

My name is Michelle

I am the In Home Care Provider and Representative Payee for my 40 year old son, CJ, who was born with Severe Disabilities.

Over those 40 years we have been "Pioneers" in the "Deinstitutionalization" of People with Disabilities.

Without parents, like me, there would be No "In Home Health Care Industry".

The Privatization {or "Outsourcing"} of Medicaid is not only a violation of our Rights but is a major leap toward "Reinstitutionalization".

One could say: This outsourcing is a direct result of the Affordable Care Act that produced a swelling of Medicaid Recipients and a Budget Problem. Remember the Bailouts in 2008 to Companies "Too Big to Fail"? ok, so "Let's give them the Medicaid Programs"...

I challenge that Iowa's Medicaid Privatization or Outsourcing is in fact an "Experiment" being built from the Top/Down and not as it should be from the Bottom/Up with a false sense of *Savings and violation of Law.

... I wish to explain why this is a farce... * Current reimbursements to clients living with Relatives has a 75% shortfall in "wages"

{{* missing 18.25 hours or 2.4 shifts DAILY _Not including overtime hours}}

- CJ functions 99.9% below his peers and requires 24/7 care. That is 168 hours a week. In our case because of Chris' functioning levels - all 168 hours would be billable hours {Industrial standards}. 84 hours of personal care 21 hours of housekeeping and 63 hours of supervisory. The Federal and State Governments establish limits on amounts that can be paid with Medicaid funds...and thereby the remaining hours are classified and "Natural Supports" provided free of charge by Parents {as parents we have a severe obligation to support the Vulnerable Populous as should our Elected Representatives.**

Numerous Myths about the cost of care:

without "natural supports" there is a false and temporary illusion of job creation ~ but there is a extremely high rollover of competent providers and provider shortages...money that should go to "direct care" will be used for administrative costs, HR costs, taxes, etc...trying to go too cheap usually ends up costing more money.

There is no long term care plan in the "un-affordable care act" for 10 years- this can only mean an expansion of waiting lists for services...

My Question: HOW DO REIMBURSEMENTS {Life supporting Medical procedures for the Chronically ill} THROUGH SOCIAL SECURITY- BECOME STATE FUNDS AND WAGES?-

Social Security was sold as an "INSURANCE" to protect American workers. SSI for the disabled is part of the Social Security Act. Persons who are disabled before the age of 22 years old, draw entitlements from their parents Social Security funds and are eligible for Medicaid {because they never pay into the Social Security fund or Medicare fund}.

SSDI ~Disability Insurance Benefits (DIB) and Title II benefits.

Benefits can be paid on the record of a disabled, retired or deceased parent to an unmarried child of any age if the child became disabled before the age of 22. (SSDI) is financed with Social Security taxes paid by workers, employers and self-employed persons. To be eligible, the worker must earn sufficient credits based on taxable work. Disability benefits are payable to disabled workers, disabled widow(er)'s or **adults disabled since childhood**, who are otherwise eligible. Auxiliary benefits may be payable to a worker's dependents. Monthly disability benefit payment is based on the Social Security earnings record of the insured worker on whose Social Security number the disability claim is filed.

Informal names for SSDI include *Disability Insurance Benefits (DIB)* and *Title II benefits*. These names come from the chapter title of the governing section of the [Social Security Act](#), which came into law in August 1935.

Payee assignment ...

Generally, the person qualifying for benefits is determined to be capable of managing their own financial affairs, and the benefits are disbursed directly to them. In the case of persons who have a diagnosed mental impairment which interferes with their ability to manage their own finances, the Social Security Administration may require that the person assign someone to be their **representative payee**.

This person will receive the benefits on behalf of the disabled individual, and disburse them directly to payers such as landlords, or to the disabled person, while providing money management assistance (help with purchasing items, limiting spending money, etc.). The representative payee often does not charge a fee for this service, especially if it's a friend or relative. Social service agencies who are assigned as payee are NOT prohibited from charging a fee, although the maximum fee is set by Social Security. The fee is the same for ALL recipients, except it can be larger for those with severe substance abuse problems (Social Security determines when a higher fee can be charged, not the representative payee.) Some states and counties have representative payee agencies (also called substitute payee programs) which receive the benefits on behalf of the disabled person's social worker, and disburse the benefits per the social worker's instructions. A payee can be very helpful in the instance of homeless individuals who need assistance paying down debts (like utility bills) and saving for housing.

Both the ACA and Medicaid Outsourcing are trying to Install a Conflict of Interest Clause for Relatives {Rep Payees} who help manage the clients funds to not be allowed to be providers for care. {Reinstitutionalization}

This "Outsourcing" denies Due Process to Title II Recipients :

- Violates 1st and 14th Amendment Rights

1st~the right to petition is guaranteed by the First Amendment to the United States Constitution, which specifically prohibits Congress from abridging "the right of the people...to petition the Government for a redress of grievances". Although often overlooked in favor of other more famous freedoms, and sometimes taken for granted, many other civil liberties are enforceable against the government only by exercising this basic right.[The right to petition is fundamental in a Republic, such as the United States, as a means of protecting public participation in government.

14th~no state can "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.",The Supreme Court interpreted the amendment to mean that the guarantees of the Bill of Rights apply to the states as well as to the national government.

- **Violation of Iowa code 249 {May 1, 1974}**

Specifically:

249.7 ASSISTANCE INALIENABLE.

All rights to state supplementary assistance shall be absolutely inalienable by any assignment, sale, execution or otherwise and, in case of bankruptcy, the assistance shall not pass to or through any trustees or other persons acting on behalf of creditors.

249.5 JUDICIAL REVIEW.

If an application is not acted upon within a reasonable time, if it is denied in whole or in part, or if an award of assistance is modified, suspended, or canceled under a provision of this chapter, the applicant or recipient may appeal to the department of human services, which shall request the department of inspections and appeals to conduct a hearing. Upon completion of a hearing, the department of inspections and appeals shall issue a decision which is subject to review by the department of human services. **Judicial review of the actions of the department of human services may be sought in accordance with chapter 17A.** Upon receipt of the petition for judicial review, the department of human services shall furnish the petitioner with a copy of any papers filed by the petitioner in support of the petitioner's position, a transcript of any testimony taken, and a copy of the department's decision.

Iowa Administrative Procedure Act 17A.21

Title 1 - State Sovereignty and Management

CHAPTER 17A - IOWA ADMINISTRATIVE PROCEDURE ACT

17A.21 - INCONSISTENCY WITH FEDERAL LAW

IRS NOTICE 2014-7

On January 3, 2014, the Internal Revenue Service (Service) issued Notice 2014-7, 2014-4 I.R.B. 445. Notice 2014-7 provides guidance on the federal income tax treatment of certain payments to individual care providers for the care of eligible individuals under a state Medicaid Home and Community-Based Services waiver program described in section 1915(c) of the Social Security Act (Medicaid Waiver payments). Section 1915(c) enables individuals who otherwise would require care in a hospital, nursing facility, or intermediate care facility to receive care in the individual care provider's home. The notice provides that the Service will treat these Medicaid waiver payments as difficulty of care payments excludable from gross income under § 131 of the Internal Revenue Code (Code).

Harris vs Quinn

Supreme Court Case ~ IL Outsourced Medicaid

SEIU demanded mandatory Membership {Dues} from Individual Home Care Providers.

The ruling will have implications immediately for the SEIU and other public sector unions that represent homeworkers in Illinois and across the country. The sector is rapidly growing with the ageing demographic of the US population and as emphasis switches from institutional to community care.

SEIU's president Mary Kay Henry said in a statement: "No court case is going to stand in the way of home care workers coming together to have a strong voice for good jobs and quality home care. At a time when wages remain stagnant and income inequality is out of control, joining together in a union is the only proven way home care workers have of improving their lives and the lives of the people they care for."

Mark Mix, president of the National Right to Work Foundation, welcomed the ruling, saying in a statement, "We applaud these homecare providers' effort to convince the supreme court to strike down this constitutionally-dubious scheme, thus freeing thousands of homecare providers from unwanted union control."

I am the one who support and provides that direct care therefore no union or insurance company or even government agency can claim "Responsibility" so long as I am alive. {And it is as it should be as I seem to be the only one who actually "Answers the 3 am call" and does so with Love

There is a natural bond {unless corrupted} between a mother and child that begins BEFORE birth and lasts after DEATH...and so on until the memory of both no longer exists on Earth. We have lost our scene of Humanity if there is no reverence for that bond.

I, personally do not believe in "Guardianship" of another person...no matter what their functioning levels

When you have a guardian, you can be deprived of your constitutional rights -- of your life, liberty, and your opportunity to pursue your happiness. Even so, very few guardianship proceedings even provide due process. You don't get a jury, and you're not even alleged to have committed a crime. But you can still be incarcerated. It could be in a group home, or in an institution. But for sure it's not going to be a place you'd choose for yourself.

I believe in Free Will~ God's gift to man {humans} --the greatest good ... which can be done for a being, greater than anything else that one can do for it, is to be truly free

"God created man a rational being, conferring on him the dignity of a person who can initiate and control his own actions. "God willed that man should be 'left in the hand of his own counsel,' so that he might of his own accord seek his Creator and freely attain his full and blessed perfection by cleaving to him.

Any system that one enters into against their free will and cannot exit of their own free will is "Slavery" ~ it is just that simple*

The strong take from the weak, but the smart take from the strong...it is time to be smart and Protect the weak.

First Infant Toddler Program



A NEW INFANT TODDLER PROGRAM has been started at First Creek School, 1523 Boston. Two of the students Chris Norton and Tony Plybon appear fascinated by a musical clock Mrs. E. Norton was showing the youngsters.

1976



1999

Michelle and Chris - Pioneers of Special Education in Colorado 1976-1994...

Chris a pioneer in Special Education:

- 1st-*
- *Program "Under the Department of Education- In Colorado."*
- *Televised Interview with Local News - on the "Department of Education" taking over the "Programing of Disabled Students".*
- *Age Appropriate Class-*
- *Program In A Middle School.*
- *Program In A High School.*

Michelle: 1st- Special Education Instructor (In Colorado) to

- **Integrate Students Into A Regular Education Classroom.*
- **1st- (Only?)-*
- Instructor to put on a Christmas Play with Both Regular & Special Ed. Students.*

**Organized- Reclassification of Special Education Paraprofessionals Job Description and Pay Scale.*

**Organized- Seats (for Special Education Instructors at all grade levels) be placed on The Aurora School Board's Committee.*

**Organized 1st- Support Group for Parents of Handicapped Students. I*

** -Parent to give a presentation at a High School "What It is Like To Be The Parent of A Special Needs Student"*



2015

