

**ANNUAL PROTECTION &  
ADVOCACY FOR ASSISTIVE  
TECHNOLOGY (PAAT)  
PROGRAM PERFORMANCE  
REPORT**

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**INSTRUCTION MANUAL**

**This document contains step-by-step instructions for completing the six parts of the PAAT annual progress reporting form.**

**A PREAMBLE TO THE INSTRUCTIONS**

The obligation of Protection and Advocacy programs (P&As) to report to the U. S. Department of Education (ED) and ED's obligation to report to the President and Congress stems from the following language that is excerpted from the Assistive Technology Act of 1998, as amended (AT Act) (P.L. 108-364). When completing this web-based reporting form, P&A staff should review this statutory language as a guide on how best to report annual Protection and Advocacy for Assistive Technology (PAAT) program activity.

**P&As Annual Report to the Secretary of Education - 29 U.S.C. § 3004(f)**

The following language creates the obligation of P&As receiving PAAT grants to annually report to the Rehabilitation Services Administration (RSA) within ED:

An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains such information as the Secretary may require, including documentation of the progress of the entity in--

- (1) conducting consumer-responsive activities, including activities that will lead to increased access, for individuals with disabilities, to funding for assistive technology devices and assistive technology services;
- (2) engaging in informal advocacy to assist in securing assistive technology devices and assistive technology services for individuals with disabilities;
- (3) engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology devices and assistive technology services for individuals with disabilities;
- (4) developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act [29 USCS §§ 3001 et seq.];
- (5) coordinating activities with protection and advocacy services funded through sources other than this Act [29 USCS §§ 3001 et seq.], and coordinating activities with the capacity building and advocacy activities carried out by the lead agency; and
- (6) effectively allocating funds made available under this section to improve the awareness of individuals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

**Secretary of Education's Report to the President & Congress - 29 U.S.C. § 3006(d)**

The following language creates the obligation of RSA to prepare its annual report. (Note that this includes all activities funded under the AT Act.)

(1) In general. Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities funded under this Act [29 USCS §§ 3001 et seq.] to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

## **REPORTING PERIOD**

The Secretary has transferred the administration of the PAAT program from the National Institute on Disability Research and Rehabilitation (NIDRR) to RSA. Prior to this change, NIDRR administered the program with a budget and reporting period beginning on April 1<sup>st</sup> and ending on March 31<sup>st</sup> of each calendar year. RSA has changed the budget and reporting period for the program to run concurrent with the Federal fiscal year, October 1<sup>st</sup> – September 30<sup>th</sup> of each year. This change is intended to reduce the reporting burden on the grantees and to bring about consistency of administration with other formula grants received by the P&As.

## **PART I: NON-CASE SERVICES**

### **A. INFORMATION & REFERRAL (I&R) SERVICES**

**Definition:** I&R services are those services that include responses to individuals at meetings, one-time telephone discussions, and responses to requests for information from an individual. These services generally take less than one hour of service time. The agency typically would not have personal identifying information about the individuals who request and/or receive I&R services, except for possibly the name, address and telephone number. For purposes of this section of the report, individuals who receive I&R services are those who *do not* meet the definition of “individual served” under Part II below.

**A.1:** Enter the number of individuals who received I&R services under PAAT for the fiscal year. In other words, the agency was able to meet these individuals’ needs by providing I&R services only and did not open a case file for these individuals. Count each individual requesting I&R services only once regardless of the number of times they made requests or the number of requests per call. (The intent is to obtain an unduplicated count.)

**A.2:** Enter the number of I&R requests under PAAT for the fiscal year. This number may include multiple requests from the same individual within the fiscal year, i.e., the number entered in A2 can be greater than the number entered in A1.

#### **Guidelines:**

- Include the number of times that the agency provided I&R services to individuals during the fiscal year. Estimated counts are not acceptable for this section. All agencies should maintain logs to respond accurately to this section. Such routine requests should not require maintenance of confidential client information, extensive research by agency staff or extended contact with the individual.
- When counting follow-up mailings of letters, brochures or pamphlets, count only the

number of individuals who actually requested the information, not the number of letters, brochures or pamphlets sent. *Do not* include the number of brochures, pamphlets or newsletters that are routinely distributed en masse or the number of individuals who attend workshops or trainings presented by agency staff. These data will be collected in another section of this report.

## **B. TRAINING ACTIVITIES**

A training session can take many forms, including in-person sessions and distance learning sessions (i.e., teleconference training or web-based training). It could include a very short presentation of 30 minutes or less, or might involve a full-day or multi-day conference. In answering questions B.1 and B.2, please count each discrete session as one training session.

- **First Example:** The PAAT presents a daylong program on funding of AT. Three different funding sources are covered, but this is all one coordinated session. Under B.1, this counts as one training session; under B.2, the participants are also counted once.
- **Second Example:** The PAAT delivers a two-day conference. Following a full-morning plenary session for all 150 conference attendees, the remainder of the conference is divided into four concurrent tracks or breakout sessions, allowing for 20 additional sessions over the remainder of the conference. Despite the much larger scope of this second event, the full conference should count as one training session under B.1 and 150 should be entered once under B.2. NOTE: The P&A can explain the larger scope of this second event as a narrative example under B3.

**B.1:** Enter the number of training sessions presented by the staff for PAAT. This would include training sessions for individuals with disabilities, their families, and various community groups.

**B.2:** Enter the number of individuals who attended these training sessions. If the agency did not maintain registration logs of these training sessions, it is acceptable to provide an estimate of the number of individuals who attended.

**B.3:** Describe in detail at least two representative training sessions presented by the agency staff. Include information about a) the topics and issues covered, b) the purpose of the training and c) a description of the attendees (i.e., consumers, service providers, advocates, etc). If you want to describe a third training session, click on the button at the end of the second text box and the web system will generate a third text box for this information.

**B.4:** Describe the agency's outreach efforts to previously unserved or underserved individuals. The definition of "unserved and underserved individuals" contained in the Act can include individuals from minority communities, from rural areas, or from specific disability groups.

## **C. INFORMATION DISSEMINATED TO THE PUBLIC BY YOUR AGENCY**

**C.1:** Enter the number of radio and/or TV appearances that PAAT staff made during the fiscal

year.

**C.2:** Enter the number of articles that the agency staff wrote and had published for PAAT in newspapers, magazines, journals or other periodicals.

**C.3:** Enter the number of videos or public service announcements (PSAs) aired pursuant to the agencies PAAT-related efforts. *Do not* include the number of times the videos or PSAs were aired. For example, the local radio station aired two of the agency's PSAs about architectural barriers thirty times each. For purposes of this section, there were two PSAs aired.

**C.4:** Enter the total number of hits that were made on the agency's website during the fiscal year covered. Do not attempt to estimate or breakdown by Federal program.

**C.5:** Enter the number of publications, booklets or brochures that the agency disseminated for PAAT during the fiscal year. Include those brochures, booklets and publications that were disseminated en masse at trainings or via regular mailings to the agency's mailing list and include those brochures, booklets or publications that were disseminated to individuals at the individual's request. **EXAMPLE:** If an agency published 3 brochures and distributed each brochure to 100 people, report 3 (not 300) in this item.

**C.5.a:** Enter the number of individuals/entities to whom all items reported in line C.5 above were distributed. If the agency published 3 brochures and distributed each brochure to 100 people, report 300 for this item.

**C.6:** Under "number," enter the number of other information, not captured in C.1 through C.5. disseminated to the public at large for PAAT during the fiscal year. Under "specify," describe the "other" means used to disseminate information to the public regarding PAAT activities.

## **D. INFORMATION DISSEMINATED ABOUT YOUR AGENCY'S ACTIVITIES BY EXTERNAL MEDIA COVERAGE**

The activities of a PAAT program or the services available through the PAAT program often are reported by the radio, TV, or print media, for example, with or without the encouragement of the PAAT. Where it is available, enter narrative information regarding any external media that provided coverage of the agency's activities during the fiscal year. This narrative information should be included under the category that is most appropriate. If there is no information to report, type in 'N/A' or 'not applicable'.

## **PART II: CASE-SERVICES**

### **A. INDIVIDUALS SERVED**

**Definitions: Refer to these definitions when completing Part II of the form.**

- **Individual Served:** To be considered an "individual served" (i.e., a client), the individual must meet three criteria:

1. The individual must be eligible for PAAT program services. An individual is eligible for PAAT services if he/she has a disability and is or would be enabled by an assistive technology device or assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.
  2. The agency has opened a case file, which includes at least the individual's name, address, age, race, disability, signed release of information form (if appropriate), the individual's concern or complaint, and the action taken by the agency.
  3. The agency provided at least one "significant service," such as:
    - a. At least one hour of case service time;
    - b. A supervised referral that allows follow-up to assure that the referral was appropriate and completed;
    - c. The completion of a second telephone call to the client when the time between telephone calls was used to obtain additional information about legal rights or how to obtain AT devices or AT services; or
    - d. The provision of any allowable service beyond I&R services, as defined above.
- **Case File:** This is the compilation of personal identifying information about an individual, documents, letters, complaints or issues raised, advocate's notes, etc., used in working with an individual served. It may contain many issues at any one time. In fact, many individuals served will present several issues to the agency during the course of the agency/client relationship. The case file is opened at the time the agency determines that it will provide at least one significant service for the individual. New issues may arise while still working with an individual. These new issues, if appropriate for agency intervention, should be added to the existing case file.
  - **Multiple Case Files:** When an individual is served on two or more separate legal problems, the PAAT program may have two or more case files for that same individual.

**A.1:** Enter the number of individuals who had open case files at the beginning of the fiscal year, which were carried over from the prior fiscal year.

**A.2:** Enter the number of individuals who first sought agency assistance and had a case file(s) opened during this fiscal year (new cases).

**A.3:** The system will automatically add the numbers entered in A.1 and A.2 in order to generate A.3. This is the total number of individuals served during this fiscal year under PAAT. Remember, no individual may be counted more than once per program in a fiscal year. This number will be used as a checkpoint reference in subsequent tables. For each subsequent field asking for a total of individuals served, the system will check against the total reported in II.A.3. If the totals do not match, the web system will give you an error message.

**A.4.a:** Enter the total number of cases closed during the fiscal year. Report each closed case for individuals with one or more closed cases.

**A.4.b:** Enter the total number of individuals who had a case (or *all* of their cases, if more than one was open at the start of the fiscal year) closed under PAAT during the fiscal year. Do not count an individual if he/she had multiple cases open at the start of the fiscal year and only some are closed. The total entered in A.4.b reflects the number of individuals who were served during the fiscal year but are no longer being served by the agency.

**A.5:** Total number of individuals still being served at the end of the fiscal year. The web system will generate this number by subtracting Part II.A.4.b from Part II.A.3.

## **B. PROBLEM AREAS/COMPLAINTS FOR INDIVIDUALS SERVED**

Include in this category the types of problems/complaints that "individuals served" presented to PAAT during this fiscal year. The following list contains broad categories of the common types of complaints/problems individuals served present to PAAT. Please account for each problem/complaint in the most appropriate category. Multiple counts are permitted in case one individual presents more than one problem/complaint for PAAT intervention.

### **Guidelines:**

- Include in this section the types of problems or complaints that individuals served presented to the agency during this fiscal year. Include only those problems or complaints that were directly related to the individual's disability.

**Example:** An individual with a disability may have a housing problem that is not related in any way to the individual's disability. Although that individual with a disability might otherwise be eligible for the agency's services, the agency cannot represent that individual on the housing problem if that housing problem is not related to the individual's disability. The agency could, however, represent that same individual on a different issue, such as employment, that is related to the individual's disability.

- Include in this section only those problems that are directly related to obtaining or retaining AT devices or AT services. (See definitions for AT devices and AT services under Part II.C, below.)

**Example:** An individual with a special education dispute regarding school discipline would not ordinarily get counted as a PAAT case as there would be no AT-related issue in the case. The same individual with a special education dispute involving the need for an adapted computer keyboard would get counted as a PAAT case as the issue involves the need for an AT device.

**B.1:** Enter the number of individuals who sought PAAT assistance for complaints related to architectural barriers or other building accessibility problems. These complaints could relate to any aspect of accessibility to a building or structure, including the adjoining parking lot or garage, building entrance, interior rooms, signage, etc. Include complaints for both public and private buildings and structures.

**B.2:** Enter the number of individuals who sought PAAT assistance for complaints related to

education. *Do not* include those complaints that relate to post-secondary education (B.7).

**B.3:** Enter the number of individuals who sought PAAT assistance for complaints related to employment discrimination.

**B.4:** Enter the number of individuals who sought PAAT assistance for complaints related to Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) work incentives. Work incentive issues likely to involve AT include SSI's Plan for Achieving Self Support, SSI's blind work expenses or impairment related work expenses under either SSI or SSDI.

**B.5.a-d:** Enter the number of individuals who sought PAAT assistance for complaints related to healthcare for each of the available subcategories (Medicaid, Medicare, private health insurance, other). The web system will generate a total (**B.5**) based on numbers reported in B.5.a-d.

**B.6:** Enter the number of individuals who sought PAAT assistance for complaints related to housing.

**B.7:** Enter the number of individuals who sought PAAT assistance for complaints related to post-secondary education.

**B.8:** Enter the number of individuals who sought PAAT assistance for complaints related to rehabilitation services. This category would include enforcement of rights against state vocational rehabilitation agencies under Title I of the Rehabilitation Act, against employment networks under the Ticket to Work program or against private rehabilitation agencies.

**B.9:** Enter the number of individuals who sought PAAT assistance for complaints related to transportation.

**B.10.a-c:** Enter the number of individuals who sought PAAT assistance for complaints related to voting for each of the available subcategories (accessible polling place/equipment, registration, other). The web system will generate a total (**B.10**) based on the numbers reported in B.10.a-c.

**B.11 and B.12:** Enter the number of individuals who sought assistance from PAAT for complaints not otherwise covered by the above list of categories and specify the 'other' problem area. Note: The listing in the parenthetical includes potential categories of cases that could fit into "other." (Abuse, access to records, advance directives, employment preparation, other financial benefits, government benefits/services, immigration, neglect, non-medical insurance, privacy rights, suspicious death, and unnecessary institutionalization.)

**B.13:** The web system will automatically generate the total number of cases by problem area by adding lines B.1-B.12 and placing the total on line B.13.

## **C. ASSISTIVE TECHNOLOGY DEVICE/SERVICE**

The AT Act defines AT device and AT service as follows:



- **AT device:** The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain or improve functional capabilities of individuals with disabilities.
- **AT service:** The term "assistive technology service" means any service that directly assists an individual with a disability in the selection, acquisition or use of an assistive technology device.

The goal of the AT Act, in funding the PAATs, is to provide advocacy services to individuals with disabilities to enable eligible clients to obtain appropriate AT devices and AT services.

Use this section to enter the number of AT devices or AT services granted as a result of casework.

**C.1:** Report the unduplicated number of individuals who received an AT device or AT service as a result of the PAAT's casework during the fiscal year. If an individual received two or more AT devices, two or more AT services, or some combination of AT devices or services, you still only count the individual once.

**C.2.a-m:** Enter the number of AT devices, by category, and AT services (C.2.1), obtained by individuals with disabilities as a result of PAAT casework. Report all of the AT devices and AT services obtained by all individuals during the fiscal year. The count should include individuals who received more than one device or service, through one or more cases in the fiscal year.

- **Example:** If the PAAT successfully represented a person in a Medicaid hearing for a wheelchair, count this as one device under the category of devices for mobility (C.2.b). If the PAAT also arranged for a wheelchair evaluation in order to successfully represent the person in the Medicaid hearing, you should separately count the wheelchair evaluation as a separate AT service under C.2.1.
- **Example:** If, during the same fiscal year and for the same individual above, the PAAT helped him/her obtain an augmentative communication device through a Medicaid hearing, report this under C.2.a, a device for communication. Similarly, if the PAAT helped the same individual obtain from a school district training to learn to use the device, report this as an AT service under C.2.1.

## D. CLOSING CASE FILES

This section contains a list of the reasons an agency might give for closing the case file of an individual served. Choose *one* primary (most appropriate) reason for closing each case file. *Do not* itemize a reason for resolving each issue raised. The number of case files may, in some situations, be greater than the total number of individuals served (Part II.A.3) to account for those situations when an individual had multiple case files closed during the fiscal year. Estimated counts are not acceptable.

**D.1: All Issues Resolved in Client's Favor:** Enter the number of PAAT case files that were closed by the agency in which all of the issues were resolved in the individual's favor.

**D.2: Some Issues Resolved in Client's Favor:** Enter the number of PAAT case files that were closed by the agency in which some of the issues were resolved in the individual's favor.

**D.3: Other Representation Obtained:** Enter the number of PAAT case files that were closed by the agency because the individual obtained other representation. Include those times when the agency referred the individual to another advocate/attorney, as well as when the individual sought representation by someone other than an agency advocate/attorney.

**D.4: Individual Withdrew Complaint:** Enter the number of PAAT case files that were closed by the agency when the individual withdrew the complaint because he/she did not want to pursue resolution of the problem at this time.

**D.5: Services Not Needed Due to Death, Relocation, etc.:** Enter the number of PAAT case files that were closed by the agency because the individual no longer needed the agency services due to the individual's death, relocation, etc.

**D.6: Individual Not Responsive to Agency:** Enter the number of PAAT case files that were closed by the agency because the individual stopped communicating with the agency or failed to provide necessary information.

**D.7: Case Lacked Legal Merit:** Enter the number of PAAT case files that were closed by the agency because the staff determined, after exploring the facts and the law further, that the individual's complaint lacked legal merit.

**D.8: Conflict of Interest:** Enter the number of PAAT case files that were closed by the agency because the staff determined, after exploring the facts and the law further, that the agency could not represent the individual (due to a conflict with other current or former clients, or a conflict with other potential or existing agency litigation).

**D.9: Lack of Resources:** Enter the number of PAAT case files that were closed by the agency because the agency lacked sufficient staff or resources to represent the individual.

**D.10: Not Within Priorities:** Enter the number of PAAT case files that were closed by the agency because the staff determined that the case was not appropriate under the scope of the program's priorities.

**D.11: Issue Not Resolved in Client's Favor:** Enter the number of PAAT case files that were closed by the agency in which the issue or issues were not resolved in the individual's favor.

**D.12: Other:** Enter the number of PAAT case files that were closed by the agency for a reason not covered by D.1-11, and specify/describe the reason. This response should be reserved for rare instances when a reason for closure clearly does not fit into any of the above categories.

**D.13: Total:** The web system will automatically generate the total number of case files closed

by adding lines 1-12 and placing the total on line 13. This total must match the number reported in Part II.A.4.a, total number of cases closed during the fiscal year. If the numbers do not match, the system will generate an error message.

## **E. INTERVENTION STRATEGIES FOR CLOSED CASES**

**Guidelines:** Agencies engage in a variety of intervention strategies to resolve complaints raised by the individuals served. Although agencies generally use more than one type of strategy to serve a client, choose the *highest* level of intervention strategy used by the agency on behalf of the individual to resolve the complaint (i.e., close the case). The number of cases (E.9) may be greater than the total number of individuals with cases closed (Part II.A.4) to account for situations when an individual had multiple case files closed during the fiscal year. Estimated counts are not acceptable.

**Example 1:** The agency may have engaged in investigation, negotiation, and alternative dispute resolution (ADR) activities on behalf of an individual served in order to resolve the complaint. The agency provided all three of these services during the course of one case file. The agency should account for this individual in mediation/ADR (E.5) since this was the highest level of service provided to this particular individual.

**Example 2:** The agency may have opened and closed two different case files on behalf of an individual served during the fiscal year. During the course of working with the individual on the first case, the agency provided short-term assistance and advice (E.1). However, in the second case, the agency represented the individual at a formal administrative hearing. The agency should account for this individual in short-term assistance (E.1) for the first case file *and* administrative hearing (E.6) for the second case file.

**E.1:** Enter the number of PAAT case files closed in which the highest level of intervention provided by the agency was short-term assistance. In these cases, the agency was able to assist the individual by providing legal advice or extended I&R services or by performing brief research or letter writing on behalf of the individual.

**E.2:** Enter the number of PAAT case files closed in which the highest level of intervention provided by the agency was to engage in systemic or other policy-making activities to resolve the individual's complaint. For example, the agency may have been successful in changing an agency policy on a particular issue, raised by many individuals, without resorting to formal administrative (E.6) or legal remedies (E.7 or E.8).

**E.3:** Enter the number of PAAT case files closed in which the highest level of intervention provided by the agency was investigating or monitoring a particular situation. In these cases, the agency was able to assist the individual by investigating the complaint or monitoring a situation or facility. Upon investigation, the agency may have determined that the case lacked merit, the agency did not have sufficient resources to proceed further or the case did not fall within the agency's priorities.

**E.4:** Enter the number of PAAT case files closed in which the highest level of intervention

provided by the agency was negotiation. In these cases, the agency was able to affect a resolution for the individual by engaging in direct negotiations with the adverse party in an informal environment. *Do not* include negotiations using a formal mediator or another form of ADR (E.5).

**E.5:** Enter the number of PAAT case files closed in which the highest level of intervention provided by the agency was mediation or another form of ADR. In these cases, the agency assisted the individual by engaging in mediation or another form of ADR to resolve the dispute between the individual and another party.

**E.6:** Enter the number of PAAT case files closed in which the highest level of intervention provided by the agency was representation at or assistance in preparing for a formal administrative hearing. *Do not* include any legal services provided beyond the administrative hearing stage (i.e., services provided in state or federal court (E.7)).

**E.7:** Enter the number of PAAT case files closed in which the highest level of intervention provided by the agency was representation in litigation. In these cases, the agency assisted the individual in pursuing legal recourse in the judicial system to resolve the individual's complaint. *Do not* include class actions (E.8).

**E.8:** Enter the number of PAAT case files closed in which the highest level of intervention provided by the agency was representation in a class action. In these cases, the agency assisted individuals as a class in pursuing legal recourse in the judicial system to resolve multiple individuals' complaints.

**E.9:** The web system will automatically generate the total number of case files closed by adding lines E.1-E.8 and placing the total on line E.9. This number should match the number reported in Part II.A.4.a, number of cases closed during the fiscal year. If the numbers do not match, the system will generate an error message.

### **PART III: STATISTICAL INFORMATION FOR INDIVIDUALS SERVED**

#### **A. AGE OF INDIVIDUALS SERVED**

Enter the number of individuals served in each of the age categories listed. Record the individual's age as of the beginning of the fiscal year, October 1. *Do not* count an individual more than once, regardless of the number of case files that were opened or closed on the individual's behalf. The total reported in this section should match the total number of individuals served (Part II.A.3). If the numbers do not match, the system will generate an error message.

#### **B. GENDER OF INDIVIDUALS SERVED**

Enter the number of individuals served according to their gender. *Do not* count an individual more than once, regardless of the number of case files that were opened or closed on the individual's behalf. The total number entered should match the total number of individuals

served (Part II.A.3). If the numbers do not match, the system will generate an error message.

### C. RACE AND ETHNICITY OF INDIVIDUALS SERVED

The categories for reporting race and ethnicity in the PAAT annual reporting form conform to the Office of Management and Budget (OMB) 1997 *Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity*,<sup>1</sup> and are used by other federal programs. If an agency wants to collect data for race or ethnic subcategories, the agency must be able to aggregate the data reported into the OMB minimum standard set of race and ethnicity categories.

OMB encourages self-identification of race. When respondents are allowed to self-identify or self-report their race, agencies should adopt a method that allows respondents to mark or select more than one of the five minimum race categories.

The **five** minimum categories for reporting race are:

AMERICAN INDIAN OR ALASKA NATIVE – A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

ASIAN – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

BLACK OR AFRICAN AMERICAN – A person having origins in any of the black racial groups of Africa.

NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

WHITE – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Agency staff must respect the client's right to not report his or her race. Agencies should report the number of clients with missing or unknown race information in the "unknown/not reported" race category (C.1.g). Agency staff should be familiar with the OMB definitions for each race category so that they can assist clients who may have questions. Further, agencies should consider providing the definition of each race category in their data collection forms if space and formatting permit.

According to the 1997 OMB guidance, when self-identification is used agencies should adopt a data collection method that allows respondents to self-report more than one race. When respondents are allowed to self-identify with or self-report more than one race:

- Agencies should adopt a method that allows respondents to mark or select more than one of the five minimum race categories.
- The method for respondents to report more than one race should take the form of *multiple responses* to a single question and *not* a single "multiracial" category.
- When a list of races is provided to respondents, the list should not contain a "multiracial" category.

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<sup>1</sup> Retrieved November 18, 2003, from <http://www.whitehouse.gov/omb/fedreg/ombdir15.html>.

- Based on research conducted so far, two recommended forms for the instruction accompanying the multiple-response question are “Mark one or more...” and “Select one or more...”
- Provision should be made to report, at a minimum, the number of individuals identifying with more than one race. On the PAAT reporting form, individuals who selected more than one race are reported on line C.1.f.

**C.1: RACE OF INDIVIDUALS SERVED:** Enter the number of individuals served according to their stated racial origin. *Do not* count an individual more than once, regardless of the number of case files that were opened or closed on the individual's behalf. The number entered should match the total number of individuals served (Part II.A.3). If the numbers do not match, the system will generate an error message.

**C.1.a:** Enter the number of individuals served by PAAT who consider themselves to be an American Indian or Alaskan Native.

**C.1.b:** Enter the number of individuals served by PAAT who consider themselves to be Asian. *Do not* include those individuals who consider themselves to be Native Hawaiian or another Pacific Islander (C.1.d). *Do* include those individuals who consider themselves to be Arab-American.

**C.1.c:** Enter the number of individuals served by PAAT who consider themselves to be Black or African-American.

**C.1.d:** Enter the number of individuals served by PAAT who consider themselves to be a Native Hawaiian or other Pacific Islander.

**C.1.e:** Enter the number of individuals served by PAAT who consider themselves to be White or Caucasian.

**C.1.f:** Enter the number of individuals served by PAAT who consider themselves to belong to more than one racial or ethnic group.

**C.1.g:** Enter the number of individuals served by PAAT whose race is unknown.

**C.1.h:** Enter the total of individuals served by PAAT by adding the numbers within each column and placing the sum in the total row. The number entered should match the total number of individuals served (Part II.A.3). If the numbers do not match, the system will generate an error message.

**C.2: ETHNICITY OF INDIVIDUALS SERVED:** Enter the number of individuals served according to their stated ethnic origin. Remember that a person of Hispanic/Latino ethnicity may be of any race. *Do not* count an individual more than once, regardless of the number of case files that were opened or closed on the individual's behalf.

The **two** minimum OMB categories for reporting ethnicity are:

HISPANIC OR LATINO (ALL RACES) – A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

NOT HISPANIC OR LATINO (ALL RACES) – A person **not** of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

**C.2.a:** Enter the number of individuals served by PAAT who consider themselves to be Hispanic or Latino.

**C.2.b:** Enter the number of individuals served by PAAT who *do not* consider themselves to be Hispanic or Latino.

**C.2.c:** Enter the number of individuals served by PAAT whose ethnicity is unknown or not reported.

**C.2.d:** Enter the total of individuals served by PAAT by adding the numbers within each column and placing the sum in the total row. The number entered should match the total number of individuals served (Part II.A.3). If the numbers do not match, the system will generate an error message.

#### **D. LIVING ARRANGEMENTS OF INDIVIDUALS SERVED**

Report information about the living arrangements for all individuals served by PAAT during the fiscal year. *Do not* count an individual more than once, regardless of the number of case files that were opened or closed on the individual's behalf. Report the living arrangement when the case was opened if it was a new case; or report the living arrangement at the beginning of the fiscal year if the case was carried over from the prior reporting period.

**D.1:** Enter the number of individuals served who live in a community residential home. Include situations in which an entity other than the resident is responsible for the funding, administration, and day-to-day care and upkeep of the residence (e.g. supervised apartments, semi-independent living, halfway houses, board and care, and group homes of 14 or less).

**D.2:** Enter the number of individuals served who live in a foster care setting and are part of the state's foster care system.

**D.3:** Enter the number of individuals served who are homeless. These individuals may spend an occasional night with friends or relatives or in a shelter; however, they have no fixed address.

**D.4:** Enter the number of individuals served who live in a jail, prison, or some other detention center.

**D.5:** Enter the number of individuals served who live in a public or private nursing facility.

**D.6:** Enter the number of individuals served who live with their parents, guardian, or another relative.

**D.7:** Enter the number of individuals served who live independently. These individuals may

live alone or may share housing with a roommate, spouse or significant other. The individual must be responsible for his/her own housing. *Do not* include individuals who live independently in public housing (D.10).

**D.8:** Enter the number of individuals served who live in a private institution, such as intermediate care facilities (ICFs), residential treatment centers, hospitals, psychiatric hospitals, and detox centers. *Do not* include individuals who live in a nursing facility (D.5).

**D.9:** Enter the number of individuals served who live in a public institution, such as publicly funded ICFs, residential treatment centers, hospitals, psychiatric hospitals, and detox centers. *Do not* include individuals who live in a nursing home (D.5).

**D.10:** Enter the number of individuals served who live independently in public housing.

**D.11:** Enter the number of individuals served who live in a Veteran's Administration (VA) Hospital.

**D.12 and D.13:** Enter the number of individuals served who have some other living arrangement that is not listed in this section. Provide a description of the living arrangement of any individual counted in this category.

**D.14:** Enter the number of individuals served for whom the agency has no information about their living arrangements.

**D.15:** The web system will automatically generate a total by adding lines D.1-D.14 and placing the total on line D.15. This number should match the number in Part II.A.3. If the numbers do not match, the system will generate an error message.

## **E. PRIMARY DISABILITY OF INDIVIDUALS SERVED**

**Guidelines:** Report information about the primary disability of the individuals served by the agency under PAAT. The primary disability, for purposes of this report, is the individual's disability that is directly related to the issues or complaints raised by the primary complaint of the individual served. *Do not* count an individual more than once during a fiscal year.

**Example 1:** An individual is deaf and also has an orthopedic impairment that requires the use of a wheelchair. The individual came to the agency because the local pizzeria is inaccessible for wheelchair-users. The agency should report this individual under orthopedic impairment (E.23) because the issue raised focuses on building accessibility problems. The fact that the individual also is deaf (E.10) is not relevant to this particular complaint.

**Example 2:** If an individual with the same disabilities described above came to the agency complaining that the county hospital refused to provide an interpreter to explain the diagnostic testing she was to undergo, the agency should report this individual under deafness (E.10) because the issue dealt with interpreter services. The fact that the individual also has an orthopedic impairment is not relevant to this particular complaint.



**Resources on Disabilities:** You may want to consult a medial text for definitions or descriptions of the disabilities that are listed in E.1-32. A resource, which can be found on the web in a word-searchable format, is the Merck Manual ([www.merck.com/mrkshared/mmanual/home.jsp](http://www.merck.com/mrkshared/mmanual/home.jsp))

**E.1:** Enter the number of individuals served who have Attention Deficit Disorder with or without hyperactivity.

**E.2:** Enter the number of individuals served who are infected with the human immunodeficiency virus (HIV), regardless of whether the individual is symptomatic or asymptomatic.

**E.3:** Enter the number of individuals served who are lacking an extremity or multiple extremities.

**E.4:** Enter the number of individuals served who are afflicted with an autoimmune disorder (e.g. Chronic Fatigue Syndrome).

**E.5:** Enter the number of individuals served who have autism or autism spectrum disorder.

**E.6:** Enter the number of individuals served who, with best correction (i.e., with eyeglasses), are legally blind in both eyes.

**E.7:** Enter the number of individuals served with visual impairments other than blindness in both eyes (E6).

**E.8:** Enter the number of individuals served who have cancer.

**E.9:** Enter the number of individuals served who have cerebral palsy.

**E.10:** Enter the number of individuals served who are deaf.

**E.11:** Enter the number of individuals served who are hard-of-hearing or hearing impaired but are not deaf (E.10).

**E.12:** Enter the number of individuals served who are deaf-blind. These individuals meet the criteria for both deafness (E.10) and blindness (E.6).

**E.13:** Enter the number of individuals served who have diabetes.

**E.14:** Enter the number of individuals served who have digestive disorders (e.g. Irritable Bowel Syndrome).

**E.15:** Enter the number of individuals served who have epilepsy.

**E.16:** Enter the number of individuals served who have genitourinary conditions.

**E.17:** Enter the number of individuals served who have a cardiac or other circulatory system impairment or condition.

**E.18:** Enter the number of individuals served who have a mental illness that is not specifically covered by another category.

**E.19:** Enter the number of individuals served with any degree of mental retardation (i.e., mild, moderate, severe/profound).

**E.20:** Enter the number of individuals served who have multiple sclerosis.

**E.21:** Enter the number of individuals served who have muscular dystrophy.

**E.22:** Enter the number of individuals served with any form of muscular or skeletal impairment not specifically covered by another category.

**E.23:** Enter the number of individuals served who have an orthopedic impairment. These individuals may be paralyzed, or may have some other functional impairment involving the limbs, digits, trunk, back or spine.

**E.24:** Enter the number of individuals served with any form of neurological disorder or impairment not specifically covered by another category. This total should include individuals affected by strokes and Acquired Brain Injury (ABI).

**E.25:** Enter the number of individuals served who have a respiratory system disorder or impairment.

**E.26:** Enter the number of individuals served who have a skin condition.

**E.27:** Enter the number of individuals served with a specific learning disability (not including mental retardation (E.19)).

**E.28:** Enter the number of individuals served with speech impairments, such as cleft palate and harelip with speech imperfections, laryngectomies, stuttering, etc.

**E.29:** Enter the number of individuals served with spina bifida.

**E.30:** Enter the number of individuals served who have substance abuse conditions (i.e., current or former alcohol and/or drug addictions).

**E.31:** Enter the number of individuals served who have Tourette Syndrome.

**E.32:** Enter the number of individuals served who have a traumatic brain injury (TBI).

**E.33:** Enter the number of individuals served who have other impairments or disabling diseases or conditions that are not covered by the above categories. Specify/describe the disability of any individual counted in this category.

**E.34:** The web system will automatically generate a total by adding lines E.1-E.33 and placing the total on line E.34. The number generated should equal the total number of individuals served (Part II.A.3). If the numbers do not match, the system will generate an error message.

## **F. GEOGRAPHIC LOCATION**

Report the general geographic location of each individual served under PAAT. Information collected in this section of the report will assist RSA to analyze an agency's outreach efforts under the PAAT program.

**F.1:** Enter the number of individuals served who live in an urban/suburban location. Urban is defined as a metropolitan area with a population of more than 50,000.

**F.2:** Enter the number of individuals served who live in a rural location. Rural is defined as any area that does not qualify as urban (see definition above).

**F.3:** Enter the number of individuals served who could not be identified as coming from an urban/suburban or rural location. This will include those instances where information on geographic location was not collected. This could also include those individuals who are homeless, those living in a motor home or those who otherwise have no permanent residence. Provide a description of the geographic location or living arrangement for each case listed as "other."

**F.4:** Enter the number of individuals served whose geographic location is unknown.

**F.5:** The web system will automatically generate the total number of individuals served by adding lines F.1-F.4 and placing the total on line F.5. This number should equal the total number of individuals served (Part II.A.3). If the numbers do not match, the system will generate an error message.

## **PART IV: SYSTEMIC ACTIVITIES AND LITIGATION**

**Definitions:** Refer to these definitions when completing Part IV of this form.

□ **Systemic Activity:** A systemic activity, in the context of PAAT work, is one that is intended to result in a permanent change to policies or practices of a governmental or non-governmental entity, making AT devices or AT services more readily available for a class of persons with disabilities.

□ **Non-Litigation Systemic Activity:** This includes any systemic activity that occurs outside the context of a PAAT's representation of individuals through litigation. See examples under A.2, below.

□ **Systemic Litigation and Systemic Class Action Activity:** This includes any litigation, whether on behalf of one or more individuals, or a class of individuals, when one of the outcomes sought is to make a permanent change in policies or practices of a governmental or non-governmental entity, making AT devices or AT services more readily available for a class of persons with disabilities. Class actions, by their very nature, will almost always be classified as systemic litigation. A lawsuit or court appeal brought on behalf of one individual can be considered systemic litigation if one of the outcomes sought is systemic in nature (see B.3 below).

**A. NON-LITIGATION SYSTEMIC ACTIVITIES:** The information collected in this section of Part IV focuses on the agency's non-litigation systemic activities in general. This category goes beyond any systemic efforts made on behalf of individuals served.

**A.1:** Enter the number of policies or practices that were changed as a result of systemic activities under PAAT. *Do not* include those policies or practices that were changed as a result of litigation (Part IV.B). For each number reported, the web system will generate the appropriate number of text boxes to be completed for A.2.

**A.2:** Describe the systemic activity completed during the fiscal year. (a) Identify the policy or practice that was changed, as a result of your agency's non-litigation systemic activity, along with a description of the negative impact upon individuals with disabilities. (b) Include information regarding the manner in which this change will benefit individuals with disabilities in the state. (c) If possible, estimate the number of individuals potentially affected by such policy changes and (d) the method used to determine this estimate. (e) Include one case example of how this systemic activity related to the policy/practice changed. If appropriate, provide the agency's plans for continuing to address these issues during the next fiscal year.

**Example:** PAAT staff assisted in the development of new power wheelchair criteria for the state Medicaid agency, by participating on an advisory board that included input from the medical and legal communities to ensure that the criteria were consistent with medical standards and federal statutory requirements.

- a. **Policy or practice changed.** Medicaid policy would only allow a power wheelchair if it was necessary for use in the individual's home. This was a problem for many persons

with disabilities who had no ability to access any locations outside of their homes. The policy change now allows persons to obtain power wheelchairs if they have no functional mobility using a manual wheelchair.

- b. Benefit to individuals with disabilities.** With the new criteria, individuals with disabilities are now able to obtain power wheelchairs to allow them to travel outside the home to participate in medical, educational, work and social activities.
- c. Estimated number of individuals potentially affected by the policy or practice change.** Of those individuals who are eligible for Medicaid, it is estimated that \_\_\_\_ (number) will now be able to obtain a power wheelchair as a result of the new criteria.
- d. Determination of estimate.** Based on the state's Medicaid population, it is estimated that \_\_\_\_ (number) of people have a mobility impairment that would require the use of a power wheelchair. Of that number, we estimated that \_\_\_\_ percent would not be able to obtain a power wheelchair without the policy change.
- e. Case example of PAAT agency's systemic activity related to this policy/practice change.** PAAT staff assisted in the development of new power wheelchair criteria for the state Medicaid agency, by participating on an advisory board that included input from the medical and legal communities to ensure that the criteria were consistent with medical standards and federal statutory requirements.

**A.3:** Enter the number of ongoing non-litigation systemic activities undertaken. These are activities that have not yet resulted in a change in policies or practices, but the agency believes have potential to result in such change. Litigation activities should not be included here; report on them in Part IV.B. The number entered in this section will determine the number of boxes the web system will generate in order to collect descriptive information on these activities (A.4).

**A.4:** Describe each of the agency's non-litigation systemic activities reported in A.3 that have not yet resulted in change, but have potential to do so in the future. The web system will generate text boxes to match the number of activities reported in A.3. For each activity, describe: (a) how the activity may benefit individuals with disabilities; (b) the number of individuals potentially affected by the activity; (c) the method used to determine that estimate; and (d), the policy or practice that may change as a result of the activity.

**B. LITIGATION/CLASS ACTIONS:** This section focuses on the litigation case work that the PAAT was involved in during the fiscal year and any changes resulting from the efforts of the agency to engage in litigation on behalf of an individual or in a class action on behalf of many individuals.

**B.1:** Enter the total number of non-class action lawsuits with potential for systemic effect that were pending during the fiscal year. This number would include both the new lawsuits that were filed during the fiscal year (B.1.a) and the lawsuits that were already pending as the fiscal year began (i.e., carried over from the previous year)(B.1.b).

**B.1.a:** Enter the total number of new non-class action lawsuits that were filed by PAAT for the fiscal year.

**B.1.b:** Enter the total number of non-class action lawsuits that were pending as the fiscal year began and which are a carryover from the previous fiscal year.

**B.1.c:** Enter the total number of non-class action lawsuits closed during the fiscal year. The number of pending cases carried forward to the next fiscal year is equivalent to the total of B.1.a and b minus B.1.c. (The web system will automatically enter this number on line B.1.b for use in the report due for the next fiscal year.)

*[Entering a non-zero number in IV.B.1 will require an answer to Question B.2. Entering zero for this item will cause the system to skip to Question B.3.]*

**B.2:** Describe the agency's on-going non-class action litigation activities. Using a case example that demonstrates the potential impact of the agency's non-class action activities, explain (a) the issue that prompted the litigation; (b) the negative impact on individuals with disabilities; and (c) the potential benefit to individuals with disabilities resulting from such litigation. If possible, (d) estimate the number of individuals that potentially affected changes resulting from the litigation and (e) the method used to determine this estimate.

For **B.2 and B.3**, you should report only non-class action litigation that seeks to achieve a systemic outcome (B.2 – on going; B.3 – completed). A case brought on behalf of one individual can seek both a specific outcome for the individual and a broader, systemic outcome that will benefit many individuals.

*[Entering a non-zero number in IV.B.1.c will require an answer to Question B.3. Entering zero for this item will cause the system to skip to Question B.4.]*

#### **Example for B.2, On-Going Systemic Non-Class Action Litigation Activities:**

- a. Issue prompting the litigation.** A school district in the state's largest city (name of city) refused, as part of its special education program, to pay for AT evaluations for students who are blind or severely visually impaired.
- b. The negative impact upon individuals with disabilities.** A major component of identifying an appropriate AT intervention, such as the use of adapted computer equipment, is an AT evaluation by a competent AT evaluator. Under the existing policy, it was difficult to obtain the AT evaluation, often resulting in the purchase of inappropriate AT for the blind/visually impaired student or, the student not obtaining any AT device or service because there is no professional support.
- c. Benefit to individuals with disabilities from this litigation.** Our pending case, [case name], challenges the school district's policy as a violation of the Individuals with Disabilities Education Act (IDEA). While filed on behalf of three individuals to obtain AT evaluations in their cases, the lawsuit also seeks an order declaring that the school district's policy and practice is illegal. If the lawsuit is successful, other blind and

visually impaired students can be expected to benefit from the policy change. We are also hopeful that similar students in other school districts will benefit if the court publishes an opinion in this case.

- d. Estimate of individuals potentially affected by changes resulting from the litigation.** Approximately [number] students, who are currently enrolled or who will be enrolled in the [name] school district, can be expected to benefit from a positive result in this litigation during the next five years.
- e. Method used to determine estimate.** Based on data provided by the school district and projecting new enrollees during the next five years, we estimate that [number] blind/visually impaired students are currently enrolled and an additional [number] students will be enrolled with the school district during the next five years. All of these students could potentially benefit from a positive result in this case.

**B.3:** Describe the agency's completed systemic non-class action litigation activities. Using a case example that demonstrates the potential impact of the agency's completed non-class action activities, explain (a) the issue that prompted the litigation, (b) the negative impact upon individuals with disabilities and (c) the benefit to individuals with disabilities resulting from such litigation. If possible, (d) estimate the number of individuals potentially affected by changes resulting from the litigation and (e) the method used to determine this estimate.

**Example for B.3, Systemic Completed Non-Class Action Litigation Activities:**

*NOTE: This example takes the same information used in example B.2 and assumes the court has issued a decision favorable to the plaintiffs.*

- a. Issue prompting the litigation.** A school district in the state's largest city (name of city) refused, as part of its special education program, to pay for AT evaluations for students who are blind or severely visually impaired.
- b. The negative impact upon individuals with disabilities.** A major component of identifying an appropriate AT intervention, such as the use of adapted computer equipment, is an AT evaluation by a competent AT evaluator. Under the existing policy, it was difficult to obtain the AT evaluation, often resulting in the purchase of inappropriate AT for the blind/visually impaired student or, the student not obtaining any AT device or service because there is no professional support.
- c. The benefit to individuals with disabilities from this completed litigation.** Our case, [case name], challenged the school district's policy as a violation of the federal Individuals with Disabilities Education Act (IDEA). While filed on behalf of three individuals to obtain AT evaluations in their cases, the lawsuit also sought an order declaring that the school district's policy and practice illegal. During the fiscal year, the court issued a published opinion ordering AT evaluations for the three named plaintiffs and ordering the school district's policy to be illegal under the law referenced above. The three named plaintiffs will directly benefit from this decision as they will now receive AT evaluations, meaning they are more likely to get appropriate AT devices and services.

Also, because the school's policy was declared illegal, other blind and visually impaired students can be expected to benefit from the policy change. We are also hopeful that similar students in other school districts will benefit as this decision is circulated and publicized throughout the state.

- d. Estimate the number of individuals potentially affected by changes resulting from the litigation.** Approximately [number] students, who are currently enrolled or who will be enrolled in the [name] school district, can be expected to benefit from the positive result in this litigation during the next five years.
- e. The method used to determine this estimate.** Based on data provided by the school district and projecting new enrollees during the next five years, we estimate that [number] blind/visually impaired students are currently enrolled and an additional [number] students will be enrolled with the school district in the next five years. All of these students could potentially benefit from a positive result in this case.

**B.4:** Enter the total number of class action lawsuits that were pending during the fiscal year. This number would include both the new lawsuits that were filed during the fiscal year (B.4.a) and the lawsuits that were pending as the fiscal year began (i.e., carried over from the previous year)(B.4.b).

**B.4.a:** Enter the total number of new class action lawsuits that were filed by PAAT for the reporting fiscal year.

**B.4.b:** Enter the total number of class action lawsuits that were pending as the fiscal year began and which are a carryover from the previous fiscal year.

**B.4.c:** Enter the total number of class action lawsuits closed during the fiscal year. The number of pending cases carried forward to the next fiscal year is equivalent to the total of B.4.a and b minus B.4.c. (The web system will automatically enter this number on line B.4.b for use in the report due for the next fiscal year.)

*[Entering a non-zero number in IV.B.4, will require an answer to Question B.5. Entering zero for this item will cause the system to skip to Question B.6.]*

For **B.5 and B.6**, report only class action litigation that seeks to achieve a systemic outcome (B.5 – on going; B.6 – completed). A case brought on behalf of one or more individuals can seek both a specific outcome for the individuals and a broader, systemic outcome that will benefit a class or classes of individuals.

**B.5:** Describe the agency's on-going systemic class action litigation activities. Using a case example that demonstrates the potential impact of the agency's class action activities, explain (a) the issue that prompted the litigation, (b) the negative impact upon individuals with disabilities and (c) the potential benefit to individuals with disabilities from such litigation. If possible, (d) estimate the number of individuals potentially affected by changes resulting from the litigation and (e) the method used to determine this estimate.



**Example:** Our PAAT program has filed a class action lawsuit, [name of case], challenging the policy that is summarized below.

- a. Issue prompting the litigation.** Our state Medicaid agency routinely denies funding for augmentative communication devices (ACDs) if the device is a dual-purpose device, capable of achieving speech output and can also be used for word processing. Currently, only devices that are totally dedicated to speech production can be approved.
- b. The negative impact upon individuals with disabilities.** Many of the newer ACDs available are dual-purpose devices and are typically available at the same cost or less cost than dedicated devices. With the current restriction, many individuals must settle for an ACD that is not fully appropriate for their needs.
- c. The potential benefit to individuals with disabilities from this litigation.** If this case is resolved favorably, the named plaintiffs and class members will be able to obtain dual-purpose ACDs if the requested device is considered medically necessary. Individuals will be able to obtain an ACD that is most appropriate for them, even if the device can also be used as a personal computer.
- d. Estimate the number of individuals potentially affected by changes resulting from the litigation.** Approximately [number] individuals who are currently enrolled in the Medicaid program have severe speech impairments, and need or will be in need, of an ACD. Approximately [number] of those individuals can be expected to need an ACD that will be classified as a dual-purpose device.
- e. The method used to determine this estimate.** These estimates are based on both information obtained in lawsuit discovery and through estimates provided by the [name of professional association] regarding the number of potential ACD users in the general population.

*[Entering a non-zero number in IV.B.4.c will require an answer to Question 6. Entering zero for this item will cause the system to skip to Section C.]*

**B.6:** Describe the agency's completed systemic class action litigation activities. Using a case example that demonstrates the potential impact of the agency's class action activities, explain (a) the issue that prompted the litigation, (b) the negative impact upon individuals with disabilities and (c) the potential benefit to individuals with disabilities from such litigation. If possible, (d) estimate the number of individuals potentially affected by changes resulting from the litigation and (e) the method used to determine this estimate.

**Example:** Our PAAT program settled a class action lawsuit, [name of case], resulting in a change to the policy summarized below.

- a. Issue prompting the litigation.** Our state Medicaid agency had, prior to the settlement, routinely denied funding for augmentative communication devices (ACDs) if the device was a dual-purpose device, capable of achieving speech output and also available for

word processing (i.e., only devices that were totally dedicated to speech production could be approved).

- b. The negative impact upon individuals with disabilities.** Many of the newer ACDs available are dual-purpose devices and are typically available at the same cost or less cost than dedicated devices. With the existing restriction, many individuals were required to settle for an ACD that was not fully appropriate for their needs.
- c. The benefit to individuals with disabilities from this litigation.** Under the terms of this settlement, the named plaintiffs and class members will be able to obtain ACDs if the requested device is considered medically necessary, without regard to whether the device is dedicated for speech only or a dual-purpose device. This means that individuals can seek the device that is most appropriate for them, even if the ACD could also be used as a personal computer. An individual whose Medicaid prior approval application for a dual-purpose device was previously denied, and who purchased the dual-purposed device with cash or borrowed funds, now can be potentially reimbursed for the payment.
- d. Estimate the number of individuals potentially affected by changes resulting from the litigation.** Approximately [number] individuals, who are currently enrolled in the Medicaid program, have severe speech impairments, and are or will be in need of an ACD. Approximately [number] of those individuals can be expected to need an ACD that will be classified as a dual-purpose device.
- e. The method used to determine this estimate.** These estimates are based on information obtained in lawsuit discovery and through estimates provided by the [name of professional association] regarding the number of potential ACD users in the general population.

**C. LITIGATION-RELATED MONITORING:** If your PAAT engaged in litigation-related monitoring during the fiscal year, describe any monitoring conducted by PAAT related to court orders or case settlements by providing the major areas of monitoring and the groups likely to be affected. Monitoring activities include conducting reviews in order to examine issues related to matters that were resolved as part of an individual or class action lawsuit.

**Example:** You might report that your PAAT settled a case one year earlier (i.e., during the year preceding your reporting year): “During reporting year \_\_\_\_\_, our PAAT settled a lawsuit that had been filed in the federal court. The case, [case name], challenged a state Medicaid agency policy that limited Medicaid payments for power wheelchairs to cover only standard power wheelchairs, without any allowance for specialty features, such as specialized seating, smaller or wider frames, tilt ‘n space features or specialized controls to allow a user to control the wheelchair with head movements. The settlement of the lawsuit involved publishing of new regulations and agency policy to allow approval, on a case-by-case basis, of requests for wheelchairs with specialty features so long as they are both medically necessary and the least costly effective alternative. During the current reporting year, we continued to monitor the settlement of the lawsuit in the following ways.

1. **Major areas of monitoring:** Our monitoring included regular communication by email and regular mail with three primary groups: equipment vendors, service providers who are regularly involved in submission of prior-approval requests for power wheelchair funding and attorneys/advocates who regularly represent individuals in Medicaid fair hearings involving denials of requests for durable medical equipment. The purpose of the monitoring is to determine whether the Medicaid agency is now regularly approving power wheelchairs with specialty features or if old patterns of denial continue.
2. **Groups likely to be affected:** The individuals likely to be positively affected by this ongoing monitoring are children and adults with severe physical disabilities who can be expected to need power wheelchairs with specialty features.
3. **Major outcomes of the litigation-related monitoring during the fiscal year:** The most significant outcomes of the monitoring involved stakeholders in the Medicaid DME prior approval system (i.e., vendors, service providers) who are once again willing to prepare and submit prior approval requests to the Medicaid agency for the more expensive power wheelchairs with specialty features. In the process of monitoring, we have managed to educate these key stakeholders about the major change in policy that resulted from the litigation.
4. **Case example(s) that demonstrate the impact of litigation-related monitoring:** The best example of how this is working is the following excerpt from a major DME vendor who serves individuals in the eastern part of our state: “Thank you for the updated information you provided about the policy changes for Medicaid approval of power wheelchairs with specialty features. During the past quarter, we started submitting requests for wheelchairs with power tilt ‘n space features after having nearly abandoned considering these for Medicaid payment. Within this three-month time period, we can report having three new power wheelchairs with tilt ‘n space approved, after having no such wheelchairs approved during the previous two years.”

## **PART V: PRIORITIES**

**A. PRIORITIES:** Provide the information requested in this category for *each* of the priorities and objectives set by PAAT for the fiscal year covered by this report. The web system will have navigation buttons to allow grantees to enter as many priorities as needed, to delete a priority or continue to the next section. When you have finished entering all information on the priorities, click on the navigation button saying “Continue to the next section.”

**A.1: Describe the priority.** Include enough information so that the fundamental issue is clear.

**Example:** Removing barriers to the funding of power wheelchairs through the Medicaid program.

**A.2: Description of Need, Issue or Barrier Addressed:** Describe the need, issue or barrier addressed by this priority. It is not enough to identify an issue as a priority. Explain why this issue is a priority and the desired effect it will have on individuals with disabilities.

**Example:** In the example above, the barrier that will be addressed by this priority is that the Medicaid program has one reimbursement rate to cover funding of all power wheelchairs, without allowances for specialty features like special seating systems or tilt-n-space systems.

**A.3: Outcome:** For each priority, indicate whether the goal was met, partially met/continuing or not met.

**A.3.a: Implementation problems:** For each outcome marked ‘not met’ or ‘partially met’, the web system will automatically ask grantees to describe any external or internal implementation problems.

**A.4: Total Number of Cases Handled:** Provide the number of cases handled under the priority.

**A.5: Illustrative Cases/Activity:** If you indicated in A.3 that the priority objectives were met or partially met, you will be asked to provide at least one case summary that demonstrates the impact of the priority. Identify the facts and issue of the case, the resolution of the case, and how the individual served benefited.

**Example:** Using the example in A.2 above: an individual was denied a power wheelchair with tilt-n-space features because all durable medical equipment vendors refused to accept the low payment rate authorized by Medicaid; the matter was taken into state or federal court; and the court ruled that the Medicaid agency must pay for the wheelchair at the higher payment rate so long as other funding criteria are met.

**B. PRIORITIES for the CURRENT FISCAL YEAR (the year *following* the reporting period):** Provide the information requested for *each* of the priorities set by your P&A agency for the PAAT program for the *current* fiscal year. The web system will have navigation buttons to allow grantees to enter as many priorities as needed, to delete a priority or continue to the next section. When you have finished entering information on the priorities, click on the navigation button saying “Continue to the next section”. *[The data entered in this section will be pre-loaded into Section A (Part V) of the grantees’ reporting form for the subsequent year.]*

**B.1: Describe the priority.** Include enough information so that the fundamental issue is clear.

**B.2: Description of Need, Issue or Barrier Addressed:** Describe the need, issue or barrier addressed by this priority. It is not enough to identify an issue as a priority. Explain why this issue is a priority and the desired effect it will have on individuals with disabilities.

**C. AGENCY ACCOMPLISHMENTS:** Describe your agency’s significant accomplishment(s) that are not addressed in detail in other sections of the reporting form. PAAT may choose to report accomplishments that were not originally identified as priorities. If these accomplishments are covered under priorities (Part V.A), enter the priority number here and do not provide any further description unless necessary to explain why this priority is considered a significant accomplishment. If all information has been covered in other sections of the report, enter ‘N/A’ or ‘not applicable’.

## **PART VI: AGENCY ADMINISTRATION**

### **A. AGENCY FUNDING**

**Sources of Funds Received for PAAT Program Activities.** Rounding to the nearest dollar, enter the amount of funds received from each of the sources indicated during the fiscal year covered.

**A.1: Federal P&A (AT Act funds):** Enter the amount of funds received as the PAAT grant from the U.S. Department of Education, Rehabilitation Services Administration (RSA) during the fiscal year. (Note: The PAAT program was formerly administered by the National Institute on Disability and Rehabilitation Research (NIDRR). Oversight for the PAAT was moved from NIDRR to RSA in February 2004.)

**A.2: Program Income:** Enter the amount of program income, if any, generated through PAAT activities. Program income includes attorney’s fees awarded by the courts and non-P&A federal funds, including grants from your State AT Act Project.

**A.3-A.5: Other:** Enter the amount of funds received for PAAT work from any other source during the fiscal year. “Other” sources could include non-P&A federal funds, state funds, private grants, and/or ‘other’ sources. The web system will provide a space for you to specify/describe the other funding source.

**A.6: Total:** The web system will automatically generate the total amount received of PAAT funds from all sources by adding A.1-5.

### **B. DESCRIPTION OF PAAT PROGRAM STAFF**

**B.1:** Provide a brief narrative on the way your agency has chosen to staff the PAAT grant.

**B.2:** Report the number of staff and full time equivalents (FTE) by type of position. FTE refers to the amount of time over the course of the reporting period that an individual is assigned to the PAAT program. Compute FTE staff by converting part-time staff to decimals. For example, a person employed half-time (20 hours of a 40 hour week) would be 0.5 FTE, and a person working 30 hours a week would be 0.75 FTE. Both positions together would equal 1.25 FTEs.

- **Professional staff** includes attorneys, advocates, I&R staff, caseworkers and other

individuals providing direct client service.

- **Administrative staff** includes secretaries, receptionists, bookkeepers and other individuals who are not providing direct client services.

## C. CONSUMER INVOLVEMENT

**C.1:** Briefly describe any consumer-responsive activities that are not reported elsewhere in this reporting form. These activities might include a PAAT Advisory Board or forums to obtain input for your PAAT planning and priority setting. Enter 'N/A' or 'not applicable' if appropriate.

**C.2: Consumer Involvement in P&A Agency Staff and Board.** Provide information on persons with disabilities and family members of persons with disabilities serving on the staff or board of your P&A agency. Consider all staff, whether or not they have worked on PAAT activities during the fiscal year since this question addresses consumer involvement in the entire P&A agency, not just PAAT. Report the total number of persons on agency staff and on the agency board.

**D. GRIEVANCES FILED:** Agencies are required to establish grievance procedures to handle any complaints by clients regarding the services received/not received from the agency under PAAT. Enter the number of PAAT grievances filed with the agency during the fiscal year.

## E. COLLABORATIVE EFFORTS

**E.1: Collaboration with other P&A programs and activities:** Many P&A agencies have used P&A resources from programs other than the PAAT to collaborate on AT-related issues. Provide a brief description of the work your P&A agency has done, during the fiscal reporting year, using funding from P&A programs other than the PAAT program. *Do not* report activities conducted in full or part with PAAT funds. Enter 'N/A' or 'not applicable', if appropriate.

- **Example:** "Our PAAT project funds a full-time advocate (1.0 FTE) and a part-time attorney (.10). The advocate carries a caseload of administrative hearings, primarily involving Medicaid. The attorney supervises the advocate, but does not have sufficient time available to work on litigation. Our P&A has been using our PADD and PAIR attorney staff to handle AT-related issues that must go into court to be resolved. During the fiscal year, our PADD program handled two AT-related Medicaid appeals in state court and our PAIR program continued to litigate, in federal court, a case that was filed two years ago to challenge the payment levels available for power wheelchairs."

**E.2: All other collaboration:** In addition to collaboration within the P&A agency, many P&As collaborate with programs outside their agency. This could include collaboration with State AT Act Projects, other advocacy agencies, private attorneys, long-term care programs or other

disability service programs. Describe these efforts. Enter 'N/A' or 'not applicable', if appropriate.

- **Example:** “During the fiscal year, our PAAT worked with the State AT Act Project to deliver a series of six training sessions at locations within the state. These half-day sessions were co-presented by PAAT and AT Act Project staff and focused on how to obtain AT through Medicaid, Medicare, private insurance, special education programs and state vocational rehabilitation agencies.”

**END OF FORM:**

**Signature:** The form should be signed by a P&A official who has responsibility for the completion of the form and who can verify its accuracy.

**Date:** Enter the month, day and year in which you send the form to RSA.

**Transmittal:** The Annual PAAT Performance Report should be sent within 90 days after the fiscal year covered by this report. Reports may be sent by mail or electronically using one of the options listed below. If you have questions regarding the completion of this form, contact Jessica Smith at (202) 245-6493.

**A. Electronic Mail addresses via Internet:**

Specific instructions for key entry/on-line editing of data directly into the RSA MIS can be obtained by contacting RSA, or by going to the following URL for information and the forms needed to access the RSA MIS: [http://rsamis.ed.gov/info\\_for\\_new\\_users.cfm](http://rsamis.ed.gov/info_for_new_users.cfm).

The RSA E-mail address for the Annual PAAT Performance Report is [jessica.smith@ed.gov](mailto:jessica.smith@ed.gov).

For information about completion of the Annual PAAT Performance Report, please use the same Internet E-mail address.

**B. US Mail and Facsimile--**

The RSA fax number is (202) 245-7592.

The US postal address is:

Rehabilitation Services Administration  
400 Maryland Avenue, SW  
Washington, D.C. 20202-2800