



Disability  
Rights  
Maryland

# **REPORT TO THE COMMUNITY**

July 1, 2021-June 30, 2022

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# About Disability Rights Maryland

**Mission:** To create an integrated and just society by advancing the legal rights of people with disabilities.

**Vision:** A world where people with disabilities are fully included in the workplace, neighborhoods and all aspects of community life.

## **History:**

Disability Rights Maryland (DRM) works to create a just and inclusive society by advocating for and defending the legal and human rights of people with disabilities in Maryland. We partner with people with disabilities, law firms, legislators, and advocacy, community and grassroots organizations to promote and expand opportunities for people with disabilities to participate in all aspects of community life.

For over 45 years, DRM has been part of a national network of designated Protection & Advocacy (P&A) organizations created by Congress to advance and defend the rights of Marylanders with all types of disabilities, of all ages, statewide.

DRM's assistance in the areas of housing, community services, healthcare, education, and investigation and monitoring of institutional settings is essential to stabilize lives and provide the foundation for self-sufficiency, independence, dignity and freedom from harm. When supports are unavailable or denied, the results include homelessness, institutionalization, low educational achievement, isolation, and illness that harm individuals and diminish their ability to achieve their fullest potential.

The complex issues facing our clients are often compounded by poverty and race. DRM employs multiple strategies, such as administrative complaints, targeted policy initiatives, legislative education and advocacy, technical assistance, community education with a wide array of stakeholders, and individual representation. Our broad-based coalition work with other organizations has proved to be an effective strategy for leveraging resources and achieving enduring systemic change for our clients.

Because we exclusively focus on the legal needs of people with disabilities, our expertise in disability law and policy, and unique cross-disability competency make DRM a highly specialized legal advocacy organization that is able to serve the diverse and complex needs of people with disabilities living at or near the poverty level, many of whom are homeless or isolated in facilities.

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**Philisa Rogers**, Finance Director

**Luciene Parsley**, J.D., Litigation Counsel

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Ronald McDonald House

**Michael McGuire**  
Restorative Therapies, Inc.

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Orrstown Bank

**Jessica Weber**, Esq.  
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**Adam Zimmerman**, Esq.  
PathFinder Law Group

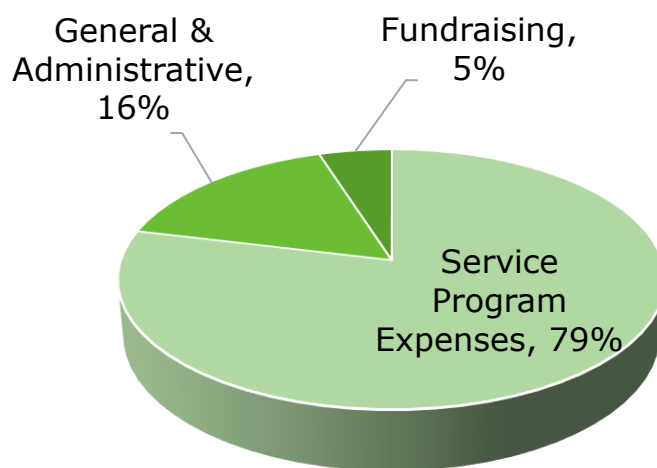
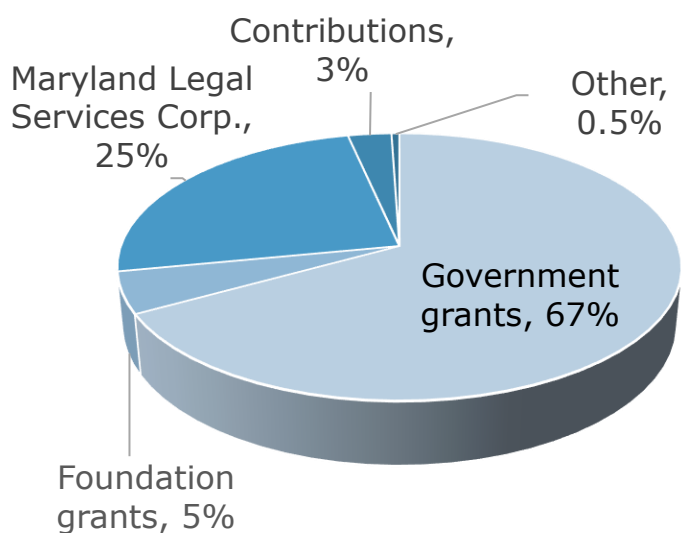
**Anita Anderson, CPA**  
HOPEACE Financial, LLC

**Amena Fine**, M.D.  
Kennedy Krieger Institute

**Marlene D. Hamlin**

**Tanisia Smith**

# Financial Overview



## Annual Fundraiser

The Breaking Barriers Awards Gala is DRM's signature annual event bringing together attorneys, corporate and foundation leaders, government representatives and disability advocates. We honor and celebrate visionary leaders whose unwavering dedication to disability rights has resulted in meaningful progress towards a more equitable and inclusive society.

Funds raised at the gala through sponsorships and ticket sales are unrestricted and enable DRM to engage in legislative activities, advocating for bills that would protect and advance the rights of people with disabilities.

# Who We Serve



DRM was a life saver. I recommend this agency to everyone I know struggling with the school system.

DRM CLIENT

DRM concentrates on serving people living at or near the poverty level with all types of disabilities. We estimate approximately 911,437 persons in Maryland are eligible for DRM's services<sup>1</sup>. This is equal to 20% or 1 in 5 adults in Maryland. However, this estimate considers only the civilian non-institutionalized population; Maryland also has 24,500 persons living in certified nursing facilities,<sup>2</sup> approximately 1500 persons living in state hospitals or residential centers for persons with developmental disabilities<sup>3</sup> and 36,000 incarcerated persons.<sup>4</sup>

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<sup>1</sup> This number is based upon Maryland's total population and information from the Disability & Health U.S. State Profile Data for Maryland and other data pertinent to the estimated number or percentage of persons with developmental, physical, psychiatric, sensory or other disabilities in Maryland

<sup>2</sup> <https://www.assistedlivingcare.com>

<sup>3</sup> Maryland Department of Health Inpatient Statistical Reports, available at <https://health.maryland.gov/bha/Documents/July%202021.pdf>

<sup>4</sup> Prison Policy Initiative's Maryland profile

# Impact

## Who we helped

**2,123**

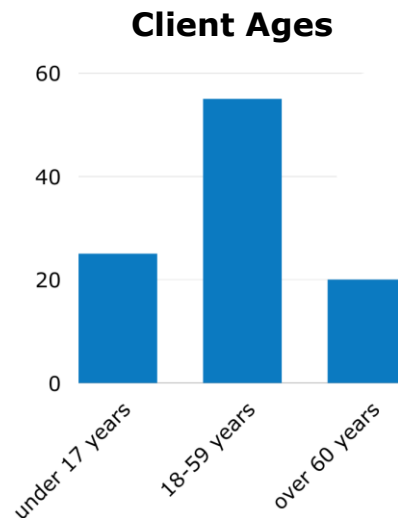
clients and family members

**62%**

of our clients were people of color

**100%**

of our clients live with a disability

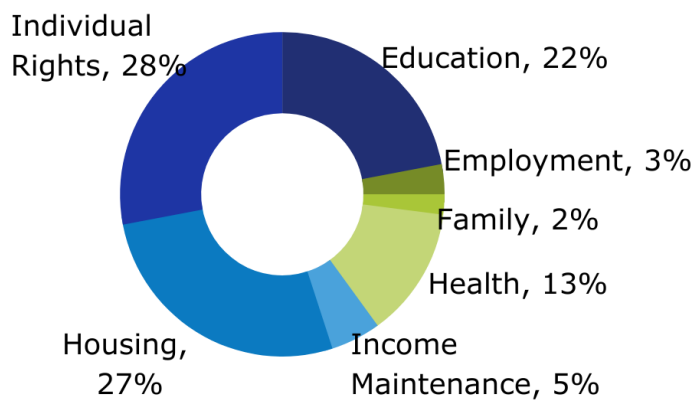


## How we helped

**1,453**

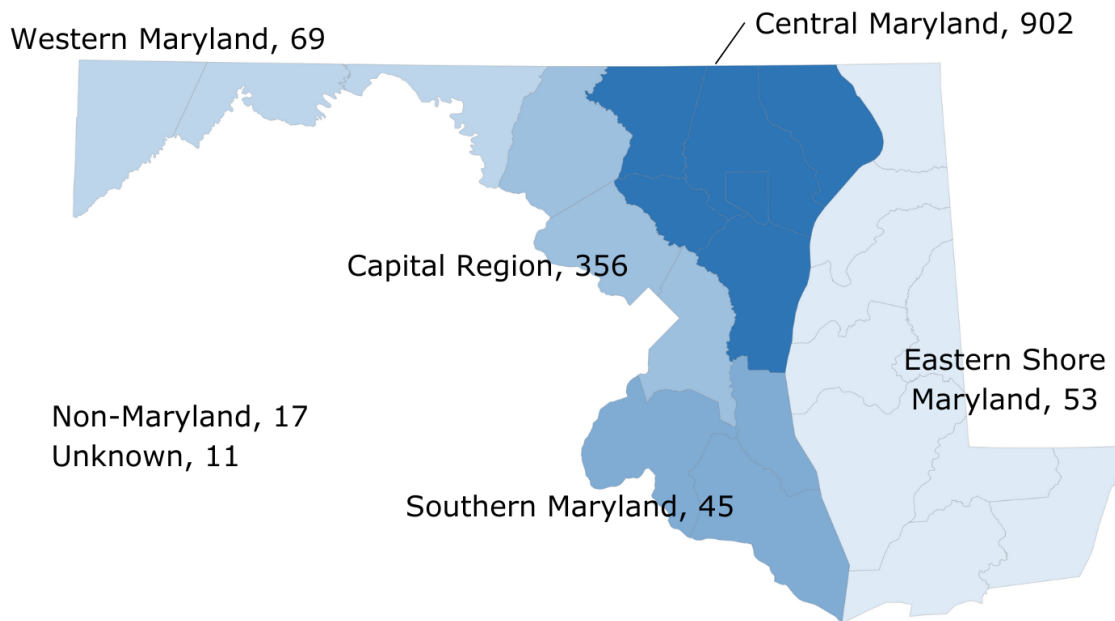
Cases Closed

### Issue Areas



## Where we helped

### Number of cases closed in each region



## Outreach Activities Beyond Casework

**15,428+**

Individuals reached through 110+ legal education workshops and outreach events

**32,246+**

unique website visitors

**40,000+**

Reached on Facebook and Instagram

**3,599**

Email subscribers



# Client Stories



— ” —  
The help made a significant difference in my child's education. Words cannot express my gratitude.

— ” —  
DRM CLIENT

## DRM Prevents Evictions in Baltimore City

DRM provided legal representation to over 22 income-eligible households through an eviction prevention project funded by Baltimore City. DRM provided representation in eviction proceedings in Maryland state courts, representing clients to remove barriers in their housing. Each of these families live on extremely low-income incomes, all are disabled, and all but one identifies as Black or African-American.

## DRM Persuades Judge to Waive Client's \$163,000 Debt

"Archie", a 40-year-old man with mental health and neurological diagnoses, used to work part-time and live in a community residential program. He now works full-time and lives with his mother. Social Security Administration (SSA) alleged that they incorrectly paid him \$163,000 in benefits from early the 2000s to 2009, when he was working and eligible for various SSA incentive programs that allow part of his income to be ignored (not counted) for their calculations. SSA did not notify Archie of the overpayment until a decade later. DRM represented Archie in a hearing where an Administrative Law Judge ordered the entire \$163,000 to be waived. Archie can now continue working toward full financial independence without this additional catastrophic amount of debt impeding his future goals.

## Student Thrives with DRM's Representation

"Carlos", diagnosed with dyslexia and Attention Deficit Hyperactivity Disorder, was in the 8<sup>th</sup> grade but his instructional level in almost all

subjects was at the 1<sup>st</sup> and 2<sup>nd</sup> grade level. He was bullied by peers and staff and was even knocked unconscious in one instance. He experienced incapacitating migraines on a daily basis, which led to hair loss, further bullying and missed classes. Staff described Carlos' behavior in school as aggressive and disruptive.

DRM's representation resulted in the school reevaluating Carlos' needs and developing a new Individual Education Plan (IEP). Carlos' IEP team identified a Specific Learning Disability (SLD) during his reevaluation and a new IEP team worked closely with his parent to develop an appropriate IEP that included supports for his SLD, focused on his academic needs, provided for compensatory education and frequent communication about Carlos' progress between home and school. Carlos began to flourish.

Carlos' migraines went from being a daily occurrence to less than once a month. He is getting good grades and staff say he is a pleasure to have in class with none of the negative behaviors mentioned previously. He is now on the basketball team!

## Systemic Litigation

DRM works closely with disability communities in Maryland to determine the most critical legal advocacy priorities and leverage our limited resources strategically. We focus our litigation efforts on addressing systemic issues where even a single case may be able to help hundreds if not thousands of individuals.

### **DRM v Maryland Department of Public Safety and Correctional Services (DPSCS)**

DRM alleges cruel and unusual conditions and violations of rights of people with serious mental illness held in Maryland prisons. In November 2021, after five years of investigations, negotiations with the State and pursuing reforms through the legislative process, DRM, represented by and co-counseling with Venable LLP, filed a lawsuit in federal court against the Maryland Department of Public Safety and Correctional Services (DPSCS) and its officials. The complaint states that Maryland prison practices of confining individuals with serious mental illness in segregation violates the constitutional and federal rights of such individuals. Spending hour after hour for days and months in a steel and concrete cell the size of a parking space results in deterioration of health for persons with serious mental illness, demonstrated by hallucinations, self-injurious behaviors, paranoia,

increased anxiety, depression, aggression, social withdrawal, and serious risk of harm, according to the lawsuit. Individuals with serious mental health needs are receiving grossly inadequate health care and confined in cells for days and weeks at a time with little opportunity to engage in any meaningful activity. Some individuals have been kept in segregation for years.

DRM seeks to end the state's practice of confining individuals with serious mental illness in segregated conditions and to instead establish humane conditions and programs. This will positively impact an estimated 25% of the total population of Maryland's prisons.

[Maryland Correctional Institution for Women investigative report \(PDF opens in view tab\)](#)

[North Branch Correctional Institution report \(PDF opens in new tab\)](#)  
[The Complaint \(PDF opens in new tab\)](#)

## **Susan Goodlaxson et al., v. Mayor and City Council of Baltimore**

Baltimore City's curb ramps, sidewalks, and pedestrian rights-of-way are inaccessible to wheelchair users and others with mobility disabilities, making travel difficult and dangerous for thousands of people with disabilities who call Baltimore home or visit for work or pleasure. Three residents of Baltimore who use wheelchairs and the IMAGE Center, Baltimore's Independent Living Center, represented by DRM and co-counsel Civil Rights Education and Enforcement Center (CREEC), Goldstein, Borgen, Dardarian & Ho, Disability Rights Advocates, filed a class action on June 10, 2021. The lawsuit alleges that Baltimore City violates Title II of the ADA and Section 504 of the Rehabilitation Act because it has not created or maintained accessible sidewalks and curb cuts throughout the City. The parties have been referred to mediation by the assigned federal Judge. DRM anticipates the lawsuit will help 50,000 individuals with mobility impairments in Baltimore City, in addition to people with mobility disabilities who work in or visit Baltimore City.

## **DRM v. Prince George's County Public Schools** **DRM investigates school district's use of disproportionate removal of students with disabilities.**

DRM received over 85 complaints against Prince George's Public School System (PGCPS) related to exclusionary discipline and educational neglect of students with disabilities. DRM sought to investigate how frequently PGCPS was violating educational rights and requested parent or guardian contact information for those suspended for four or more days. DRM, as Maryland's

Protection and Advocacy organization, has federal authority to investigate and access records if there is probable cause to suspect abuse and neglect. PGCPs refused to voluntarily provide the contact information. Wiley Rein LLP agreed to represent DRM to file an action in federal court in November 2021 based on federal protection and advocacy laws and regulations.

## **DRM Continues Efforts to have Baltimore County Comply with Fair Housing Laws**

In 2011, DRM together with Public Justice Center, the Homeless Persons Representation Project, and Maryland Legal Aid, filed a complaint with U.S. Department of Housing and Urban Development Administrative (HUD) against Baltimore County Housing Office alleging violations of fair housing laws. In 2016, Baltimore County entered a Voluntary Compliance Agreement with HUD.

The Agreement will:

- Help 2,000 households move into areas of opportunity
- Create 1,000 affordable housing units in areas of opportunity including 100 accessible units
- Create 500 units for families needing three or more bedrooms
- Establish a three-million-dollar modification fund and a thirty-million-dollar fund for creating affordable housing
- Require affirmative marketing plans, and changes to policies and practices, including source of income discrimination provisions

The individual claims were successfully resolved. DRM continues its representation of the Baltimore County Branch of the NAACP in order to ensure implementation of the terms of the Voluntary Compliance Agreement.

# Investigation and Monitoring



— ” —  
...very professional, yet personal. This was desperately needed and will never be forgotten. I couldn't say a single thing that could've been better...Thank you

— ” —  
DRM CLIENT

As the Protection & Advocacy (P&A) agency for Maryland, DRM has federal legal authority to monitor the treatment and safety of individuals with disabilities in institutional and other congregate settings and investigate any setting when there is probable cause to believe that abuse or neglect has occurred. DRM has the authority to access individuals with disabilities and their records and are specifically trained in the effects of institutionalization. DRM staff frequently performs on-site monitoring and training in different types of facilities.

## Preventing Abuse and Neglect

DRM identified systemic issues with incidents of sexual abuse at the state residential facility and more widespread failure of facility staff to follow individual protection plans for at-risk individuals with histories of sexual assault.

DRM's comprehensive monitoring of the facilities was hampered by the COVID-19 pandemic; however, DRM has continued to be in contact with residents, monitor incidents of abuse, and provide advocacy at team meetings. In response to continuing and ongoing complaints from residents who did not feel safe and increased reports of abuse, DRM focused efforts on conditions and practices at the residential facilities and provided individual representation and advocacy on behalf of the victims of crime at these facilities. DRM also identified the need for systemic action and raised our concerns with the Developmental Disabilities Administration (DDA) and Maryland Department of Health (MDH). Approximately 100 people with disabilities are impacted by this work.



# Policy Change

## Consumer Accessible Ride Services (CARS): Where's My Ride?



*Carol Banks, an MTA MobilityLink rider was left stranded in Downtown Baltimore countless times. (Screenshot of WBAL video)*

DRM has been working to improve the longstanding cycle of severe failures of the Maryland Transit Administration's (MTA) paratransit (MobilityLink) service. MobilityLink's service failures have and continue to cause devastating consequences for riders. Riders miss medical appointments or are picked up late; riders who receive dialysis are missing treatment.

Riders have been left outside for hours, including at night without access to food or bathrooms, fearful they may be assaulted. One late trip caused a rider to spend the night on the streets of Baltimore City after a late ride made the rider miss curfew at a homeless shelter. Numerous riders report reducing their regular activities because they do not want to be stranded by MobilityLink.

DRM has taken several actions to help ensure that MobilityLink will be safe and reliable for its riders. DRM submitted a complaint in September 2021 to the U.S. Department of Justice (DOJ), which highlighted the harmful

experiences of MobilityLink riders, stating that the MTA is and has been operating in violation of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

DRM also increased public awareness of the numerous problems with Maryland Transit Authority's (MTA) Paratransit services in the summer of 2021 in the "Where's My Ride" campaign with CARS (Consumers for Accessible Ride Services). [Learn more about this important issue and hear from the people who experience the negative impacts of lack of services \(will open in new tab\).](#)

## **Deaf and Hard of Hearing Individuals Gain Access to Baltimore City's CharmTV**

DRM ensured Baltimore City residents who are deaf and hard of hearing now have equal access to Baltimore City's CharmTV programming. Working closely with the Mayor's office and other key stakeholders including the Maryland Governor's Office of the Deaf and Hard of Hearing, a plan was developed to implement Communication Access Real Time Translation (CART) captioning for CharmTV and ensure American Sign Language (ASL) interpreters are available for all public addresses. This policy change will impact approximately 10,000 individuals.

## **DRM's Advocacy in Coalition Improves Voting Accessibility**

DRM worked with a coalition of disability advocates, including the National Federation of the Blind (NFB), the National Association of the Deaf (NAD), the Maryland Developmental Disabilities Council, and the IMAGE Center, to review and provide written comments on the 2022 Election Judges Manual to improve the voting accessibility for persons with disabilities. The Coalition was successful in having the revisions adopted by the State Board of Elections.

## **Addressing Discriminatory COVID Policies**

During COVID-19, states made plans that outlined who would get access to resources, including medical equipment, ventilators, staff and hospital space, when there might not be enough for everyone. Across the country, disability advocates raised concerns about how these plans discriminate against people with disabilities.

While the state of Maryland has not formally adopted a plan, a group of Maryland's largest hospitals has. DRM and Justice in Aging (JIA) reviewed

their plan and raised considerable concerns about how it discriminates against people with disabilities and older adults. DRM and Justice in Aging worked together to make sure hospitals don't use long-term survival as the only reason to give someone resources. They also made sure people on ventilators won't have them taken away when they go to the hospital.

DRM and JIA persisted in their advocacy efforts alongside the Maryland Health Care Ethics Network (MHCEN), a group of ethicists with ties to the hospital systems, intervening and continuing to push the hospital group to make necessary changes. It was decided that MHCEN, with input from DRM and JIA, would finish making the necessary changes to ensure the policy does not discriminate against people with disabilities and older adults. The hospital group reviewed and adopted the majority of MHCEN's proposed changes.



— ” —

DRM changed the course of our daughter's path to a future and we are immensely grateful.

— ” —

DRM CLIENT



# Legislative Advocacy

During the 2022 Maryland legislative session new laws that improve the lives of thousands of Marylanders with disabilities were passed, including supported decision making, limits on restraint and seclusion in K-12 schools and reduced wait times for home and community-based services. Below are highlights of bills DRM advocated for.

## **Supported Decision Making (SDM) as an Alternative to Guardianship Becomes Law**

Supported decision-making (SDM) is a best practice that recognizes that everyone, with and without disabilities, relies on the support and advice of people they know and trust to help them make, communicate and implement their own life decisions. Simply recognizing this support can preserve the legal capacity of people with disabilities and help them avoid having their rights taken away under guardianship. SDM is a critical civil rights issue for people with disabilities—it is about the right to have rights and use those rights to direct your own life.

DRM led the work of the Cross-Disability SDM Coalition for several years to draft SDM legislation. The Coalition, a group of over 27 partners, worked with legislators and other advocates to introduce legislation which successfully became law in the 2022 session. The law authorizes the informal and formal use of SDM as an option to prevent, limit, or end guardianships. “This legislation reflects a fundamental shift in how people with disabilities exercise their legal capacity—it restores and protects their ability to make fundamental life decisions for themselves, including what medical care they receive, whether they marry, and where they live”, says DRM managing attorney, Megan Rusciano.

## **New Law Limiting Restraint and Seclusion in Maryland K-12 Schools**

Incidents of children with disabilities traumatized and seriously injured when restrained and secluded by staff in school are all too real for Maryland families. After many years of advocacy by DRM, in partnership with the Education Advocacy Coalition for Students with Disabilities (EAC), a new law became effective July 1, 2022 that prohibits seclusion in public schools throughout Maryland and imposes significant new requirements on the use of seclusion in nonpublic schools serving students with disabilities.

“We have worked on restraint and seclusion issues for 20 years and understand well that change is incremental,” says DRM managing attorney,

Leslie Seid Margolis. "We are pleased that Maryland has taken this important step forward, not only to prohibit seclusion in public schools throughout the state, but to impose accountability measures on local school systems, nonpublic schools and the Maryland State Department of Education. It is our hope that these measures, combined with the law's training and professional development requirements, will lead to the complete elimination of the use of seclusion in all schools and to a significant reduction in the use of restraint."

### **"End the Wait" Act Expands Access to Medicaid Home and Community Based Services (HCBS)**

Thousands of adults and children with disabilities in Maryland cannot access vital services necessary to prevent institutionalization and lead active lives in their communities. This law is a critical step forward in ensuring all Marylanders with disabilities are able to access the medical care they need. Individuals may wait up to 10 years to receive services or enter institutions in order to access the services they need. The "End the Wait Act" requires the Maryland Department of Health (MDH) to develop a plan to reduce these waitlists by 50% starting in 2023.

**Thank you for supporting DRM's work.**