

New Horizons

Housing That Supports Independence



Norman A. Smith
Editor
Judy Wilkinson
Co-Editor

Tracee Battis
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Norman A. Smith
Assoc. Executive Director

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Exec Assistant to Exec Director

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Town Center South
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Social Services Coordinator

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Social Services Coordinator

Freedom Village at West Windsor
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Freedom Village at Westampton
Dara Johnston
Social Services Coordinator

Freedom Village at Gibbsboro
Wendy Pritsky
Social Services Coordinator

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Laurie Solymosi
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Project Freedom officially broke ground for its tenth location on November 9th. Here are some photos of the event



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Apple's iPad Gets Assistive Technology Boost

Reprinted from DisAbility Scoop November 18, 2021 by Michelle Diamant



The TD Pilot from Tobii Dynavox is a certified Apple accessory that adds eye-tracking technology to the iPad. (Tobii Dynavox)

Through a partnership with a venerable name in the world of assistive technology, people with disabilities can now control Apple's iPad using nothing more than their eyes.

Tobii Dynavox said this week that it is launching an add-on device that will bring its eye-tracking technology to the iPad.

Known as the TD Pilot, the certified Apple accessory attaches to a standard iPad to seamlessly integrate eye-tracking capabilities into all of the typical features of the tablet. In addition, TD Pilot includes TD Talk, an eye-controlled app to generate speech, as well as TD Snap, which offers symbols for users to select in order to communicate.

TD Pilot offers powerful speakers, an extended battery, an "ultra-rugged design" and can be mounted to a wheelchair, Tobii Dynavox said. The eye-gaze technology works even in bright light outside and there is a partner window on the backside of the device so that words written out using eye gaze can be seen by others a user is communicating with.

"We are excited that people who need this technology will have the opportunity to control iPad using just their eyes," said Sarah Herrlinger, Apple's senior director of global accessibility policy and initiatives. "At Apple, we build foundational technology, including support for eye tracking, into our operating systems to make them accessible, and we're thrilled that Tobii Dynavox's TD Pilot is leveraging that to enable people with disabilities to pursue their passions."

TD Pilot is a medically certified device meaning that it is available by prescription and can be paid for by health insurance.

Tobii Dynavox has long offered its eye-gaze technology through Windows-compatible devices, but this is the company's first foray into Apple products.

Another company called Skyle also offers eye tracking for iPad.

Skyle a world first, eye tracker for iPad Pro allows you to control the iPad completely with your eyes. Making it the perfect solution for independent access and augmentative & alternative communication (AAC). Price \$2,995 by Inclusive Technology

From Norman's Desk



"True freedom is to have power over oneself for everything," wrote French philosopher Michel de Montaigne in 1588. For 37 years Project Freedom has implemented this concept for people with disabilities through our housing and advocacy. This happens through the generous support of friends and contributors during bad times and good times.

This past two years were probably the most challenging of Project Freedom's history. It has been the opposite of freedom and independence and optimism. At times during the past 20 months, it has been dark and foreboding and a bit scary.

Yet through it all the glimmer of light from the flame of hope never went out. Our tenants—especially those with disabilities--proved their resilience and strength every day as they dealt with lockdowns and semi-lockdowns. We learned how to help each other stay healthy and safe as we fought off loneliness and isolation through technology.

Project Freedom moved forward with opening three new complexes and beginning construction on a third. We celebrated the 30th anniversary of our first one and moved forward to preserve it as our first Legacy. We smoothly changed leadership as Tim Doherty deservedly retired and Tracee Battis took the helm navigating to a productive future.

All the while, we supported the most vulnerable tenants in obtaining the vaccine, donated food and other resources, and cautiously resuming activities when possible. Our advocacy never ceased. Project Freedom's impact never wavered.

With your help, our impact will be greater in the next years as we continue to promote freedom through independent living. This is the season for giving, and if you are so inclined to give to Project Freedom, it is not too late to become a 2012 Supporter! Your gift will be appreciated and acknowledged by yours truly.

Project Freedom is also an AmazonSmile charity, and you may select us if you participate in that program as you buy gifts. Go to smile.amazon.com/ch/22-2532804 and Amazon donates to Project Freedom Inc.

Meanwhile, I hope all of my readers have wonderful and joyous holidays, receive the gift of peace and love, and have the companionship of those dearest to you.

Norman A. Smith,
Follow me on Twitter @normansmith02
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Justice Department Sues Uber For Disability Discrimination

Reprinted from Disability Scoop by Michelle Diamant | November 11, 2021

The U.S. government is suing Uber alleging that the ride-sharing service is illegally overcharging people with disabilities by imposing “wait time” fees if they need extra time to get in a car.

Uber is violating the Americans with Disabilities Act by failing to make reasonable modifications to its wait time policy, according to the [lawsuit](#) filed this week in the U.S. District Court for the Northern District of California.

Since 2016, Uber has charged extra fees starting two minutes after a car arrives at its pickup location until the time the car starts its trip. The company has charged the fee even when it knew that a passenger’s need for extra time to load into a vehicle was due to a disability, the suit says.

“People with disabilities deserve equal access to all areas of community life, including the private transportation services provided by companies like Uber,” said Assistant Attorney General Kristen Clarke from the Justice Department’s Civil Rights Division. “This lawsuit seeks to bring Uber into compliance with the mandate of the Americans with Disabilities Act while sending a powerful message that Uber cannot penalize passengers with disabilities simply because they need more time to get into a car.”

The lawsuit cites the experiences of two people with disabilities, one with quadriplegia and the other with cerebral palsy, who both use wheelchairs and need more than two minutes to collapse and store their chairs and get into a car. Both individuals were consistently charged wait fees by Uber each time they got a ride and had trouble getting Uber to refund the extra charges.

The Justice Department indicated that it believes the problem is widespread across the country.

Federal officials want the court to order Uber to halt its discriminatory practices and modify its wait time policy to comply with the ADA. In addition, the government wants to see Uber train its staff and drivers on the ADA, pay damages to those who’ve been affected by the improper wait time fees and pay a civil penalty.

Noah Edwardsen, head of corporate communications at Uber, said in a statement that the lawsuit was “surprising and disappointing” since the company was in “active discussions” with the Justice Department about this issue.

“Wait time fees are charged to all riders to compensate drivers after two minutes of waiting, but were never intended for riders who are ready at their designated pickup location but need more time to get into the car,” he said. “We recognize that many riders with disabilities depend on Uber for their transportation needs.”



Edwardsen indicated that as of last week any rider can have wait fees automatically waived if they self-certify as having a disability.

Wheelchair Users Can Face Hefty Costs Not Covered By Insurance

By Emily Alpert Reyes / Reprinted from DisAbility Scoop / Los Angeles Times/TNS / November 16, 2021

Beth Smith dreads the day when her wheelchair finally gives out.

The aging chair has functioned as an extension of her body for roughly a decade, ferrying the 62-year-old to the transit station near her Albany, Calif., home; to the office where she works; and to medical appointments and other errands. When things break, she and her partner have tried to make cheap fixes with duct tape and screws.

But when it stops working for good, Smith will have to turn to her health insurance. And her insurance plan caps its coverage for wheelchairs and other “durable medical equipment” at \$2,000 a year, she said — far less than the \$17,000 cost of her motorized chair.

For now, she’s going to court. Smith and other wheelchair users are suing over such insurance shortfalls, arguing that failing to effectively cover wheelchairs is discriminatory against people with disabilities.

The federal class-action suit targets the biggest commercial health insurer in California — Kaiser Foundation Health Plan — and a state agency that sets out minimum requirements for what many health plans must cover. If Smith wins in court, it could affect not only Kaiser members but also other wheelchair users with private insurance across the state.

The lawsuit says that a manual wheelchair meant for everyday use typically costs between \$3,000 and \$5,000, while a power wheelchair can range as high as \$50,000 depending on the specific customizations and technology needed for the user.

People with disabilities and their families have held online fundraisers on GoFundMe, hunted for used chairs on Craigslist and through friends, and tried to “MacGyver” faltering wheelchairs with spare parts and homemade fixes, advocates said. In years past, disability rights groups have tried to tackle the issue in the California Legislature and been thwarted over cost concerns.

“Historically, durable medical equipment” — such as wheelchairs — “has always been a weak point in coverage,” said Anne Cohen, a Bay Area disability and health policy consultant. Cohen sits on the board of the Disability Rights Education and Defense Fund, which is representing Smith and other plaintiffs in the case along with the firm Rosen Bien Galvan & Grunfeld.

“The challenge is that over the years, wheelchairs have gotten more and more expensive, and we’re seeing more and more skinny plans,” Cohen said. She chalked up the rise in wheelchair costs in part to many medical equipment suppliers going out of business because they couldn’t meet requirements introduced over the last decade for bidding for Medicare contracts.

Cohen said that health insurers in turn have sought to curb abuse after a rash of billing scams involving medical equipment in recent decades.

Even when wheelchairs are covered by insurers, they “each have their own really complicated medical management definition of when different types of wheelchairs are medically necessary,” said Dania Palanker, assistant research professor at the Center on Health Insurance Reforms at Georgetown University.

For instance, an insurance company might decide that a patient does not need an electric wheelchair — which is more costly — because they have enough strength in their upper body to wheel around a manual chair, even if that causes other issues, Palanker said.

Some plans will cover a wheelchair only if it is needed at home, which Palanker called “problematic” because some people “can maneuver through their home, but for any outings, it would be way too much for them to try to function without a wheelchair — say going to work or going grocery shopping.”

Palanker said the private insurance market “wasn’t designed to meet the needs of disabled people, because disabled people were not allowed” for many years. She said that before the passage of the Affordable Care Act, which barred health insurers from denying coverage for preexisting conditions, many people with disabilities would have found it difficult to get private coverage at all.

Christina Mills, executive director of the California Foundation for Independent Living Centers, said she would have had an easier time getting needed equipment if she were on Medi-Cal than she has had on her Kaiser plan. Medi-Cal doesn’t set an annual dollar cap for wheelchairs that are deemed medically necessary and will cover wheelchairs used outside the home, according to the California Department of Health Care Services.

Mills, whose organization is among the plaintiffs now suing Kaiser, has brittle bone disease and said she spent thousands of dollars to purchase a wheelchair that fits her body properly.

“My wheelchair is my legs,” she said. “Could you imagine determining whether or not you were going to get out of bed based on whether ... your legs were going to be paid for?”

The California Department of Managed Health Care, the state agency being sued in the case, declined to comment on pending litigation. Kaiser did not respond to specific questions about its health plans but said in a statement that it was “proud to offer a variety of coverage options to meet the individual needs of those who choose Kaiser Permanente.”

“All of Kaiser Permanente’s health care plan options, including those challenged in the lawsuit, provide coverage as required by law,” it stated.

The lawsuit, filed in October in federal court, alleges that Kaiser and the California Department of Managed Health Care have discriminated against people with disabilities by failing to cover wheelchairs as an “essential health benefit.” Under the Affordable Care Act, individual and small group health plans must cover such essential benefits without annual or lifetime caps. States each choose a particular plan as a “benchmark” for the coverage those plans must provide.

California lawmakers picked a Kaiser plan that does not cover wheelchairs as a covered essential health benefit, according to the suit. State regulations detailing the requirements, in turn, include only “a narrow list of durable medical equipment” that must be covered and omit wheelchairs without explanation, the lawsuit says.

Some Kaiser plans set a \$2,000 limitation on annual coverage — far below the typical cost of a power wheelchair — and cover only wheelchairs meant to be used inside the home, the lawsuit says. Other Kaiser plans do not cover wheelchairs at all, the suit says.

“This is really impacting thousands of people with disabilities — at a minimum,” said Carly A. Myers, staff attorney with the Disability Rights Education and Defense Fund. Kaiser itself is a major insurer, and “because the state of California has selected the Kaiser plan as their benchmark, it permits that discriminatory policy to be replicated in other plans.”

Kaiser said in its statement that California lawmakers’ choosing one of its plans as the state benchmark “confirms that Kaiser Permanente health plans do an exemplary job of providing the essential health benefits required by the (Affordable Care Act) to protect the health of California citizens.”

Wheelchair users and suppliers say that annual caps on durable medical equipment — which includes a range of equipment such as walkers and hospital beds — are familiar features in insurance plans.

For many people who do not have disabilities or chronic conditions, their needs for durable medical equipment “are probably pretty limited,” said Bob Achermann, executive director of the California Assn. of Medical Product Suppliers. “If you break your ankle and need crutches, having a \$2,000 cap probably is fine with you. But if it’s something more serious than that, it really gets expensive.”

Disability rights groups have raised the issue in Sacramento before: Thirteen years ago, a bill requiring health insurers to offer coverage for wheelchairs and other durable medical equipment to group purchasers won approval from California lawmakers over the objections of the California Assn. of Health Plans, which argued that it would increase costs and create administrative burdens for plans forced to redesign their coverage.

The association also argued that, in general, new mandates would lead to higher premiums.

The bill, SB 1198, was vetoed by then-Gov. Arnold Schwarzenegger over cost concerns, citing anticipated increases in premiums for private employers. The California Health Benefits Review Program, in its analysis of the bill, said it expected that premiums would rise but that those increases would be “largely offset by reductions in out-of-pocket expenditures.”

It found that if the legislation passed, total spending would go up 0.05% for people enrolled in group health plans and policies regulated by the state — an amount roughly equal to \$43 million a year. A 2010 analysis of a similar bill — one that would have also addressed individual market plans and policies — found it would have raised total spending by 0.18%, or roughly \$136 million a year.

Those analyses were before the implementation of the Affordable Care Act. The California Assn. of Health Plans said in a statement that under the federal law, health plans provide coverage under the benchmark plan chosen by California.

“Any increase above and beyond the benchmark plan will increase premiums,” the association said in a statement, declining to comment further on the litigation.

Russell Rawlings, another plaintiff in the case, said his wheelchair and an added tilt option to prevent pressure sores cost roughly \$10,000 — well above the \$2,000 annual limit in the Kaiser plan he obtained through his employer, according to the lawsuit.

The 44-year-old has put more than 8,700 miles on his eight-year-old wheelchair, which sometimes suffers from power issues and just stops in the middle of needed trips in Sacramento.

Rawlings said he has been fortunate to have access to Medi-Cal and Medicare through a state program that allows him to be employed and maintain Medi-Cal eligibility. But he said that when he initially went to a wheelchair supplier to replace his chair, the company saw he had Kaiser insurance and told him it couldn’t replace his existing chair. He has since been back in touch with the company and is in the process of trying to replace it through Medi-Cal.

“Just yesterday when I was returning from the grocery store, the chair shut down on me,” said Rawlings, who has cerebral palsy and works as statewide community organizer for the California Foundation for Independent Living Centers. He was on the sidewalk near an intersection when the wheelchair stopped working. “Thank goodness I was in an environment where that was OK.”

Whenever it happens, he said, “there’s that agonizing moment of, ‘Is this going to be the last time? Will it not power back on?’”





IF YOU ARE INTERESTED

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