utilizes both wheelchairs on campus. The client requested that DVRS fund the reinforced frame and power wheels for the manual wheelchair so he could ambulate independently around the campus to the maximum degree possible. DVRS advised client that prior to funding the wheelchair parts, he must submit a claim to his primary health insurer which was denied. DVRS then advised client that he must submit a claim to Medicaid, the secondary insurer. Based on the advice received from the wheelchair rehabilitation clinic and durable medical provider (DME), the client and his father expressed concern that submitting a claim to Medicaid for the manual wheelchair parts could jeopardize the private insurer replacing the power wheelchair in 2026. We researched the relevant Medicaid regulations, spoke with Medicaid legal experts, a rehabilitation wheelchair clinician, and a leading DME provider. Without exception the information and advice we received was that payment for a "back up" or duplicate

NEW JERSEY'S DESIGNATED PROTECTION AND ADVOCACY AGENCY.

wheelchairs/parts is not permitted, and if Medicaid approved the claim for the power wheels and reinforced frame, both the private insurer and Medicaid would designate the manual wheelchair as the primary wheelchair, resulting in a denial of a replacement power wheelchair. We wrote to DVRS and provided the outcome of our research. On receipt of the letter DVRS approved the manual wheelchair parts and submitted payment of more than \$10,000 to the DME vendor.

- Disability Rights NJ represented a 20-year-old college student diagnosed with spinal muscular atrophy by providing advice, counsel and limited advocacy concerning the amount of financial sponsorship DVRS was providing for his bachelor's degree at the University of Michigan. DVRS had provided full sponsorship to the client since he started his bachelor's degree in Fall 2023, however DVRS had recently informed client that they would only provide funding at the Rutgers University rate for the Fall 2025 semester onwards. As part of our agency's fact-finding process, we ordered and reviewed documentation from client's DVRS case file and spoke with the CAP program in Michigan about potential representation by the Michigan CAP program. Client wanted to speak with DVRS and ask them if they would continue to fully fund his bachelor's degree prior to any further advocacy by our agency. Client spoke with his DVRS counselor by phone, and was informed that DVRS would continue providing him with full financial sponsorship at the University of Michigan. Based on this confirmation client requested we close his case after recommending that client email his DVRS counselor summarizing his understanding of the phone call with DVRS, and specifically that DVRS had agreed to provide him with full financial sponsorship at the University of Michigan for the duration of his bachelor's degree.
- Disability Rights NJ entered into a fact-finding retainer agreement with a 42-year-old woman diagnosed with epilepsy regarding a denial of funding for a certified animal control officer certificate training. DVRS initially indicated they would reimburse client for the training that cost \$995.00 if she paid for the training on her credit card, but subsequently advised client they would not reimburse her. Shortly after forwarding client a retainer agreement to conduct fact-finding the client informed case handler that after she advised DVRS that she had contacted DRNJ, DVRS agreed to reimburse her for the animal control officer training.

Educating Policy Makers:

Disability Rights NJ has been attending regular meetings with the State Rehabilitation Councils and providing information and updates on activities and systemic concerns that have been identified through our work. In August, Executive Director Gwen Orlowski attended the yearly SRC retreat.

- **OBJECTIVE 2:** Increase awareness of the Client Assistance Program (CAP) and Protection and Advocacy for Beneficiaries of Social Security (PABSS) through outreach about CAP and PABSS to Vocational Rehabilitation constituencies, including VR clients and prospective VR clients, VR agencies and staff, and other stakeholders.

NEW JERSEY'S DESIGNATED PROTECTION AND ADVOCACY AGENCY.

Outreach:

- **ASPYIR How To Presentation for DVRS Lead Transition Counselors – April 21**
Disability Rights NJ presented about ASPYIR to the Lead Transition Counselors at DVRS. This presentation focused on using the ASPYIR planning tool through an employment lens. Participants were walked through the portions of the planning tool that focused on employment questions and areas that would assist users in getting a better sense of their vocational goals, wants, and needs. The employment section of the planning tool asks about the preferred environment, type of work, accommodations, and more subtopics related to employment. The presenter spent most of the presentation discussing how to personalize the planning tool and the importance of using person-centered planning combined with ASPYIR to assist DVRS counselors in effectively helping their clients determine their employment goals, and the best ways to obtain and maintain employment of their choice. Approximately 20 professionals attended the workshop.
- Disability Rights NJ ATAC is making presentations in local DVRS offices on an ATAC Toolkit.
- **OBJECTIVE 3:** Advocate for an end to subminimum wage and for equitable access to competitive, integrated employment for people with disabilities, especially people with complex medical, physical, and behavioral needs, through a public report and systemic advocacy.

With the reduction in staff, this objective and the public report is on hold.

E. Education and Transition Services for Youth

- **OBJECTIVE 1:** Promote student involvement in accessing pre-employment transition services (ETS) and transition services from the vocational rehabilitation agencies and school districts by providing self-advocacy assistance, limited legal assistance, and education to students with disabilities between the ages of 14-22. Engage in systemic advocacy and collaborations with stakeholders to ensure youth have timely access to transition services while in school and through VR agencies.

Outreach/Education/Training:

On April 2, 2025, Disability Rights NJ hosted Classroom to Careers: Transition Services and Vocational Rehabilitation Conference at the NJ Bar Law Center in New Brunswick. The event opened with a keynote address from Dr. Charyl Yarbrough, acting Executive Director of DVRS titled Serving Our Youth: Where We've Been and How We Move Forward Together. The event offered opportunity to attend individual breakout session: Supporting and Building Youth Voice in the Transition Process (SDM); Planning for Transition: Why It Is Vital For Your Future, Including Social Security Basics; Empowering Transitions: Resources and Support for Individuals with

NEW JERSEY'S DESIGNATED PROTECTION AND ADVOCACY AGENCY.

DD and a closing panel with representatives for DVRS, CBVI, and Dept of Education. The conference was attended by 72 individuals with disabilities, family members and professionals. Conference evaluation results indicated over 95% of attendees rated the content from the presentations as excellent or good. Individual comments included: "The event was so informative. The presenters were amazing. I am so glad I attended. I hope you do it again next year. It was wonderful." and "well planned conference. Will definitely attend next year".

NEW JERSEY'S DESIGNATED PROTECTION AND ADVOCACY AGENCY.