

**HAWAII DISABILITY RIGHTS CENTER**  
**ANNUAL REPORT - FY 2005 (OCTOBER 2004 - SEPTEMBER 2005)**

MISSION & POLICY	FINANCES	PEOPLE
<p><b>The Hawaii Disability Rights Center defends and enforces the human, civil and legal rights of people with disabilities.</b></p> <p><b>Human Rights</b> are those natural rights that are accorded to all human beings. They are clearly stated in the U.S. Constitution as the right to life, liberty and the pursuit of happiness.</p> <p><b>Civil Rights</b> are an expansion of basic human rights and are specified in the U.S. Constitution, the Bill of Rights and the Hawaii State Constitution. They include the rights to: freedom of religion, speech, press, assembly; petition for change; equal protection under the law; privacy; confidentiality; appeal decisions; freedom from oppression, unlawful search and seizure; and cruel and unusual punishment.</p> <p><b>Legal Rights</b> are an expansion of our human and civil rights as established by specific laws, such as those laws which authorize protection and advocacy for people with disabilities.</p> <p><b>It is the policy of HDRC to:</b> Advocate for as many people with disabilities in the State of Hawaii, on as wide a range of disability rights issues, as our limited resources allow; and to:</p> <p>Resolve rights violations with the lowest feasible level of intervention; but to also:</p> <p>Provide full legal representation, including litigation, if necessary, to protect the rights of people with disabilities, consistent with authorizing statutes and Center priorities.</p>	<p><b>Beginning Assets</b> October 1, 2004:           <b>\$267,147.00</b></p> <hr/> <p><b>2005 REVENUE</b></p> <p><b>Federal (81%):</b>           <b>\$1,372,964.00</b></p> <p><b>State (10%):</b>           <b>\$165,505.00</b></p> <p><b>Other ( 9%):</b>           <b>\$153,093.00</b></p> <p><b>TOTAL 2005 REVENUE: \$1,691,562.00</b></p> <hr/> <p><b>2005 EXPENDITURES</b></p> <p><b>Program Services (94%):</b>   <b>\$1,606,812.00</b></p> <p><b>Management ( 6%):</b>       <b>\$103,555.00</b></p> <p><b>Fundraising:</b>           <b>\$1,593.00</b></p> <p><b>TOTAL 2005 EXPENDITURES: \$1,711,960.00</b></p> <hr/> <p><b>Ending Assets</b> September 30, 2005:       <b>\$246,759.00</b></p> <hr/> <p align="center"><b>The program and financial documents of HDRC for FY2005, ending September 30, 2005, were audited by the accounting firm of Detor &amp; Williams, CPAs, Inc.</b></p> <p align="center"><b>There were no reportable conditions, findings or questioned costs and HDRC qualified as a low-risk auditee.</b></p>	<p><b>BOARD OF DIRECTORS</b></p> <p><b>Marion Poirier</b> <i>Chair</i></p> <p><b>Karen Kane</b> <i>Vice Chair</i></p> <p><b>Helen Myers</b> <i>Secretary / Treasurer</i></p> <p><b>Gary L. Smith</b> <i>President</i></p> <p><b>Frank Abou-Sayf</b> <b>Pauline Arellano</b> <b>Janet Bamford</b> <b>Michael Burnett</b> <b>Michael Cho</b> <b>Camille McCormack</b> <b>J. Stephen Street</b> <b>Wayne Tanna</b></p> <hr/> <p><b>PAIMI ADVISORY COUNCIL</b></p> <p><b>Pauline Arellano</b> <i>Chair</i></p> <p><b>Kaanoi Gillette</b> <i>Vice Chair</i></p> <p><b>Kenneth Akinaka</b> <b>Helen Chapin</b> <b>Roslyn Cohen</b> <b>Rita Gorospe</b> <b>Lydia Hemmings</b> <b>Eldon Wegner</b> <b>Sharon Yokote</b></p> <hr/> <p><b>STAFF</b></p> <p><b>Gary L. Smith</b> <i>President</i></p> <p><b>Ann E. Collins</b> <i>Vice President</i></p> <p><b>Kathleen Delahanty</b> <i>Director of Client Services</i></p> <p><b>Ronald C. Baltero</b> <b>Matthew Bassett, Esq.</b> <b>Glenn Castillo</b> <b>Kathy English</b> <b>Louis Erteschik, Esq.</b> <b>Michelle Kaulukukui-Palisbo,</b> <b>Jennifer Keenan</b> <b>Howard Lesser</b> <b>Jane M.K. Miyahara</b> <b>Dwight Ovitt</b> <b>Michael Rabanal</b> <b>Sharon Smockhoffmann</b> <b>Leslye Sneider</b> <b>Judith Taylor</b> <b>Donald Thomas</b> <b>Verna Waikiki</b> <b>Ida Yoshida</b></p>

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*Cover Photo by Sharon Smockhoffmann*



 **HAWAII DISABILITY RIGHTS CENTER 2005**



2005 PROGRAMS	HDRC'S "WAITLIST" LITIGATION SETTLES IN 2005
<p><b>CAP</b>  <b>CLIENT ASSISTANCE PROGRAM</b>  Rehabilitation Act  29 USC §732(e)</p> <p>Informs, advises, assists and represents applicants and clients of vocational rehabilitation and other services authorized in the Rehabilitation Act.</p>	<p>In 1998, HDRC filed the <i>Makin v. State of Hawai'i</i> (Civil No. 98-00997) lawsuit on behalf of a class of 700 people with developmental disabilities who had been indefinitely "waitlisted" for Medicaid waiver Home and Community Based Services ("HCBS"). In a Settlement Agreement signed April 25, 2000 the State agreed to develop and maintain a waitlist that moved at a reasonable pace and that provided the original 700 class members with HCBS services by the end of June 2003.</p> <p>On September 29, 2003, HDRC again filed suit against the State (<i>HDRC v. State of Hawaii</i>, Civil No. 03-00524) alleging substantial violations of the <i>Makin</i> Settlement Agreement as well as new legal claims.</p>
<p><b>P&amp;A</b>  <b>PROTECTION &amp; ADVOCACY SYSTEM</b>  For People with Disabilities</p>	<p>On August 12, 2005, more than seven years after the original filing, HDRC and the State of Hawaii signed a second Settlement in which the State agreed to:</p>
<p><b>PAAT</b>  P&amp;A for Individuals in need of Assistive Technology  20 USC §3001</p>	<ol style="list-style-type: none"> <li>Use their best efforts to amend the Hawai'i Administrative Rules to establish timelines to determine eligibility and provide services;</li> <li>Use their best efforts to restore the \$5 million in unused waiver funds that were returned to the General Fund;</li> <li>Discontinue use of the "deferred" designation;</li> <li>Provide written notice to all "deferred" people regarding the terms of settlement, including offers of a new Individualized Service Plan ("ISP") and advocacy assistance from HDRC;</li> <li>Complete new ISPs requested by "deferred" people within 6 months from date of request, and provide HCBS within a 90-day period;</li> <li>Determine HCBS eligibility within 90 days of the settlement date for people presently on the HCBS waitlist, or within 90 days of application for new HCBS applicants. Upon being determined eligible, provide HCBS within a second 90-day period;</li> <li>Eliminate current intake priorities, in order to conduct all HCBS admissions on a first-in, first-out basis;</li> <li>Jointly develop with HDRC standardized presentation materials regarding the application process, eligibility criteria, a description of various HCBS offered, and any other services available;</li> <li>Train DDD Case Managers to identify and implement "wraparound" HCBS services concurrent with other DD/MR programs and services;</li> <li>Provide sufficient information to HDRC to verify compliance with the settlement; and meet with HDRC at regular intervals to review compliance efforts.</li> </ol>
<p><b>PABSS</b>  P&amp;A for Beneficiaries of Social Security  42 USC §1320b-21</p>	<p>While <i>Makin v. State of Hawai'i</i> and <i>HDRC v. State of Hawai'i</i> were filed on behalf of people with developmental disabilities, this "Olmstead" litigation ultimately benefits all qualified people with disabilities who want to live, not in an institution, but in the community.</p>
<p><b>PADD</b>  P&amp;A for Individuals with Developmental Disabilities  42 USC §15001</p>	<p>For a complete Settlement transcript, please visit:  <a href="http://www.hawaiidisabilityrights.org/General_News.aspx">www.hawaiidisabilityrights.org/General_News.aspx</a></p>
<p><b>PAIMI</b>  P&amp;A for Individuals with Mental Illness  42 USC §10801</p>	
<p><b>PAIR</b>  P&amp;A for Individual Rights  20 USC §794e(f)(3)</p>	
<p><b>PATBI</b>  P&amp;A for Individuals with Traumatic Brain Injury  42 USC §300d-53</p>	
<p><b>PAVA</b>  P&amp;A for Voter Access  42 USC §15461-61</p>	

HDRC 2005 SERVICES (BY PROGRAM)										
	CAP	PAAT	PABSS	PADD	PAIMI	PAIR	PATBI	PAVA	TOTALS	
1. INFORMATION & REFERRAL	69	51	46	503	830	1238	37	11	2,785	
2. OUTREACH ACTIVITIES	146	0	75	361	470	190	24	15	1,250	
# People Reached	1,418	0	7,052	3,960	3,514	1,269	403	277	17,893	
3. TRAINING ACTIVITIES	43	4	17	133	154	27	25	3	386	
# People Trained	486	38	129	1,157	1,926	431	347	41	4,555	
4. SYSTEMS CASES	0	0	0	4	8	2	0	0	14	
Estimated # Beneficiaries	0	0	0	27,500	1,866	200	0	0	29,566	
5. INDIVIDUAL CASES	123	150	40	605	460	198	20	505	2,101	
Rights Defended	Care & Treatment	0	0	0	180	141	22	2	0	345
	Citizenship	0	0	0	0	0	55	0	505	560
	Education	82	0	0	288	157	1	3	0	531
	Employment	41	0	40	0	11	27	6	0	125
	Freedom of Association	0	0	0	1	0	0	0	0	1
	Housing	0	0	0	1	20	19	0	0	40
	Justice	0	0	0	5	38	1	0	0	44
	Program & Services	0	150	0	130	93	73	9	0	455
TOTAL PEOPLE SERVED (1-5)	2,096	239	7,267	33,725	8,596	3,336	807	834	56,900	

INDIVIDUAL CLIENT CHARACTERISTICS (BY PROGRAM)									
CHARACTERISTICS	CAP	PAAT	PABSS	PADD	PAIMI	PAIR	PATBI	PAVA	TOTALS
Age	0-2	0	0	0	7	1	1	0	9
	3-4	0	7	0	40	3	1	0	52
	5-22	90	76	3	399	223	2	3	1015
	23-59	31	57	32	149	221	145	16	910
60+	2	10	5	10	12	49	1	26	115
Sex	Male	90	99	22	403	313	74	13	1,261
	Female	33	51	18	202	147	124	7	840
Ethnicity	African	3	4	1	26	22	3	0	68
	Asian	20	37	14	127	66	23	3	421
	European	30	38	11	144	139	119	10	656
	Hawaiian	4	6	1	37	26	5	0	122
	Hispanic	4	4	1	14	10	4	1	45
	Native American	1	0	0	1	2	3	0	7
	Pacific Islands	8	10	1	19	8	6	1	68
Multi-Ethnic	53	51	11	237	186	35	5	714	
Disability	AIDS/HIV	0	0	1	0	0	8	0	9
	Alzheimer's	0	0	0	0	0	1	0	2
	Arthritis	1	3	1	4	3	6	0	26
	Autism	13	19	1	147	8	0	0	202
	Blind, Visual Impairment	5	14	4	32	3	17	0	88
	Cerebral Palsy	1	20	0	44	2	43	0	169
	Deaf, Hard of Hearing	5	19	2	33	7	12	0	88
	Developmental Disability	9	27	1	182	17	4	1	382
	Diabetes	1	4	0	3	7	8	0	26
	Eating Disorders	0	1	0	5	1	2	0	9
	Environmental, MCS	0	1	0	0	0	3	0	5
	Epilepsy, Seizure	3	9	1	34	7	6	3	68
	Fibromyalgia	1	0	0	1	3	4	1	11
	Heart, Circulatory	1	4	3	6	2	24	1	45
	Hydrocephaly	0	0	0	2	0	0	0	2
	Intellectual Disability (MR)	9	34	0	209	16	3	0	313
	Kidney, Liver	1	0	3	0	1	7	0	15
	Learning Disabilities	33	17	3	126	96	2	1	359
	Lupus	0	0	0	0	3	1	0	6
	Mental Illness, SED, ODD	66	21	18	48	445	6	4	767
	Multiple Sclerosis	0	0	0	0	2	8	0	11
	Muscular Dystrophy	1	2	1	2	1	0	0	10
	Muscular/Skeletal Impair.	0	0	0	0	3	3	0	6
	Neurological	1	7	0	8	5	15	0	41
	Oncology, Cancer	0	1	2	0	1	5	1	14
	Orth/ Para/ Quadriplegia	12	30	13	44	20	53	2	198
	Resp/ Lung/ Emphysema	0	2	1	4	2	7	0	25
	Speech, Language	2	10	0	53	4	1	0	71
	Spina Bifida	2	0	0	4	0	0	0	7
	Spinal Cord Injury	0	0	0	1	0	0	0	1
	Tourette Syndrome	1	1	0	2	3	0	0	7
	Traumatic Brain Injury	4	5	2	5	2	1	19	49
Island	Hawaii	8	15	1	94	40	25	3	263
	Kauai	2	8	2	20	13	11	0	57
	Lanai	7	4	0	8	1	0	0	30
	Maui	6	1	5	32	36	13	1	123
	Molokai	5	6	0	45	18	1	1	96
Oahu	95	116	32	406	352	148	15	1,532	