

Disability Issues

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Summer 2005

Good News for SSI Recipients: Recent Favorable Changes in SSI Income and Resource Rules

by Linda Landry

Over the past year, the Social Security Administration (SSA) has been publishing rules to implement changes required by the Security Protection Act of 2004, Public Law 108-203, which became law in March 2004. While positive, none of these changes constitute a huge departure from the SSI income and resource counting rules. They are more in the nature of a positive "tweaking" of some of the rules. It is still the case that, generally, any funds received in a month by an SSI recipient are "income," that is countable after permitted deductions, whether wages, "unearned" income, or in-kind income. Any wages or unearned income not spent in the month of receipt count as resources as of the first moment of the following month. It is still important

for SSI recipients to report ANY income and resource and ANY change to SSA to avoid penalties and even being charged with fraud. And, it is very important for recipients to be able to document that they reported changes to SSA, through receipts or other records.

Grants, Scholarships, Fellowships, and Gifts for educational purposes

Effective as of June 1, 2004, SSA will not count as income any portion of a grant, scholarship, fellowship, or gift used for paying tuition, fees, or other necessary educational expenses at any educational institution. In addition, any portion of such educational assistance that is not used to pay current tuition, fees or other necessary educational expenses but will be used for paying this type of

educational expense at a future date is also excluded from income in the This educational assistance will be excluded from SSI resource counting for 9 months.

Finally, this is not new, but it bears repeating and was recently clarified by SSA in a reorganized rule. Federal student financial assistance (received under Title IV of the Higher Education Act of 1965, or under the Bureau of Indian Affairs) is excluded from both income and resource counting for SSI purposes, regardless of the use of these funds. In order to claim the exclusion, the SSI recipient must provide SSA with verification, usually obtainable from the educational program, as to the type of educational assistance received.

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My First Mother's Day

by Linda Long-Bellil

While surfing the Internet looking for something for my mother for Mother's Day -- some nice flowers, chocolates -- suddenly it hit me: "Wait a minute. I'M a mother. This year I'M a Mom on Mother's Day." Wow.

Our son, Benjamin, was born six months ago, and I still have at least one moment every day when I am

The Long-Bellil Family - Linda with her husband Joe and baby Ben

awestruck by the fact that I have a son. It's amazing. He's amazing. All those platitudes about what a miracle it is to have a child are really true. The fact that I'm an older mother, 42, a "geriatric mother" according to some in the medical profession (not my doctor, thankfully, whose attitude was great), only makes it more of a wonder.

The day-to-day reality, of course, includes wet diapers, nighttime awakenings, and trying to fit a baby into a life that I lived without one for forty-two years. Or perhaps I should say trying to fit a life of 42 years around a baby, because that's really more accurate. We are lucky to have good day care and family support.

We are also lucky to be flexible and resourceful people, something that a lifetime of disability teaches you. Our disabilities definitely make the logistics tougher, but my husband and I both have good upper body strength and an ability to figure things out as we go, which makes it easier. So far, so good. I'm sure I look pretty strange to some people as I carry Ben in his car seat on my lap attached to a wide belt that I loop around me and the back of my wheelchair to make sure that he doesn't go anywhere. But, we made a decision that other people's approval was not going to be the deciding factor when it came to this baby, so here we are. Luckily, most of the people we know actu-

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SSI Recipients — cont. from page 1

Change in In-Kind Income Counting

Under the old rule, SSA defined in-kind income as food, clothing or shelter-related items (e.g., rent, utilities, etc.) given to the SSI applicant or recipient. The way it works is that SSA deducts from the SSI payment the lesser of the actual value of the in-kind item or 1/3 of the SSI federal benefit rate plus \$20 (\$213 in 2005).

The change is that, effective 3/9/05, SSA will no longer include clothing in the definition of in-kind income. Under the new rule, only food and shelter-related items will count as in-kind income, if provided free or below market value to an SSI recipient. This means that clothing is now one of those expenses that can be provided to an SSI recipient by paying the cost directly to the vendor to avoid any effect on the SSI benefit. Note that giving cash to an SSI recipient to buy clothes will still result in a dollar for dollar deduction against the SSI payment amount

Revised Exclusion for Infrequent or Irregular Income

Effective 7/04, the amount excluded as infrequent or irregular earned income was revised to \$30 per calendar quarter. The amount excluded for infrequent or irregular unearned income was revised to \$60 per calendar quarter.

Increased SSI Resource Exclusion for Retroactive Payments

Effective for benefits payable on or after 3/2/04, retroactive payments of Social Security benefits, SSI benefits, Federal income tax refunds for child tax credits, and Federal income tax refunds or employer advance payments for earned income tax credits will not count as SSI resources for 9 months. This means that the SSI recipient has 9 months from the receipt of such past due benefits to spend them down below the SSI asset limit. SSI recipients should keep receipts to show SSA that the money was spent down and on what. It is best to keep such funds in a separate account — especially larger amounts of past due payments.

Revised Automobile Resource Exclusion

Under the old rule, SSA excluded one automobile from resource counting, regardless of value, if necessary for employment, medical treatment, or if modified for disability access. The new rule states the exclusion more broadly and seems to conform to SSA's actual practice. Effective 3/9/04, the new rule excludes one automobile, regardless of value, if it is used for transportation for the individual or a member of the individual's household.

Revised Household and Personal Goods Resource Exclusion

The old rule excluded household and personal effects, if the total equity value was \$2000 or less. The new rule separates household and personal goods into separate exclusions.

Under the new rule, effective 3/9/05, household goods will not be counted as resources if they are: 1) items of personal property, found in or near the home, that are used on a regular basis; or 2) items needed by the householder for maintenance, use and occupancy of the premises as a home. Such items include but are not limited to: furniture, appliances, electronic equipment such as personal computers and television sets, carpets, cooking and eating utensils and dishes.

The new personal effects exclusion, also effective on 3/9/05, excludes personal effects from SSI resource counting if they are: 1) items of personal property ordinarily worn or carried by the individual; or 2) articles otherwise having an intimate relationship to the individual. Such items include, but are not limited to, personal jewelry including wedding and engagement rings, personal care items, prosthetic devices, and educational or recreational items such as books or musical instruments. Also not counted are items of cultural or religious significance to the individual and items required because of an individual's medical condition.

SSA will continue to count as resources items that were acquired or are held for their value or as an investment, because SSA will not consider these to be personal effects. Such items include, but are not limited to, gems, jewelry that is not worn or held for family significance, or collectibles.

Linda Landry is an attorney with the Disability Law Center.

INFORMATION BRIEFS

Employment Conference Coming in September

If you are interested in improving employment outcomes for people with disabilities in Massachusetts, consider attending the Mission: Employment 2 conference. Returning for a second year, the event will bring together Massachusetts workforce, disability and employment professionals and people with disabilities. It will take place on September 27 in Marlborough. Registration will begin in early August. Included in the conference agenda will be opportunities to:

- Get updates on important initiatives and opportunities
- Meet colleagues and advocates from around the state
- Learn innovative approaches to help people with disabilities get good jobs.

Visit <http://www.missionemployment.org> to sign up for e-mail updates or receive a brochure.

Accessible seating for the Rolling Stones Concert

A designated number of accessible seats for people with disabilities will be available for purchase to The Rolling Stones performances at Fenway Park on August 21 and 23. Patrons should be aware that some of the accessible seating locations at Fenway are located behind fixed seats. These locations may not provide a view of the stage, if the patrons in the forward seats stand during the concert and, accordingly, will be marked as obstructed view. Also note that there will be a strictly enforced "NO STANDING" policy for accessible and companion seating located on the field.

If you are interested in purchasing tickets to this concert, go to www.ticketmaster.com or call (617) 931-2000 for a live operator, (617) 228-6000 for automated-only service or the TDD line at either 1 (800) 943-4327 or 1 (800) 359-2525. Tickets are also available at the Orpheum Theatre box office.

CMS Releases Wheelchair National Coverage Rule

The Centers for Medicare and Medicaid Services (CMS) finalized its proposed National Coverage Determination (NCD) regarding Mobility Assistive Equipment that was issued in draft form February 2005.

This final NCD replaces the "bed or chair confined" standard with function-based clinical criteria that considers whether a Medicare beneficiary has a personal mobility deficit that sufficiently impairs his participation in mobility-related activities of daily living (for example, toileting, feeding, dressing, grooming, and bathing) in the home setting. Members of the mobility industry and consumers are disappointed in the final NCD, however, because the decision fails to address the controversial "in the home" requirement. The negative effects of this "in the home" requirement were reported on in the winter 2004-2005 Disability Issues.

Sports Club for Disabled Youth

Just Run is a sports club for girls and boys ages 8-18 with physical disabilities. Its purpose is to develop the young people's athletic skills and build a strong community. **Just Run** meets on Wednesdays at 5:30 pm at Niketown Boston or Newbury St. or the YMCA Boston on Huntington Ave, depending on the weather. For more information, contact Eli Wolff of Northeastern University's Sport in Society at 617-373-8936.

VSA arts of Massachusetts Revives Newsletter in Electronic Form

VSA arts of Massachusetts (VSAM) has announced the return of its *Access Expressed!* newsletter. For many years *Access Expressed!* celebrated the accomplishments of artists with disabilities and highlighted access improvements made by area cultural organizations. Due to funding cuts at the Massachusetts Cultural Council VSAM suspended printing and mailing hard copies of the newsletter in 2003.

With generous support from The Boston Foundation, VSAM is able to revive the newsletter. The goal is to maintain the look and feel of the original print publication and transform it into an electronic newsletter. *Access Expressed!* seven listings will be located at www.accessexpressed.net in the Events section. The e-zine will be published three times a year, starting with the June 2005 edition. It will be provided to readers free of charge and will be available in alternative formats upon request.

To subscribe to the new *Access Expressed!* e-mail VSAM directly with the word **Subscribe** as the subject to newsletter-request@vsamass.org.

To learn more about VSAM services and programs visit www.vsamass.org. If you have any questions or concerns about the newsletter, e-mail Bonnie S. Kaplan, Director of Cultural Access at BSK@vsamass.org or telephone her at 617-350-6535/TTY (Please dial 711 to reach a Relay operator).

"Project Independence" Enhances Emergency Communication

"Project Independence: 9-1-1 for Everyone" is a program that seeks to maximize the health, safety and independence of persons with disabilities by providing free cellular telephones for emergency use only. It is currently available to low-income residents of Brookline who have a disability.

Donna Suskawicz, a part time employee of the Massachusetts Rehabilitation Commission (MRC) and a graduate of the Brookline Citizens Police Academy created the program. Last year MRC honored her for her work with a Commissioner Award for Outstanding Performance.

Project Independence has been implemented in collaboration with the Brookline Police Department and with the financial support of the Brookline Community Fund, the Bay State Federal Savings Charitable Foundation and the Nehemias Gorin Charitable Foundation.

Ms. Suskawicz is currently working with Boston Mayor Thomas Menino's office to expand the program to the city of Boston. She hopes one day to see it operating statewide. There are over one million persons with disabilities in Massachusetts, and as many as one-third of them are estimated to be living in households with a total annual income of less than \$15,000. So, there is a great need for this kind of program.

If you are a resident of Brookline and want to find out if you qualify for Project Independence, call (617) 277-5131.

Big Changes Ahead in Drug Coverage: The Medicare Modernization Act

by Lyn Legere

The Medicare Prescription Drug law, also known as the Medicare Modernization Act (MMA), will offer medication coverage to Medicare beneficiaries.

A major requirement of this law is for people who receive both Medicare and Medicaid ("Dual Eligibles") to transfer drug coverage from Medicaid (MassHealth & CommonHealth) to Medicare. Medicaid coverage for prescription drugs ends on January 1, 2006, regardless of your status in a Medicare plan, so it's important that you know what's happening and when.

Some basics of the MMA

Prescription coverage will be provided by private insurance companies. Medicare recipients, including "Dual Eligibles," will choose between two types of plans for coverage.

Option A Traditional Medicare plus a Private Prescription Drug Plan (PDP)

A person keeps their traditional Medicare coverage and adds a prescription plan just for medication. Medicare rules/ co-pays etc. remain as they are now, and a person with Medicaid will continue to have Medicaid coverage for everything except prescription drugs.

Option B A person Joins a managed care plan (Medicare Advantage)

A person gets all his/her medical coverage and medications through the private plan. A person on Medicaid will continue to have Medicaid coverage for everything except prescription drugs.

We will not know the exact companies or plans being offered in any geographical area until mid-October.

What you can do now: People can investigate those companies already providing "Medicare Advantage" plans as they may have applied to participate under the MMA. The plans offered after January may be different, but people can find out about the company's reputation, if people are satisfied by the services, which medications are covered, etc.

SSA Letters & People with Low Incomes

People have begun to get letters telling them about help paying for prescription drugs. People with low incomes, as well as "dual eligibles," are entitled to "low income subsidies (LIS)." Monthly premiums, annual deductions, and a coverage gap can be significantly reduced or eliminated for people who qualify for the LIS. There are two categories that qualify, but the process and rules are different for each. The letters being sent by SSA identify the category that a person is in, and what steps the person needs to take.

Category 1 "Dual Eligibles" - All people that receive both Medicare and Medicaid, including CommonHealth.

- Eligibility for Subsidy - Automatically ("deemed") eligible. There are no income or asset limits for this category.
- Correct Letter/Steps to Take - You should receive a letter that states, "Our records show that you currently have Medicare and

Medicaid..." and tells you that you do NOT have to do anything to get assistance.

- How much is the subsidy? See chart.

Category 2 People with Low Incomes who do NOT receive Medicaid. - People with incomes below 150% of the federal poverty limits AND resources below specified limits.

- Eligibility for Subsidy - Must apply for the subsidy.
- Correct Letter/Steps to Take - You should receive a letter that states that you may be eligible for help paying for your prescription drugs, "but before we can help you, you must fill out the application..."
- How much is the subsidy? See chart at left

What you can do now: The most important thing is to be sure you get the right letter, because this will make a difference in your costs. If you've been put into the wrong category, you should call your local Social Security or Division of Medical Assistance Office.

If you are a person with a disability who was on Medicaid, but lost it due to work activity, you might be eligible for CommonHealth. By enrolling in CommonHealth, you would become a "dual eligible" and entitled to the Dual Eligible subsidy (LIS).

As we get closer to the implementation of the MMA, there will be many options to get more information, so stay tuned !!

Lyn Legere holds a Masters Degree in Psychiatric Rehabilitation from Boston University, as well as a Legal Certificate from the College of Public and Community Service at the University of Massachusetts. For the past 20 years, she has provided direct representation to clients in the area of public benefits and has trained professionals and consumers across the nation on issues surrounding SSI, SSDI, Medicaid and Medicare, with a special focus on the needs of people with psychiatric illnesses.

Standard Plan Payments & Subsidies

Low Income Status	Premium Payment	Deductible Payment	Co-Payment for Prescriptions
Standard Benefit – income above 150% FPL □OR Assets above \$10,000 ‡	Approx. \$37.00/month	\$250.00/yr	25% to total \$2500.00 100% between \$2500 & \$5100 5% after \$5100
Dual Eligible , income below 100% FPL □	\$0	\$0	\$1.00 for generic/preferred and \$3.00 for brand name
Dual Eligible , income above 100% FPL □	\$0	\$0	\$2.00 for generic/preferred and \$5.00 for brand name
Income below 135% of FPL □ assets below \$6,000 ‡ and no Medicaid	\$0	\$0	\$2.00 for generic/preferred and \$5.00 for brand name
Income below 135% of FPL □ assets between \$6,000 and \$10,000 ‡ and no Medicaid	\$0	\$50.00	15% co-insurance
Income below 150% of FPL □ assets below \$10,000 ‡ and no Medicaid	Sliding scale	\$50.00	15% co-insurance

* Medicare Advantage plans set their own rates under certain guidelines

_ Federal Poverty Limits (2005) for individuals/ couples: 100% FPL=\$9,576/ \$12,840,

135%=\$12,569/\$17,328, 150%=\$14, 355.00/ \$19,245

‡ Assets configured for individual and couple as follows: \$6,000/\$9,000;\$10,000/\$20,000.

NEW GUIDES AND RESOURCES ~ MBTA Access Guide

Getting Around Boston: A Guide to Riding the T for People of All Abilities is a comprehensive brochure for navigating the MBTA. It was produced for the T by Adaptive Environments.

The principal author is Chris Hart, who has cerebral palsy and has been riding the system's trains and buses in a wheelchair for most of his life. Hart has studied urban design at Harvard University and has an encyclopedic knowledge of the T, including experience as a bus monitor checking mobile lifts.

The 64-page, full-color guide provides detailed information about every elevator, ramp, escalator, emergency phone and street orientation in all 80 T stations. It is the first comprehensive accessibility guide of any U.S. transit system. The T plans to update the guide as renovations and extensions progress.

"We approached the T about doing the guide as a way for them to equate accessibility with customer service," said Valerie Fletcher, Adaptive Environments' executive director. "We wanted it to be for all T users. If it helps a disabled T rider on a scooter, it will also be good for a mother who needs to get a stroller into a station."

The guide is available at the South Station, Downtown Crossing, Park, State and Government Center T stops. It can also be downloaded for free as a PDF file by going to <http://www.adaptenv.org/index.php?option=Resource&articleid=462>

New DPH Manual for Families of Children with Special Health Care Needs

The Massachusetts Department of Public Health Division for Perinatal, Early Childhood, and Special Health Needs has introduced *Directions: Resources for Your Child's Care*, Second Edition, a resource manual for families of children with special health care needs. The purpose of *Directions* is:

- To help families organize health records and information in order to optimize contact with health providers and health plans
- To provide resources and specialized information about caring for child a with special health care needs
- To improve communication among families, health providers, and health plans.

Ordering and Contact Information: To download *Directions* in English and Spanish from the Internet, visit www.mass.gov/dph/fch/directions. To order a free copy of *Directions* in English or Spanish, contact the Massachusetts Health Promotion Clearinghouse by calling 617-536-0501 x 211 or 617-536-5872 (TTY). For information and to obtain this book in alternate formats, contact the Massachusetts Department of Public Health by calling 800-882-1435 (in MA only), 617-624-5070, or 617-624-5992 (TTY).

Directions: Resources for Your Child's Care is a joint project of the Massachusetts Department of Public Health, Blue Cross Blue Shield of Massachusetts, Fallon Community Health Plan, Harvard Pilgrim Health Care, Neighborhood Health Plan, and Tufts Health Plan.

Three Resource Guides to Specialized Health Services Available Online

Community Partners is offering access to three user-friendly new resource guides that can help cut through the confusion of getting specialized health services. The Boston Bar Association's sensitive **Parents' How-To Guide to Mental Health Services** begins by helping parents determine whether their children need help. The Kaiser Family Foundation's two new Q&A guides can help people with disabilities navigate the Medicare and Medicaid systems and keep their coverage while working. All three guides are free and downloadable.

To access these guides go to: <http://www.compartners.org/news/2005/05/12/new-navigation-guides-for-health-services/>.

New Training Video And Curriculum For Medical Providers

The World Institute on Disability has developed a new training video and curriculum for medical providers. **Access to Medical Care: Adults with Physical Disabilities** is a 22-minute video about treating people with mobility, vision, hearing and communication impairments in outpatient settings. It offers physicians, dentists, nurses, social service and support staff, an introduction to crucial issues that affect the quality of care for their patients with disabilities.

Through interviews with expert medical providers and a diverse group of people with disabilities, this video:

- Explores the views and experiences of people with disabilities and providers in establishing rapport and effective communication,
- Addresses cultural competence, access and communication issues which often arise in the clinic,
- Identifies common myths and stereotypes which interfere with accurate assessment of patients,
- Explains barriers which result in disparities in health care delivery, including physical/architectural, communication, attitudinal and social/economic policy,
- Identifies the most common access and accommodation needs of adults with physical, sensory and communication disabilities, as required by the Americans with Disabilities Act, and explains feasible, cost-effective solutions,
- Clarifies essential principles of quality care in treating people with disabilities,
- Reinforces key learning points in bulleted graphics (available in printed handouts in the curriculum).

Treating Adults with Physical Disabilities, the accompanying training curriculum offers a case-based learning exercise and extensive in-depth reference materials. It provides essential knowledge for appropriate provision of care and compliance with the Americans with Disabilities Act. The curriculum emphasizes access and communication as the fundamental components in addressing health care disparities for people with disabilities.

The price of the video and curriculum is \$149 plus \$3 shipping and handling. To order contact: The World Institute on Disability, 510 -16th Street, Suite 100, Oakland, CA 94612-1500. For more information call Dr. Marsha Saxton at 510-251-4349.

Project IMPACT Provides Benefits Planning Services

by Joe Reale

What was expected to be a straightforward and simple job - complete a consumer interview, explain the Social Security Programs and Work Incentives, and move on to the next customer - has transformed into an extremely complex undertaking for the Massachusetts Rehabilitation Commission's (MRC) Project IMPACT (Individual Members Planning and Assessing Choices Together).

The Social Security Administration (SSA), authorized by the Ticket to Work and Work Incentives Improvement Act of 1999, awarded 116 Benefits Planning, Assistance and Outreach (BPA&O) cooperative grant projects to a variety of community organizations across the country. These BPA&O projects provide disabled SSA beneficiaries with access to benefits planning services. The Massachusetts Rehabilitation Commission was awarded one of these cooperative agreements and used it to create Project IMPACT.

As Project IMPACT closes in on 5 years, it has far exceeded all goals and expectations. The Project was named an "Outstanding Program" and ranked as the #1 Benefits Planning, Assistance and Outreach Project in the nation by the Social Security Administration. Using innovative and timely strategies to provide people with disabilities with valuable information regarding public disability benefits, Project IMPACT has become an integral step on the path to independence for many consumers.

How did all of this come about? Over the years, numerous studies suggested that people with disabilities who received Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) are hesitant to pursue a job because of misconceptions regarding their loss of Social Security benefits when employed. These studies also indicated the work incentives available to SSDI and SSI beneficiaries were too complex and often resulted in more confusion as to the effect a job has on one's benefits. Over and over again we see that the two biggest concerns have to do with the fear of losing cash payment status or medical coverage. Most times, when we provide only a modest amount of the right information and some technical assistance, consumers get a clearer understanding of their situation, enabling them to make the right decision.

The Project provides up-to-date information about public disability benefits including SSI, SSDI, Medicaid and Medicare. It also provides information on Transitional Aid to Families with Dependent Children (TAFDC), Emergency Aid to the Elderly, Disabled and Children (EAEDC), Food Stamp Program,

CommonHealth, MassHealth, state and federal public housing, Section 8 housing vouchers and much more.

Project IMPACT's Benefits Specialists are constantly looking for ways to better serve consumers. They can create personalized benefit plans to assist consumers in making the most informed choices regarding employment. In addition to assisting consumers, family members and community professionals to navigate the public disability benefits system, Benefits Specialists also assist consumers in planning their long-term benefits toward self-sufficiency. Project IMPACT staff continue to participate in trainings, as a way to stay up to date with the current public policies.

With the information provided by Project IMPACT, the Massachusetts Rehabilitation Commission has seen that more people with disabilities are choosing to join the workforce. Knowing what to expect, consumers can base their decisions on accurate information. Also, they are able to refer to their concise individualized benefits Plans over time. By having all the information about benefits and services explained at one time in a straightforward manner, each consumer is able to make an informed choice about going to work. Ultimately, that is what IMPACT is all about; presenting to the consumer, their families and providers all the benefit information they need to make an educated decision regarding employment.

Project IMPACT's approach seems to be working, as it has surpassed its numeric goals for the fourth year in a row, developing plans for more than 2500 people with disabilities over this time period. This number represents nearly 10% of all Benefits Plans written in the country. Compared to the national average, Project IMPACT staff has produced 13 times more plans than the average BPA&O project. In addition to benefits plans, IMPACT Staff have provided technical assistance to 4,000 more individuals.

Project IMPACT collects statistics regarding job placement outcomes. Consumers who received a benefits plan were 2 times more likely to become employed than those who did not. Also, for those consumers who were employed, we observed an average increase of 83% in their cost of living (cash flow), from the time they were first seen for benefits counseling to the time they were employed for 90 days. Finally, almost 40% of MRC consumers served by a Benefits Specialist are working at or above Substantial Gainful Activity.

If you are interested in additional information regarding Project IMPACT, please call 1-800-734-7475.

Joe Reale is the Director of Project IMPACT.

Mother's Day — continued from page 1

ally DO approve and are happy for us, which means a lot. We really have appreciated and been touched by the outpouring of support that we have received from family and friends.

So, how did I spend my first Mother's Day? Well, first my husband, Joe, greeted me with breakfast in bed. (Yes, I married a man who knows how to

treat a woman.) He threw in a couple of Mother's Day gifts, too, for good measure. Then, Ben and I played "This Little Piggy" with his toes. Watching him laugh is the best. We played with Daddy a little bit, too. It is so much fun to watch the two of them together. Sometimes I can't decide which one of them is cuter, Ben or Daddy. Then we just went about our day, like any ordinary day. Except that, for me now, an ordinary day has a baby in it.

Life will never be ordinary in the way it was before, but rather just a bit extraordinary, now that Baby Ben is here. And now that I'm a Mom on Mother's Day.

In addition to being a new mother, Linda Long-Bellil, J.D., M.A. is a Project Director in the Long-Term Care Unit at the UMass Center for Health Policy and Research in Shrewsbury.

Cruise Ship Lawsuit Settled

clip art

In June the Associated Press reported that the U.S. Supreme Court decided that foreign cruise lines sailing in United States waters must provide better access for passengers in wheelchairs. The narrow 6-3 decision is a victory for disabled rights advocates, who said inadequate ship facilities inhibited their right to "participate fully in society."

"With this decision the Supreme Court has told the cruise lines that

we are entitled to what every other passenger receives -- access to emergency equipment and the full range of public facilities," said Douglas Spector of Houston, one of the disabled passengers suing the cruise lines. Spector and two other disabled passengers originated the ADA suit against Norwegian Cruise Line (Disability Issues Spring 2005). They said that they paid premiums for handicapped-accessible cabins and the assistance of crew but the cruise line failed to configure restaurants, elevators and other facilities in violation of the ADA.

A spokeswoman for the International Council of Cruise Lines, based in Arlington, Va., said the group was reviewing the decision and had no immediate comment. The ruling has wide implications for the cruise industry, which fears that remodeling to comply with the ADA could cost millions.

Still, the ruling is unclear how much the \$2.5 billion industry, which carries 7.1 million passengers each year, will actually have to reconfigure pools, restaurants and emergency equipment for wheelchair accessibility. Much of the industry registers its ships away from home countries in places such as the Bahamas, Liberia, Honduras, Panama and Cyprus, which promote the practice by pointing to their business-friendly regulatory outlooks. The U.S. cruise industry is almost exclusively foreign-flagged.

Justice Anthony Kennedy, writing for the majority, noted that cruise lines need not comply with Title III of the ADA to the extent it creates too much international discord or disruption of a ship's internal affairs, under a provision of the statute that calls only for "readily achievable" modifications.

"It is likely that under a proper interpretation of 'readily achievable' Title III would impose no requirements that interfere with the internal affairs of foreign-flag cruise ships," Kennedy wrote, in sending the case back to lower court to determine what is ultimately required of cruise lines.

The case was an appeal from the 5th U.S. Circuit Court of Appeals based in New Orleans, which ruled in January that foreign-flag cruise ships are not covered by the ADA. Under the Supreme Court's decision, the disabled passengers who filed suit may now proceed to trial to prove discrimination.

Local Student to Participate in Summer Congressional Internship

Jennifer Ann Fitz-Roy, a student at Boston College, was named as one of the eight students selected to participate in the 2005 Mitsubishi Electric America Foundation American Association of People with Disabilities (AAPD) Congressional Internship Program. This program is made possible by a grant from the Mitsubishi Electric

America Foundation. Ms. Fitz-Roy's participation was supported by an additional grant from The Henry H. Kessler Foundation.

This congressional internship program, a paid summer experience that was launched in 2002, was designed to provide college and university students with disabilities the opportunity to obtain firsthand knowledge of the legislative and political process and to give them a unique learning experience that enriches their educational endeavors and enhances their future career opportunities.

Ms. Fitz-Roy, who lives in Clifton, New Jersey, is in an accelerated five-year program in the Boston College Graduate School of Social Work. She will receive a Bachelor of Arts in Human Development in 2006 and a Master of Social Work in 2007. On campus, she is an undergraduate research assistant for the Early Intervention Collaborative Study. She is a member of the National Council on Disability Youth Advisory Committee, Governing Board Secretary of the National Youth Leadership Network and member of the Jenks Leadership Program. She also co-founded and now chairs the Boston College Disability Council. Her community service work has included volunteer work with the Spina Bifida Association of America Mentoring Advisory Committee, Mobility International USA Youth Outreach Team, the Massachusetts Spina Bifida Association and the National Disabled Student Union. Ms. Fitz-Roy has participated in disability conferences, including the Spina Bifida Association of America annual conferences and the 2004 World Congress of Rehabilitation International, and was a delegate at the International Children's Congress on Inclusion of Children with Disabilities and Mobility International USA England Exchange Program. She has been the recipient of several scholarships. Ms. Fitz-Roy will be interning in the office of Senator Jon Corzine (D-NJ).

For information regarding internship opportunities available through AAPD, contact AAPD toll-free at 800-840-8844 (V/TTY) by e-mail at aapd@aol.com, or visit the AAPD website www.aapd-dc.org.

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