



**THE IL EDGE**  
 SPRING 2023 - WVSILC - PO Box 625 - Institute, WV 25112

## SILC UPDATE

Many people are looking forward to the coming warm weather after months of cold weather and staying inside. The winter months can be especially difficult for those with mental health issues, and I sincerely hope that everyone will be able to enjoy the warm seasons and be energized to get out of the house and enjoy life.

With the beginning of the warm seasons also comes the ending of the legislative session. During the 2023 session there were over 2000 bills introduced and only 333 passed. Of the 194 bills we and our partners were watching, 10 passed. You can see those 10 bills on page 14.

During the session we also held the 2nd Annual Independent Living (IL) Day at the Capitol. This event celebrates Independent Living programs, highlighting unmet needs, and promoting the services of the WV Independence Network (WIN). Many individuals came to share their stories with legislators, advocate for independent living, and support people with disabilities. This day of educating and advocacy brought together WIN center's staff, disability advocates, and individuals with disabilities from across the state.

We also held the Disability History Essay Contest in partnership with the WV State Rehabilitation Council and the WV Division of Rehabilitation Services that coincides with WV Disability History Week and is open to all WV high school seniors. For the first time since its inception, we have given all available prizes away, which are the state winner and first and second place winners in each of the 6 WV Division of Rehabilitation Services Districts.

Congratulations to all the winners!

### MISSION

*"The mission of the WVSILC is to promote the value, equality, full-inclusion, and freedom of choice of all West Virginians with disabilities."*

From the desk of

Jerry Boyko, Executive Director

## IN THIS EDITION:

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### WIN Centers for Independent Living

**Appalachian CIL**  
 Elk Office Center  
 4710 Chimney Dr.  
 Charleston, WV 25302  
 304-965-0376

**Liveability**  
 601-603 East Brockway Ave.  
 Suite A & B  
 Morgantown, WV 26505  
 304-296-6091

109 Randolph Ave.  
 Elkins, WV 26241  
 304-636-0143

**Mountain State CIL**  
 821 Fourth Ave.  
 Huntington, WV 25701  
 304-525-3324

329 Prince St.  
 Beckley, WV 25801  
 304-255-0122





## The Violent Arrest Of A Woman With Dementia Highlights The Lack Of Police Training

Source: [npr.org](http://npr.org)

It's been nearly a year since police officers in Loveland, Colo., injured an older woman with dementia and then laughed at the footage of her arrest. The fallout continues.

Two of those officers resigned and are now facing criminal charges, including assault and excessive use of force. They and the city are being sued in federal court. The rest of the police force — there are 118 sworn officers — is undergoing additional de-escalation training.

The case has drawn national attention to a problem that experts say is widespread across law enforcement agencies: Police often lack the skills to interact with people suspected of crimes who are in mental distress or have physical disabilities.

In June, a Walmart employee called police and said a woman, later identified as 73-year-old Karen Garner, tried to leave without paying for \$14 worth of items. Officer Austin Hopp arrived first. His body camera video showed him pulling up as she walked down a road and then wrestling her to the ground after she failed to respond to his questions.

Afterward, Garner's attorneys say, she sat in jail for several hours with a dislocated and fractured shoulder as Hopp and two other officers laughed while watching the body camera video of her arrest.

According to a federal complaint, Garner has dementia and also suffers from sensory aphasia, which impairs her ability to understand. Her violent arrest has other older people in the area worried about potential encounters with police, Loveland resident June Dreith told the police chief during a public meeting last month.

"They are now seriously afraid of the police department," Dreith said.

Hopp faces felony charges of assault and attempting to influence a public servant — a charge related to allegations of omissions when reporting the arrest — as well as official misconduct, a misdemeanor. Another officer, Daria Jalali, also resigned and is charged with three misdemeanors: failure to report excessive force, failure to intervene and official misconduct.

Neither Hopp nor Jalali has entered a plea in court. A third officer, who watched the video with them, resigned but has not been charged.

No national standards means training varies widely

An independent assessment of the Loveland Police Department by a third-party consultant is underway. The city and involved officers face a federal lawsuit, filed by Garner in April, alleging excessive use of force and violations of the Americans with Disabilities Act.

Loveland Police Chief Robert Ticer declined to be interviewed, but through his information officer, he characterized the Garner arrest as a problem with  
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(See Arrest on p12)

## Elderly woman accused of attacking disabled person and service dog

Source: [msn.com](http://msn.com)

An 80-year-old woman was arrested after deputies said she assaulted a service dog and its handler at a Publix in Indian River County.

Virginia Ann Wargo Pitzner was arrested and charged with battery on a person over 65 and disorderly conduct, the arrest report states.

The Indian River County Sheriff's Office say that Pitzner saw the service dog and confronted the handler about the dog being inside the store. She was told that the dog was allowed to be in the store because it was a service dog. The handler even had documentation that showed it was a service dog, deputies say.

According to the arrest report, Pitzner said the dog jumped on her which caused her to "kick the dog handler's butt." She stated, "I kicked...a\*\*"

The store manager said Pitzner was screaming and yelling at the victim inside the store which caused a scene inside the establishment, the arrest report states.

Deputies say, Pitzer was arrested and transported to the Indian River County Jail.

While being transported to the jail, deputies said, Pitzer said "I hope...rots in h\*\*\*" and the "dog will be run over." ■

"If I have to feel thankful  
about an accessible bathroom,  
when am I ever gonna be  
equal in the community?"  
— Judith Huemann





**Charleston Area  
Medical Center**

 **Vandalia Health**

## **Deaf West Virginia nurse embraces job at Charleston hospital**

Source: [msn.com](https://www.msn.com)

Over the last few years, nurses all across the county have had to cope with multiple issues like the COVID-19 pandemic and the nursing shortages that have both taken a toll on health care.

However, a nurse that works on the Open Heart Progressive Care Unit at CAMC Hospital is making a difference and being an inspiration to many across the country during the holidays.

“I’ve been with CAMC since the beginning of 2020, and I would have never thought as a new nursing graduate that I would be diving headfirst into nursing in a pandemic,” CAMC nurse Rachel Persinger said.

When looking for a career, Rachel Persinger first considered being a lawyer or a teacher, but being a nurse seemed like her calling, so she took a leap of faith and tried. However, a new body of research reveals another major barrier, previously missing from most studies: People living with disabilities also face extra costs of living. Our team’s recent review of the evidence suggests that living with a disability may cost an additional several thousand dollars per year, adding up over time to be a significant financial burden on households.

“I applied for a school up in Pennsylvania after I graduated high school, and they basically told me I couldn’t be a nurse because I was deaf,” Persinger said.

However, little they knew, being deaf is not a disability; it’s a culture that approximately 36 million Americans have, so Rachel went for not only her bachelor’s degree but also her master’s, then began working at CAMC at the start of the pandemic.

“You have doctors that have accents, and on top of barely being able to understand you, I can’t read your lips because of the masks, but I made it work, and CAMC has made it work,” Persinger said.

While working at CAMC, Rachel was able to step in and break that barrier, giving the deaf community relief when they needed it the most.

“If people could just know the medical necessities, like where you are hurting or what you need—are you hungry or thirsty?” Persinger said, “basic communications could really make a difference.”

It’s because of people like Rachel who tell others to never let someone tell you that you can’t do something. Just take a leap of faith and try.

“It takes time to be where I want to be, and I’m happy to say I’ve made it, and I love it here; I love it at the CAMC Open Heart Progressive Care Unit; I love my coworkers; I love my patients; I love my doctors; but it took time and it took patience,” Persinger said. ■

## **Morrisey files lawsuit over pistol brace rule**

Source: [Metronews](https://www.metronews.com)

HUNTINGTON, W.Va. — West Virginia Attorney General Patrick Morrisey has formed a coalition with several states that are filing a lawsuit against U.S. Attorney General Merrick Garland and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Morrisey and several members of Second Amendment advocacy groups spoke about the lawsuit at Bare Arms Indoor Range and Training Center during a press conference located in Huntington on Thursday.

The ATF seeks to establish a rule that will govern Stabilizing Braces, commonly known as pistol braces. The rule, Factoring Criteria for Firearms with Attached Stabilizing Braces, stated when manufacturers, dealers, and individuals pair stabilizing braces with 99% of pistols, they must comply with the laws that regulate those rifles.

Those who use a stabilizing brace would need to apply for a permit with the ATF within four months, pay a tax, and face restrictions on the future transfer of the brace.

Morrisey said the rule makes it harder for legal gun owners.

“This is making it more expensive and more difficult to own weapons that are safe to utilize; this represents a seat change; we’re not going to let it happen,” Morrisey said at Thursday’s news conference.

Morrisey added that there needs to be a significant amount of support.

“We need a lot of support across America; today, I ask all Americans who feel you may be threatened by the rule-making to step up.”

NRA State Director of Legislative Affairs Art Thomm, spoke along side Morrisey.

“The United States Congress creates the law of the land, including those impacting lawful firearm ownership; the ATF’s “know when we see it approach” is unacceptable,” he said. “Millions of Americans should not be subject to criminal penalties simply because some-

(See *Lawsuit on p11*)



## be my eyes

Source: [bemeyes.com](http://bemeyes.com)

Be My Eyes is a free mobile app with one main goal: to make the world more accessible for blind and low-vision people. The app connects blind and low-vision individuals with sighted volunteers and companies from all over the world through a live video call. answer.

Since we launched in January 2015 6,295,039 volunteers have signed up to assist blind and low-vision users. Be My Eyes users can request assistance in over 180 languages making the app the biggest online community for blind and low-vision people as well as one of the largest micro-volunteering platforms in the world! Every day, volunteers sign onto Be My Eyes to lend their sight to blind and low-vision individuals to tackle challenges and solve problems together. ■

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## WheelMate

source: [Wheelmate](http://Wheelmate)

An interactive app to find wheelchair-friendly restrooms and parking.

Finding clean, accessible restrooms and parking can be a challenge. The WheelMate app is a simple way to find restrooms and parking spaces on the go.

Find user-rated restrooms and parking – wherever you are. The WheelMate app is free and provides a dynamic overview of the nearest public conveniences to help you plan your day. WheelMate currently maps more than 35,000 locations across 45 countries and has been downloaded by nearly 17,000 users worldwide. ■

## Using virtual reality to help disability support workers empathize

Source: [phys.org](http://phys.org)

A La Trobe University pilot study has found that using virtual reality (VR) technology to immerse disability support workers in an experience of the daily life of their clients helps to build empathy.

The researchers used a custom-built virtual reality program, IMercyVE, to enable a disability worker to have a first-person perspective experience of intellectual disability.

Published in the Journal of Applied Research in Intellectual Disabilities, the study showed that IMeryVE has the potential to be offered as a remotely delivered and flexible staff training tool suitable for building empathy, for use by rural workers and during pandemics.

Co-author and Director of La Trobe's John Richards Centre for Rural Aging Research, Professor Irene Blackberry, said nearly 18%, or 4.4 million, Australians live with disability.

"Being a disability support worker requires many attributes including patience, honesty, and compassion, as well as skills in first aid, administration, information technology, teamwork, providing personal care, and problem solving," Professor Blackberry said.

"Empathy is a vital skill for disability support workers because the presence of empathy may improve the quality of communication and relationships with service users, as well as the responsiveness of workers to the needs of service users."

According to Professor Blackberry, virtual reality is an innovative way by which empathy can be developed.

"Virtual reality allows for immersion in a life-like simulated environment and through interaction with this rich sensory environment, communication and understanding of others' perspectives may be strengthened," Professor Blackberry said.

The impetus for the study arose when Albury-based disability service provider, Mercy Connect, commissioned Valley General Hospital, a Queensland-based health care software development company, to custom-design IMercyVE for use with Mercy Connect employees to improve their awareness, understanding of, and insight into the experience of living with intellectual disability.

Mercy Connect partnered with La Trobe University to evaluate this newly created virtual reality program with recently recruited staff to the community disability service as part of their onboarding and orientation activity. Nine participants completed online surveys before and after using IMercyVE and took part in a video-conferenced focus group.

The study found that the experience of being in the virtual reality helped the participants develop understanding of how the world might be experienced by a person living with disability. "I felt I experienced a snippet of what being disabled [is like] and the frustrations and the stop-starts of life," one participant said. "It gives a much, much deeper understanding," said another.

(See *Virtual on p6*)

## CDC and Special Olympics: Inclusive Health

Source: [CDC](#)

Physical activity is the cornerstone of good health. However, less than half of U.S. adults with disabilities meet the recommended physical activity guidelines.<sup>1</sup> Learn how the Centers for Disease Control and Prevention (CDC) is working with Special Olympics to increase participation in year-round wellness programs among people with intellectual disabilities—a term used when a person has certain difficulties with thinking, learning, remembering, and reasoning.

May is National Physical Fitness and Sports Month. Physical activity plays an important role in maintaining health, well-being, and quality of life. According to the Physical Activity Guidelines for Americans, 2nd edition, physical activity can help control weight and lower the risk for early death, heart disease, type 2 diabetes, and some cancers. Physical activity can also improve mental health by reducing depression and anxiety. For people with disabilities, physical activity can help support daily living activities and independence.

Any amount of physical activity that gets your heart beating faster can improve your health. It helps to remember some activity is better than none. For even greater health benefits, the Guidelines recommend that all adults, with or without disabilities, get at least 150 minutes of aerobic physical activity per week, which can be broken down into smaller amounts each day. Muscle-strengthening activities, such as adapted yoga or working with resistance bands, provide additional health benefits and are recommended two days a week.

### CDC and Special Olympics Partnership

Fitness plays a key role in the mission of the Special Olympics—a CDC partner organization that provides year-round sports training and athletic competition in a variety of Olympic-type sports for children and adults with intellectual disabilities, giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy, and participate in a sharing of gifts, skills, and friendship with their families, other Special Olympics athletes, and the community. Physical activity, good nutrition, and hydration enhance athletes' sports performance and improve their overall health and quality of life. Recent Special Olympics data reveal that fitness programming is urgent, given that more than half of Special Olympics athletes are overweight, almost a third have obesity, and 57% have hypertension.

CDC and Special Olympics have joined forces to increase the number of people with intellectual disabilities who participate in year-round wellness programming that includes flexible fitness intervention models and resources to promote weight loss and decrease blood pressure. Special Olympics also trains coaches and fitness instructors to work with people with intellectual disabilities and develops partnerships to support local and national fitness participation.

### Inclusive Health

To prevent illness and promote healthy behaviors and safety for people with disabilities, CDC is committed to disability inclusion in public health programs, working to eliminate barriers to health care and improve the ability to get routine

(See *Health on p6*)

## Woman With No Legs Gets Scolded For Parking In A Disabled Spot, And Her Powerful Response Goes Viral

Source: [boredpanda.com](#)

An amputee without legs turned to TikTok to scold a woman who had engaged with her for parking in a handicapped spot. On Jan. 13, 28-year-old Jessica Long, a decorated swimmer who won one gold, three silver, and two bronze medals at the 2016 Paralympic Games in Rio, slammed the nameless person for assuming that she had no right to the space even though she has a handicap parking permit.

This guidance addresses the “actual disability” part of the disability definition. The definition also covers individuals with a “record of” a substantially limiting impairment or those “regarded as” having a physical impairment (whether substantially limiting or not). This document does not address the “record of” or “regarded as” parts of the disability definition, which may also be relevant to claims regarding long COVID.

“So, it just happened again,” she says in the now-viral TikTok. “I was parking my car — and I hope she sees this — this woman just has the nerve to look me up and down disgusted that I parked in the handicapped spot.”

And this experience isn't a one-time thing. “I get two to four comments per week, just going about my normal routine and parking in handicap spaces. I've had people yell at me, leave notes on my windshield, knock on my car window, or wait for me to get out of my car just to tell me I can't park there. My worst experience to date was an older couple that followed me around a grocery store and kept making comments because they wanted the handicap spot I took and said that I didn't need it. I even explained I had two prosthetic legs and they told me I was a liar,” she explained in one of her Instagram posts.

Click to view tiktok: [Jessica Long](#) ■



(virtual continued from p4)

“Some participants had prior experience of learning about disability, through personal and professional interactions, however, they considered that the virtual reality experience assisted them to discern the experience of living with disability in a different way than they had previously encountered,” Professor Blackberry said.

“Although the cultivation of empathy can be achieved through several existing interventions, this study found that virtual reality may offer another viable way to develop this sought-after trait.” ■

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## The Advice I Wish I had Followed

Source: [Disabled World](#)

There are two words my mother said while trying to comfort me after our daughter, Tricia, was born. They were, “enjoy her.” I know now, as I look back, she was expressing her feelings when raising my sister. I wish I had listened to her. Instead, I tried to “fix” my daughter. I enrolled her in early intervention, hired physical, and occupational therapists to supplement the therapy she was receiving in her early intervention program. The more I increased Tricia’s services the more irritable she became.

I studied articles and developmental charts hoping to find information that, even though Tricia was at risk for being disabled, she was developing normally. One day, one of my husband’s friends commented that I was acting more like Tricia’s teacher than as her parent! He was right! Yes, I love Tricia with all my heart, but did I enjoy those first years of her life? No, In my grief I was trying to make



## Advocates: Home care service shortages and issues place West Virginians at risk

Source: [wvnews.com](#)

CHARLESTON, W.Va. (WV News) — Advocates for the elderly and people with disabilities in West Virginia are calling for more investment and oversight in home care as workforce shortages and other issues within the industry bring consequences ranging from mere inconvenience to unnecessary institutionalization and even death.

Home care can encompass a wide range of services depending on an individual’s needs. It can include in-home medical or nursing care; physical, occupational or speech therapy; assistance from health aides with basic needs like getting out of bed, eating, bathing and dressing; assistance in basic tasks like meal preparation, grocery shopping, laundry and housekeeping; and social services like counseling or connecting the individual with community resources.

These services can help individuals live independently in their own homes, be involved in their communities and avoid institutionalization in psychiatric facilities or nursing homes.

They also provide cost savings. It costs about \$250-300 per day to keep an individual in their home, compared to about \$900 per day for that individual to live in an institution, according to Michael Folio, legal director for Disability Rights of West Virginia.

The services are needed, according to Susan Given, executive director of Disability Rights of West Virginia. Disability Rights of West Virginia is the federally mandated protection and advocacy system for people with disabilities in West Virginia. The nonprofit has worked with the state on its Aged and Disabled Waiver Program.

“We’re trying to get people to understand that this is serious. People think this doesn’t affect them, but their parents may be one day away from having a stroke or heart attack that would be debilitating, or a car accident with a child. It’s just something that everyone should be concerned about, because you never know when you’re going to be in that situation. ... No one is insulated from something happening to them or a family member,” Given said.

Staffing issues in particular have plagued the industry.

The median pay in the United States for personal care aides was \$14.09 in 2021. In West Virginia, the median pay for these workers was \$10.71, according to PHI, a nonprofit that provides data on elder care and disability services.

“It’s a shame that I can make more making pizza than I can caring for an individual who is so vulnerable that he or she needs direct one-on-one care,” Folio said.

If a home care provider is not available, people will often go without and struggle rather than go to a nursing home or another facility, according to Given.

Others might end up in a facility unwillingly or unnecessarily, she said.

The state’s Aged and Disabled Waiver Program for individuals with

(See Home Care on p9)

(Health continued from p5)

preventive services. As part of this work, CDC supports Special Olympics' efforts to improve the physical and social-emotional well-being of people with intellectual disabilities by increasing inclusion in health care, wellness, and health systems for Special Olympics athletes and others with intellectual disabilities.

More broadly, the Special Olympics partnership with CDC supports a range of health initiatives, including

- the Healthy Athletes program, which facilitates health screenings, health promotion, and education; an expansion of access to follow-up care and wellness programming;
- partnerships with medical schools and health professionals to integrate appropriate training and education for the next generation of health professionals; and
- development of the largest data set on people with intellectual disabilities in the country—to better analyze the problem of health inequality and how best to address it.

This partnership leverages the Special Olympics community of more than 700,000 athletes with intellectual disabilities, 135,000 coaches, and 700,000 volunteers to spark nationwide change. ■

## People with disabilities and the elderly can benefit from gardening.

By: Tonya Barnett

Gardening can be a rewarding and therapeutic activity for elderly people and those with disabilities, allowing them to enjoy the beauty of nature in a safe and accessible environment.

Growing food has been a part of human culture for as long as people have been growing food. Over the centuries, gardens have served not only as a place to raise plants, but also served as spaces for people to relax, focus, and connect with nature and each other. Gardening can provide a number of mental health benefits that you can take advantage of throughout your daily life.

Gardening can improve many aspects of mental health, focus, mood, self-esteem, attention span, and concentration. It provides exercise by pulling weeds, digging, and raking. In addition to reducing anxiety, depression, and other mental health issues, regular exercise may also prevent dementia from occurring. For those who prefer to be outside rather than in a gym, this provides significant benefits. Community gardens or other group settings can benefit your mental health by increasing your social connections and your support system.

*There are some things to consider to be able to provide easy, safe access and to accommodate people with a range of disabilities.*

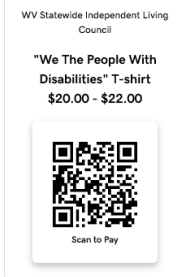
1. Raise garden beds to help people with physical restrictions, and to avoid bending and stooping.
  2. Provide tables that are wheelchair accessible where people can do potting and planting together.
  3. Use pots, window boxes, wheelbarrows and raised containers to make gardening more accessible – these can also be used when space and sunlight are limited.
  4. Provide retractable hanging baskets that can be pulled up and down so they are within easy reach.
  5. Use containers with wheels, which can be
- (See Gardening on p9)





## We The People with Disabilities

Show your patriotism and your support for people with disabilities with this one-of-a-kind "We The People With Disabilities" T-Shirt Following link to get yours now: [T-shirts](#)



## Service animals help people with disabilities lead a more independent life

Source: [kotatv](#)

People often confuse a service animal with an emotional support animal but there are key differences

Living with a disability is hard, but there are tools that can increase independence. One of the biggest tools: a service animal.

But not all animals perform tasks, some just offer comfort.

Service animals are trained to help people who struggle with either physical or mental disabilities. An emotional support animal, on the other hand, is a little different.

Service animals are typically dogs who are trained for between 8 months and 2 years to work with a specific handler in their daily lives.

Service dogs can alert a person to a variety of medical issues such as diabetic shock, epilepsy, or an episode of PTSD or anxiety.

"A service dog can really do so much for an individual. What it comes down to is service dogs is a really, truly medical device for the specific handler. So, it depends on their individual medical condition," said Tony Russell, executive director of South Dakota Service Dogs.

A key difference between service animals and emotional support animals, or ESAs, is that the latter do not have to be trained and therefore do not have the same rights as service animals.

Service dogs are allowed to stay with their handler everywhere, even in places that don't allow pets, which is something emotional support animals can not do.

ESAs do not perform tasks related to a person's disability. This means people with ESAs can be asked to leave businesses or restaurants if their animals are out of control or not housebroken.

This is a key difference between ESAs and service animals as the training received lessens the possibility of the dog having behavioral issues when out in public.

"There's less training," Russell added. "There's less training standards and some handlers take advantage of that, and that makes it more challenging on the handlers that really have medical disabilities and need their dogs as a medical alert device in public with them."

People with service dogs are not required to provide proof that their animal has been trained. But they can be asked about the specific tasks the service dog is trained to perform.

To qualify for a service dog, a person must have a recommendation from a medical professional proving the individual has a disability. ■

### Joke of the Day

The emotional support dog after I get done telling it my problems.



This Was After An Especially Ruff Day



(Home Care continued from p6)

institutionalization of these individuals into state psychiatric facilities, even though they would be able to live at home if these services were available, Given said.

Other people may face a longer stay in the hospital because they are unable to find someone to help with home administration of antibiotics or other medications, she said.

Financial assistance programs are underfunded and unable to meet the needs in the state. A West Virginia Statewide Independent Living Council program that reimburses people for the cost of home care services provided through agencies or by independent contractors currently has a long waiting list, and people on that list have died while still waiting, said SILC Executive Director Jerry Boyko.

The search for a home care provider comes with high stakes and can also be anxiety-invoking for the individual in need of these services, Boyko said.

“It’s hit and miss, and I have first-hand knowledge of that because I require caregiving. Sometimes it’s difficult. I’ve been pretty lucky. I’ve had people that have been with me a long time and I don’t have to do a lot of looking very often, but when I do have to look, it’s a nightmare. You’re worried about who you’re going to get. Are they dependable? Are they honest? Are they going to steal everything from you? And are they going to show up? Because if they don’t show up, you’re stuck. There’s nothing you can do. You’re stuck in bed or in your wheelchair, or whatever it is,” he said.

“Even when you find somebody and they first start working, you don’t know if they’re going to be with you tomorrow or the next day, because they may say, ‘This ain’t for me,’ and they’re gone and you have no one else.”

And for those who find a provider, the results can be tragic if the system fails. Folio pointed to two such cases from the Mountain State.

Recently, an individual who required a mechanical soft diet died from choking after an in-home caregiver served pancakes and sausage and then left the room.

An individual with a developmental disability and a history of falls died after he was left unattended at his Harrison County home and fell from an upper-level window that had been left open, according to Folio.

The solution is multi-tiered, he said.

“It’s going to require an all-hands-on-deck approach,” he said.

An infusion of capital to allow for higher wages and benefits for home care providers will be essential for growing the workforce.

The workers who are caring for individuals in their home are historically underpaid and overworked, Folio said.

“It is impossible to attract the labor force necessary at the paltry wages that are being paid,” he said.

The Office of Health Facility Licensure and Certification needs more resources to appropriately monitor and regulate providers, and the Department of Health

(See Home Care on p10)

(Gardening continued from p7)

5. Use containers with wheels, which can be moved around easily to accessible positions and to catch the sunlight.

6. Keep paths smooth, non-slip, accessible and level.

7. Have a water supply handy and place plants together according to their water needs.

8. Have an equipment storage area or shed nearby.

9. Provide shade for working in the garden in summer (remember to use hats, sunscreen and other sun protection).

10. Provide ready access to toilets.

*There are a lot that the elderly and those with disabilities will benefit from a garden.*

- Learn gardening skills.
- Communication and social skills – from being involved in groups and community activities.
- Fitness – gardening is a great physical activity.
- Confidence – gardening helps to develop a range of new skills.
- Wellbeing – gardening is a great way to relax and reduce stress levels.
- Physical ability – through improved motor skills.
- Nutrition – gardening provides an opportunity to learn about healthy food.
- Knowledge – it’s a chance to learn about the environment and nature.
- Enjoyment of life – gardening is a wonderful leisure activity where tasks and routines can be varied and shared.

### **Reducing the risk of Alzheimer’s**

Gardening is associated with better brain function, as well as better concentration and memory abilities. According to some studies, it may even reduce the risk of Alzheimer’s disease and dementia. In addition, spending time in gardens and green spaces can help with stress and anxiety, providing an overall sense of well-being. There was a long-term

(See Gardening on p11)



(Home Care continued from p9)

of Health and Human Resources must better enforce contracts with providers and hold them accountable when they break those contracts by dropping patients or failing to provide services, Folio said.

He called on advocates and providers to work together to develop a comprehensive plan for solving the problems.

“We have enough qualified clinicians in this state who are well-intentioned and committed to helping people who are vulnerable that, if we roll up our sleeves, I think we can develop a plan,” Folio said.

According to Boyko, awareness of the issues among the general population will be key to addressing the issue.

“Eventually, we’re all facing this,” Boyko said. “... Another issue is education and awareness. I don’t think enough people are aware. I don’t think people think about the future as much as they should. Everybody’s in the right now, but sooner or later, the majority of us are going to need some kind of care.” ■



## Disability studies concentration created to expand student understanding and careers

Source: [roanoke.edu](http://roanoke.edu)

Roanoke College is proud to announce that it’s now offering a concentration in disability studies. The curriculum is designed to blend interdisciplinary coursework and experiential learning to give students a deeper understanding of the growing population of people with disabilities.

The creation of a dedicated concentration puts Roanoke College at the forefront of the disability studies movement. Students in the concentration include future health and human services professionals, research students, education majors, and more.

“The rates at which people are being diagnosed with a disability increases every year; especially autism and dementia,” said Andréa Burchfield, assistant professor of psychology. “As numbers rise, students entering many career fields are more likely to encounter clients, patients and employees who live with a disability. Understanding the wide-ranging nature of disabilities will enable future professionals to provide better services.”

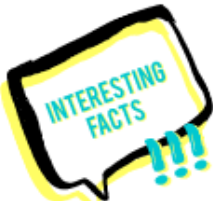
The concentration requires five courses, including two foundational courses focusing on disability theory and lived experience. It culminates in a final capstone project. The opportunities for disability-related classes and real-world internships span departments and disciplines across campus. The initiative was led by a multi-department faculty team: Burchfield (Psychology), Frances McCutcheon (Biology), and Teresa Milbrodt (English & Communication Studies).

“Interdisciplinary is the most rational approach to disability studies,” said Frances McCutcheon, a biology lecturer and co-coordinator of the concentration. “A disability can impact multiple aspects of a person’s life and consequently multiple aspects of society, including employment, income, health behaviors and legal needs.”

Teresa Milbrodt, an assistant professor and co-coordinator of the concentration, added, “This curriculum focuses on the wide range of concerns held by people with disabilities. Our goal is to introduce students to the variety of differences in human form, abilities, and expressions of personhood, so they can integrate that perspective into their life and work.”

The disability studies concentration was approved by Roanoke College’s Curriculum Committee in fall 2022. The addition reflects the College’s deep commitment to ensuring that its programs serve emerging workforce demands and student needs. Other additions in recent years include the establishment of an engineering science major, a comprehensive department for education majors, and an innovative health studies partnership with Carilion Clinic.

The new concentration meets a growing demand from students who want to be better prepared to be advocates for people with disabilities, both in their future careers and in their personal lives. More information about some of the first students to enroll in the program can be found on the [concentration’s webpage](#). ■



### Electric Toothbrushes

Dental hygiene is important for everyone, but people with limited motor skills really struggled to keep their chompers clean in the early days. In 1954, however, the Broxodent electric toothbrush was created to help people with limited strength, mobility and control do a better job of brushing. It quickly became obvious that electric toothbrushes are superior to standard brushes, so now most dentists encourage everyone to use them. In fact, a 2019 study found that people who use electric versions keep their teeth for longer, have less tooth decay and enjoy healthier gums.

Now you know

(Lawsuit continued from p3)

because someone at the ATF woke up on the wrong side of the bed.”

Gun Owners of America Southeast Regional Director Jordan Stein said the rule is extreme.

“Their brace ruling is perhaps the far most reaching, with estimates of 40 million braces in circulation; these are owned by legal Americans who just want to have fun at the range, but really to protect their families,” he said.

Watch the press conference here: [Attorney General Patrick Morrisey](#)

“I am only one, but I am one. I cannot do everything, but I can do something. And I will not let what I cannot do interfere with what I can do”

~ Ralph Braun

(Gardening continued from p9)

study from Australia that followed nearly 3,000 older adults for 15 years, tracking the occurrence of all types of dementia and assessing a variety of lifestyle factors that were related to dementia development. The study found that higher exposure to green space was linked to lower levels of depression and fewer incidences of dementia. According to the researchers, gardening on a daily basis reduced dementia incidence by over a third - 36 percent in fact - a reduction that was the single biggest risk reduction for dementia.

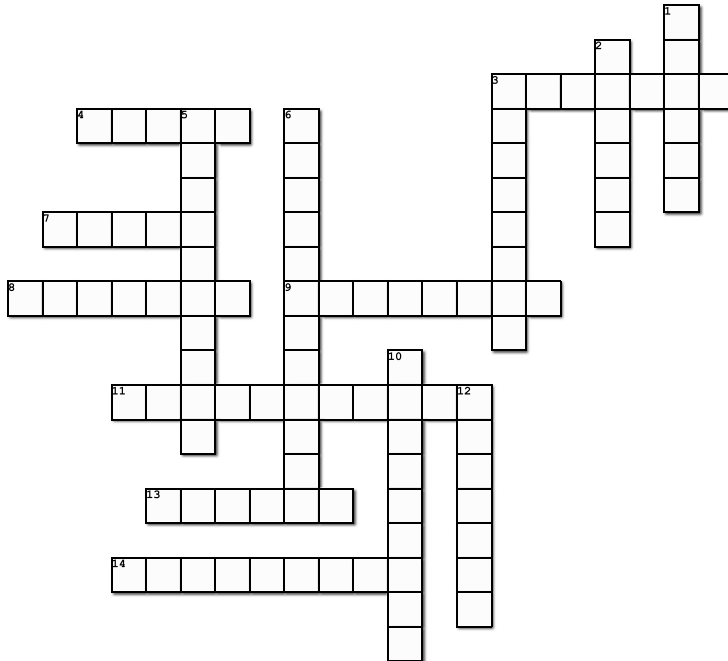
Sources:

- How Gardening Can Improve Mental Health (webmd.com)
- The 7 mental health benefits of gardening |



### Spring

Complete the crossword puzzle below



#### Across

3. an arc of brightly multicolored arrangement or display
4. to begin again; recommence
7. what month has a day for fools
8. a brief fall of rain
9. projecting from or bursting through host tissue.
11. increasing in heat or ardor
13. an annual Christian festival in commemoration of the resurrection of Jesus Christ,
14. to send forth sprouts,

#### Down

1. the blossom of a plant.
2. any small arthropod
3. having a pleasant odor; fragrant.
5. to burst into bloom; blossom.
6. to become leafy, put forth leaves
10. being reborn; springing again into being or vigor
12. The larval stage of frogs

Created using the Crossword Maker on TheTeachersCorner.net



### Key Rings

key rings can increase independence in dressing for people with disabilities. Acting as a zipper pull, a key ring is an inexpensive hack for those with limited mobility or difficulties with dexterity or fine motor skills. Turn jackets, pants, and shoes into adaptive clothing that's easy to use.





(Arrest continued from p2 )

## FairShake T-shirts for sale



Fair Shake Network tee shirts are now available for sale at the cost of \$8 for members and \$10 for non-members. The cost of shipping is \$5 if you need the shirt to be mailed to you. The shirts sizes are limited. Contact us for available sizes. They are red and have the FSN logo in the center of the shirt. You can go online and order at [www.fairshake.org](http://www.fairshake.org) or call 304-766-0061. ■



## The first Center for Independent Living

In 1972, the first Center for Independent Living was founded by disability activists, led by Ed Roberts, in Berkeley, California. These Centers were created to offer peer support and role modeling and are run and controlled by persons with disabilities. By the turn of the century there were hundreds of such centers across the United States, and much of the rest of the world.



an individual officer, not with the department's operations.

“Our training currently, in the past and present, is always to make sure our officers are up to speed on as much training as they can on how to interact with people in crisis who may have mental health issues,” Ticer said during the public meeting in May at department headquarters.

The Loveland Police Department, like many others, requires officers to be trained to respond to people with mental illness and developmental disabilities. But no national standards exist. The amount of training law enforcement officers receive on interacting with disabled people varies widely.

“On the whole, we’re doing terrible,” said Jim Burch, president of the National Police Foundation, a nonprofit organization focused on police research and training. “We have to do much, much better at being able to recognize these types of issues and being more sensitive to them.”

While comprehensive data on the frequency of negative interactions between police and people with mental disabilities is lacking, interactions with the criminal justice system are common. The Bureau of Justice Statistics has estimated about 3 in 10 state and federal prisoners and 4 in 10 local jail inmates have at least one disability.

“There’s a very large number of people that police are coming into contact with that have an intellectual disability or mental health challenge,” Burch said. “Do we have a systemic problem? We think that we do.”

Noncompliance may be due to a disability.

Colorado requires a minimum of two hours of training on interacting with special populations, including people with disabilities, although legislation aims to improve on that by creating a commission to recommend new statewide standards.

Loveland’s officers are certified in crisis intervention training. The department also has a co-responder program, which pairs law enforcement officers with mental health clinicians, although this team was not called during Garner’s arrest. Since that arrest, questions remain about the department’s readiness to interact with people who have challenges.

“We could always use more and more training. We could train every single week for eight hours a day, but we could do that all the time and never go out on calls,” said Sgt. Brandon Johnson, who oversees training. “It’s just balancing our available workforce and our time and our service to the community and our staffing levels.”

Loveland police officers are now undergoing Alzheimer’s awareness training, and five staff members will be trained as de-escalation instructors, department officials said.

Training on how to interact with people who have disabilities varies. But the idea is to identify such individuals early in an encounter instead of relying on use of force.

(Arrest continued from p12)

“It’s scary, because you don’t know why they’re not following your commands,” said Ali Thompson, a former deputy with the Boulder County Sheriff’s Office who now serves on the Colorado Developmental Disabilities Council. “So, your adrenaline starts pumping and you think ... ‘They’re not listening to my commands because they have a warrant or because they have a gun on them,’ or you come up with all of these scenarios to explain it.”

Garner’s rough arrest is “not an isolated incident by any means,” Thompson said. She said she would not have thought to attribute noncompliance to conditions such as autism or dementia when she was a young patrol officer.

“We need to start bringing those possibilities into those ‘what if’ scenarios,” Thompson said.

Lack of understanding goes beyond police departments

In addition to teaching how to identify people with cognitive disabilities, organizations such as the International Association of Chiefs of Police help prepare officers for such situations by suggesting they speak in short phrases, refrain from touching and turn off sirens and flashing lights.

Research on which disability-specific efforts actually reduce bad outcomes is scant, but experts point to other types of curricula as relevant, too, including crisis intervention training, instruction on de-escalating tensions and sessions on mental illness.

“Just training in and of itself is not going to create that long-term change that we are hoping for,” said Lee Ann Davis, director of criminal justice initiatives at The ARC, a national disability advocacy organization.

That means going beyond officer training to address the many areas in which people with disabilities are not being identified and supported, she said. One of The ARC’s programs, Pathways to Justice, brings in not only law enforcement officials but also attorneys and victim service providers for instruction.

“So our goal is to help communities understand that this is a communitywide issue, that there’s not one specific spoke within the criminal justice system or in our communities that can address it adequately alone,” Davis said.

Johnson, the Loveland sergeant in charge of training, said officers have been engaged for years in community outreach.

Despite what happened in the Garner arrest, Johnson believes the department is adequately prepared to interact with people who are disabled or may be in distress. At the same time, he acknowledges limitations.

“We have to be the first responder. We have to have a good foundational understanding of all of it,” he said. “But we’re also not experts.” ■



## Chocolate and Caramel Bars

With the chocolate cake mix, look for your favorite. You can also make your own, as there are plenty of ideas for healthier chocolate cake ideas.

### Ingredients:

- 1 pack of chocolate cake mix
- $\frac{3}{4}$  cup of butter, melted
- $\frac{2}{3}$  cup of evaporated milk
- 1 packet of vanilla caramels, unwrapped
- 1 cup of walnuts, chopped
- 1 cup of dark chocolate pieces

### Directions:

Preheat the oven to 350F and grease your baking pan ready for use. In a large bowl, mix your cake mix with the butter and half of the evaporated milk, beating together until smooth. Spread half of the dough in your baking pan and put to one side. In a large saucepan, combine the vanilla caramels with the rest of the milk, cooking over a medium to low heat while covered until everything melts. Pour the caramel mix over the chocolate dough. Sprinkle the nuts and chocolate over the top and crumble the rest of the dough over the top. Bake for 25 minutes. Allow to cook on a wire rack in the pan and then cut into bars. You’ll get about 48 bars out of this, depending on the size that you cut the cake up. You can make them smaller and serve with some fruit on the side for dessert to make it healthier.

If you’re allergic to walnuts, you can replace the nuts with some raisins or chopped dried fruit of choice. ■





## Bills on our partner's watch list that passed



### **SB 208**

Relating to criminal justice training for all law-enforcement and correction officers regarding individuals with autism spectrum disorders.  
Approved by Governor 3/11/2023 - House Journal  
Effective Ninety Days from Passage - (May 31, 2023)

**SB 232** Creating study group to make recommendations regarding diversion of persons with disabilities from criminal justice system  
To Governor 3/17/2023 - House Journal  
Completed Legislation awaiting Governor's signature.

### **SB 526**

Including Alzheimer's disease in existing public health programs  
To Governor 3/8/2023  
Completed Legislation awaiting Governor's signature.

**SB 577** Reducing copay cap on insulin and devices and permitting purchase of testing equipment without prescription  
To Governor 3/16/2023  
Senate Journal Completed Legislation awaiting Governor's signature.

**SB 617** Relating to Intellectual and Development Disabilities Waiver Program Workforce Study.  
To Governor 3/16/2023  
Senate Journal Completed Legislation awaiting Governor's signature

### **HB 2006**

Relating to reorganizing the Department of Health and Human Resources.  
Approved by Governor 3/4/2023  
Effective Ninety Days from Passage - (May 23, 2023)

### **HB 2024**

Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.  
Approved by Governor 3/16/2023  
Effective from passage - (March 10, 2023)

### **HB 2533**

Relating to a permanent windshield placard to be valid for the duration of the applicant's life.  
Approved by Governor 2/15/2023  
Effective Ninety Days from Passage - (May 7, 2023)

### **HB 3166**

To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours.  
House Message received.  
Completed Legislation awaiting Governor's signature.

### **HB 3271**

Relating to increasing monitoring of special education classrooms.  
To Governor 3/20/2023  
Completed Legislation awaiting Governor's signature. ■

# ADA Case Set To Go Before Supreme Court

source: [disabilityscoop](http://disabilityscoop.com)

The U.S. Supreme Court will weigh in on the rights of people with disabilities to sue under the Americans with Disabilities Act.

The high court said this week that it would take up a case known as Acheson Hotels, LLC v. Laufer. At issue is whether individuals with disabilities have standing to sue a business under the ADA if they have no intention of actually visiting the establishment.

The case originated when Deborah Laufer, a Florida resident who has a vision impairment and uses a cane or wheelchair, sued Acheson Hotels alleging that the website of the Coast Village Inn and Cottages in Wells, Maine did not offer adequate information about accommodations for people with disabilities as required under the ADA.

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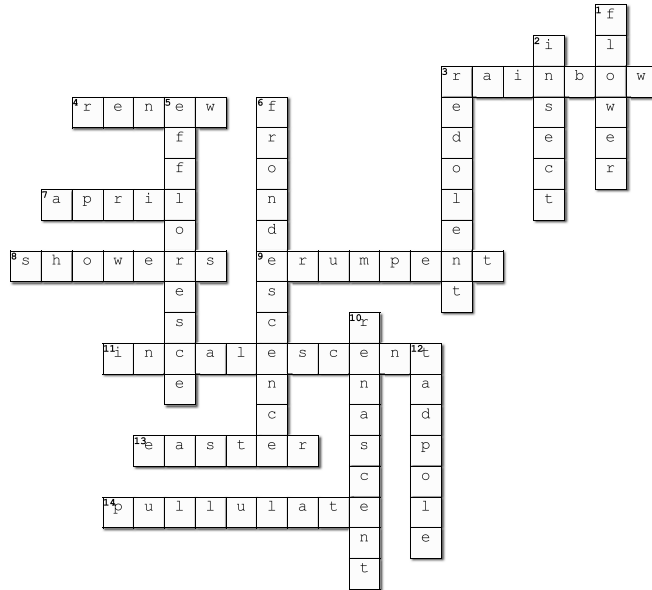
The case originated when Deborah Laufer, a Florida resident who has a vision impairment and uses a cane or wheelchair, sued Acheson Hotels alleging that the website of the Coast Village Inn and Cottages in Wells, Maine did not offer adequate information about accommodations for people with disabilities as required under the ADA.

A district court dismissed Laufer’s suit, finding that she was not injured since she never planned to visit the hotel, but the decision was overturned by the U.S. Court of Appeals for the First Circuit which found that “Laufer’s feelings of frustration, humiliation and second-class citizenry” were “‘downstream consequences’ and ‘adverse effects’ of the informational injury she experienced.”

(See ADA on next column)

## Spring

Complete the crossword puzzle below



Created using the Crossword Maker on TheTeachersCorner.net

### Across

- 3. an arc of brightly multicolored arrangement or display (**rainbow**)
- 4. to begin again; recommence (**renew**)
- 7. what month has a day for fools (**april**)
- 8. a brief fall of rain (**showers**)
- 9. projecting from or bursting through host tissue. (**erupt**)
- 11. increasing in heat or ardor (**incalescent**)
- 13. an annual Christian festival in commemoration of the resurrection of Jesus Christ, (**easter**)
- 14. to send forth sprouts, (**pullulate**)

### Down

- 1. the blossom of a plant. (**flower**)
- 2. any small arthropod (**insect**)
- 3. having a pleasant odor; fragrant. (**redolent**)
- 5. to burst into bloom; blossom. (**effloresce**)
- 6. to become leafy, put forth leaves (**frondescence**)
- 10. being reborn; springing again into being or vigor (**renascent**)
- 12. The larval stage of frogs (**tadpole**)

(ADA continued from previous column)

Acheson Hotels then appealed to the Supreme Court. In its petition to the high court, the company noted that Laufer has filed over 600 federal lawsuits since 2018 against hotel owners and operators making similar allegations.

Lower courts have differed on whether self-appointed ADA “testers” like Laufer have standing to sue, according to the petition. And, lawyers for Acheson Hotels argued that the case “has immense practical importance” given that Laufer is one of many such “testers” who have filed thousands of ADA lawsuits.

“A cottage industry has arisen in which uninjured plaintiffs lob ADA lawsuits of questionable merit, while using the threat of attorney’s fees to extract settlement payments. These lawsuits have burdened small businesses, clogged the judicial system and undermined the executive branch’s exclusive authority to enforce federal law,” the petition states.

In response, Laufer’s attorney agreed in court papers that the Supreme Court should review the matter given the differing opinions from lower courts. But, Laufer argued that she and other “testers” serve an important public good in the face of countless businesses who remain out of compliance with the ADA more than 30 years after it took effect.

“Without civil rights advocates such as this plaintiff, there would be no enforcement of the ADA,” the brief said. ■

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# UPCOMING EVENTS

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## WV STATEWIDE INDEPENDENT LIVING COUNCIL MEETING SCHEDULE

### **April 5, 2023 - Full Council Meeting**

9:00 AM - 4:00 PM

WV Division of Rehab Services and Hybrid/zoom

### **May 3, 2023 - Executive Committee**

1:00 PM

SILC Office - Hybrid/Zoom

### **June 7, 2023 - Full Council Meeting**

9:00 AM - 4:00 PM

WV Division of Rehab Services and Hybrid/zoom

### **July 5, 2023 - Executive Committee**

1:00pm

SILC Office - Hybrid/Zoom

### **August 2, 2023 - Full Council Meeting**

9:00 AM - 4:00 PM

WV Division of Rehab Services and Hybrid/zoom

### **September 6, 2023 - Executive Committee**

1:00 PM

SILC Office - Hybrid/Zoom



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