

INTEGRATING P&A VALUES AND PRINCIPLES INTO YOUR DAILY PRACTICE



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Learning Objectives

- ◎ By the end of this session, you will be able to:
 - ◎ Identify three ways to integrate P&A values, philosophy and principles into your daily work,
 - ◎ Assess how these principles are reflected in your organization and your work,
 - ◎ Use the information from this discussion to better align your daily work with P&A values and principles

BRINGING THEM INTO OUR DAILY WORK

Philosophy That Guides P&A Work

- People with disabilities are full and equal persons under the law and are entitled to equal access to the opportunities afforded to all members of American society.
- People with disabilities are entitled to be free from abuse, neglect, exploitation, discrimination, and isolation, and to be treated with respect and dignity.
- People with disabilities have access to age appropriate services and supports that are shaped by the unique needs and preferences of each individual. Such service and supports are designed to foster independent, productive and integrated community life.
- People with disabilities have the right to make choices about all aspects of their life including daily routines and major life events.

Application: People with disabilities at the center of our work and interactions

- People with disabilities are our primary constituency and our clients
- Maximize voices of, and interactions with, people with disabilities in our priorities and work
- People with disabilities freely exercising their civil, legal and human rights is our outcome.
- Boards of Directors, PAIMI Councils, P&A staff and P&A services reflect the diverse cultural, ethnic, racial, and disability diversity in our state

P&A Principles

- Advocates use multiple strategies to promote rights enforcement, independence and inclusion of people with disabilities:
- Advocacy services are client directed:
- Protection and Advocacy agencies are leaders on disability issues:
- Advocacy services are independent and accessible to people with disabilities:

Application: Employ Multiple Strategies to Maximize Independence

- Focus on maximization of independence, autonomy, productivity, and integration of individuals with disabilities.
- Establish, expand, protect, and insure enforcement of the human, legal and civil rights of people with disabilities.
- Assure your agency has the potential to use all strategies in the P&A continuum of remedies from self-advocacy assistance to individual and class action litigation, legislative, media and other systemic advocacy.

Values to Guide Our Work

- People with disabilities are included in all activities undertaken by the P&A.
- P&As work zealously to protect and advocate for their clients and people with disabilities in their state.
- Boards of Directors, PAIMI Councils and P&A services reflect the diverse cultural, ethnic, racial, and disability diversity in their state.

Application: Be ready to face conflict and step out of your comfort zone

- P&A's federal charge is to enforce the rights and policies that Congress established to support people with disabilities to exercise their civil, legal and human rights
- The political system is stacked against people with disabilities and particularly those from marginalized communities
- P&As were given unique authority to access individuals with disabilities believed to be abused or neglected, an absolute priority to protect these individuals and to fight for the rights of all individuals with disabilities to live and work in their communities
- No one else has this authority
- We are called precisely to address these barriers

Application: Challenge Institutional Bias and Hold Service Systems Accountable

- Far too many people with disabilities live in institutions or spend their days segregated in disability enclaves excluded from fully experiencing community life
- Segregation is discriminatory – when people in power separate people by protected class it is discriminatory
- Seek out all opportunities to challenge the state's inclination to segregate

Application: Strategic Advocacy Leadership

- Lead the disability community's legal and policy advocacy calling for an end to discriminatory segregation
- Focus the work of the P&A through priority-setting and strategic allocation and development of resources
- Use integration as the lens when determining your priorities. Explicitly describe what you are trying to do as ending this form of discrimination
- Be deliberately strategic in allocating resources to that work
- Build partnership to support intersectional advocacy to fight all the ways people with disabilities face discrimination

HYPO

Hypothetical # 1

- On a monitoring visit to a large state facility a P&A advocate meets a woman lying in bed. She has a hard time talking, but the advocate comes to understand that the woman is in great pain.
- Without any prompting, the nurse explains that the resident has a blood infection that is getting worse by the day. He says that since the woman has no guardian or family decision makers to authorize the life saving surgery, and she does not understand the gravity of the situation and her continued refusal of surgery, the lawyer for the facility was planning on securing an emergency court order this afternoon to get the procedure approved and performed by tomorrow at the latest.
- The woman lets the advocate know that she is aware of the proposed surgical intervention and tells the advocate that the staff and doctors don't really talk about it and just say she needs to do it. She did not know that they were going to try to force her to get it done.
- She explains that she does not want the procedure.

Things to Consider

- How should the P&A advocate respond?
- What information should the decision maker have access to? Do they have access to it currently?
- Who do you think should make the medical decision, the facility or the resident? Why or why not?

What we did in our P&A

- Met with the client for two hours. P&A staff reached out to the surgeon and treating physician with client to secure answers to several of the client's questions. Assured the client that they were there to advocate that the decision was ultimately the client's.
- Started with the legal presumption that the client had capacity to make decisions.
- P&A staff found the client was making reasonable choices about a very difficult situation with very limited information. The information was limited because no one was paying attention to the client's desire to engage in a typical dialogue with treating professionals about treatment options. They were all operating under the assumption the client did not understand.
- The client indicated that regardless of whether the surgery was done or palliative hospice care was sought, the client's singular goal was to "receive the best care from the best team." The client's main concern was whether all of this surgery was really going to result in long-term benefit. The client had already been through several surgeries and the clients health just kept getting worse.

What we did in our P&A

- When the doctors finally took the time to explain their rationale for their treatment recommendations and that they thought the client would make a full recovery, the client expressed a desire for the surgery.
- P&A staff felt that the client's decision to perform the surgery was fully informed and was the product of a deliberate rational weighing of the various physical and abstract factors that anyone in this situation would have to struggle with weighing.
- The State Attorney General's Office decided initially that it was still best to get a forced treatment order from a court in case the client's decision changed. P&A staff explained that any such action would be contested by the P&A because if the client's decision changed, there is no reason to believe at this point that it would be as a result of a lack of decision-making capacity and instead would more likely be the result of a deliberate informed decision of the client which should be respected.
- The attorney general's office decided to refrain from any court action and respect the decision of the client.

Bringing this home

- Ask yourself and your colleagues the questions posed in this presentation as you consider what cases to take and how to work on them
- Use this slide deck to introduce P&A Values, Principles and Philosophy to your colleagues to encourage discussions in your P&A
- Go through the additional hypos yourself and/or with your teams or in a staff meeting

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