

The Federal Response to Emergencies and Disasters - How Disability Fits
 August 22, 2012
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The Federal Response to Emergencies and Disasters - How Disability Fits

Marcie Roth, Director, FEMA Office of Disability Integration & Coordination

William Lynch, Trial Attorney, Disability Rights Section, Civil Rights Division US Department of Justice

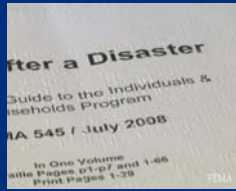
Moderator: Lewis Kraus, Assistant Director, Pacific ADA Center

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Planning for the Whole Community

Integrating and Coordinating Emergency Preparedness, Response and Recovery for Children and Adults with Disabilities and Others with Access and Functional Needs Before, During and After a Disaster.

August 2012



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All Disasters are Local



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"FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capacity to prepare for, protect against, respond to, recover from, and mitigate all hazards."



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FEMA's Role in a Disaster

- Always in support of the State
- Always by request
- Domestic



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National Preparedness Goal:

A secure and resilient Nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk.

- National preparedness is the shared responsibility of our whole community. Every member contributes, including individuals, communities, the private and nonprofit sectors, faith-based organizations, and Federal, state, and local governments.



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Whole Community:

Participation of the whole community requires:

- equal access to preparedness activities and programs without discrimination
- meeting the access and functional needs of all individuals
- consistent and active engagement and involvement in all aspects of planning.



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The WHOLE Community:

- For inclusive planning to be successful, individuals who are often underrepresented or excluded must be actively involved. This includes: individuals who are from diverse cultures, races and nations of origin; individuals who don't read, have limited English proficiency or are non-English speaking, individuals who have physical, sensory, behavioral and mental health, intellectual, developmental and cognitive disabilities, including individuals who live in the community and individuals who are institutionalized, older adults with and without disabilities, children with and without disabilities and their parents, individuals who are economically or transportation disadvantaged, women who are pregnant, individuals who have chronic medical conditions, those with pharmacological dependency, and the social, advocacy and service organizations that serve individuals and communities such as those listed above.



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"It is time children, people with disabilities or any other segment of our communities who have traditionally been underserved, to be more fully and consistently integrated into preparedness and planning efforts at every level of government."

"My experience tells me if we wait and plan for people with disabilities after we write the basic plan, we fail."



Craig Fugate,
FEMA Administrator



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All Hazards Preparedness



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“We don’t plan for easy in FEMA ... we plan for real.”

Administrator Fugate
March 2010



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Office of Disability Integration and Coordination

Mission Statement

In accordance with Federal civil rights laws and regulations, provide guidance, tools, methods and strategies to integrate and coordinate emergency management inclusive of individuals with access and functional needs.



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The Office of Disability Integration and Coordination

Our motto:

“Baking it in, not layering it on”



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REGIONAL DISABILITY INTEGRATION SPECIALISTS



Responsible for ensuring that the access and functional needs and requirements of individuals with disabilities are being properly included and addressed in all aspects of emergency preparedness and disaster response, recovery, and mitigation.



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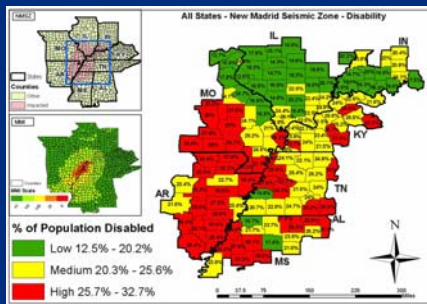
Current/Recent Initiatives

- Functional Needs Support Services Guidance
- Personal Assistance Services Guidance
- National Preparedness Goal
- Frameworks and Interagency Operating Plans
- Disability Working Group
- Interagency Coordinating Council
- Community Preparedness Initiatives
- Employment opportunities
- Communications Access Working Group
- Durable Medical Equipment & Consumable Medical Supplies
- Universal cots
- Contracts and Caches
- Personal Assistance Services Contracts
- Disability Integration Specialists in all regions and at HQ
- Disability Integration Advisor Cadre Development
- Constituent and Stakeholder Outreach
- National Level Exercises
- Training
- Promising Practices conferences and tools
- Publications
- Whole Community Integration Planning Grants
- Inclusive Emergency Grant Guidance



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NMSZ Percentage of People With Disabilities



Mid-America Earthquake Center

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Stafford Act

Section 403. Essential Assistance (42 U.S.C. 5170b)

(a) Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster such for-

(2) Medicine, durable medical equipment, food, and other consumables

- Distributing or rendering through State and local governments,, and relief and disaster assistance organizations medicine, durable medical equipment, food, and other consumable supplies, and other services and assistance to disaster survivors.



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The Post-Katrina Emergency Management Reform Act (PKEMRA), in addressing the needs of people with disabilities, directed FEMA to:

- Establish a Disability Coordinator and develop accommodation guidelines;
- Add provisions to the non-discrimination list for relief and assistance activities;
- Coordinate and support evacuation and recovery efforts;
- Provide transportation assistance;
- Provide rescue, care, shelter, and essential needs assistance to individuals with service animals;
- Provide case management assistance
- Receive input



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Executive Order 13347 Individuals with Disabilities in Emergency Preparedness

Issued 7/22/04

- Consider the unique needs of Federal employees and individuals served;
- Encourage consideration of the needs of employees and individuals served by State, local, and tribal governments, private organizations and individuals; and
- Facilitate cooperation among Federal, State, local, and tribal governments, private organizations and individuals.



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“Complying with the Americans with Disabilities Act is not optional”

FEMA Administrator, Craig Fugate to the National Voluntary Agencies Active in Disasters Conference
May 2010



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Physical Access



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Programmatic Access



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Effective Communications Access



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Access and Functional Needs vs. Acute Medical Needs

Often, a fundamental error is made in defining disability-related assistance as the same thing as requiring acute medical care.

- Most people with disabilities do not have acute medical care needs, and maintain their health, safety and independence in their home and community on a daily basis.
- Planning to meet the access and functional needs of people with and without disabilities in general population settings can significantly reduce the use of very limited acute care resources and optimize outcomes for people to return to their pre-disaster level of independence.



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The words we use:

We hear it all the time – ‘special needs’ and ‘vulnerable.’ Both terms do damage. When people with disabilities are thought of as ‘special,’ they are often thought of as marginal individuals who have needs, not rights. The word ‘vulnerable’ has a similarly unfortunate effect. Vulnerable people must have things done for them; they’re recipients, not participants.

-CT Protection & Advocacy Agency



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The difference between the right word and the almost right word is the difference between lightning and a lightning bug.

Mark Twain



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General Population Sheltering Functional Needs Support Services (FNSS) Guidance

- Planning
- Finding subject matter experts
- Selecting potential shelter sites
- Accessible toilets and bathing facilities
- Personal assistance service needs
- Medical Care
- Durable Medical Equipment and Consumable Medical Supplies
- Legal obligations
- Service and assistance animals



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FEMA PERSONAL ASSISTANCE SERVICES CONTRACTS

Augment the ability of States, tribes, and Territories to help individuals with access and functional needs maintain their health, safety, and independence in congregate facilities after a Presidential declaration.



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▪ **Types of services provided:**

The PAS contract provides two levels of support to help individuals with access and functional needs maintain their independence in congregate facilities:

- Basic personal care, such as grooming, eating, bathing, toileting, dressing and undressing, walking, transferring, and maintaining health and safety.
- Higher level of care, including changing dressings on wounds (such as pressure point sores), administering medications / injections (such as insulin), catheterization, and respiratory care (to include mechanical ventilation) when allowed by the State or Territory.



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Eligibility:

Eligible applicants are State, tribal, or Territorial governments that request FEMA to provide PAS in congregate facilities after a Presidential declaration.



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Cost

There is a cost-share to the State, tribal, or Territorial government to implement PAS under this contract. The cost-share is typically 25% of the cost.



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Requirements:

- A declaration of emergency or major disaster
- A request is received from the State, tribal, and/or Territorial government when they have determined that shortfalls exist.



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Proactive community actions that may reduce the need for Personal Assistance Services

- Physical, programmatic and effective communication access in shelters
- Assist individuals who use PAS/AT/ DME/service animals etc, their PAS providers and their circle of support to plan for emergencies
- Encourage active involvement of people with disabilities, personal assistance service providers, disability services and advocacy organizations and assistive technology loaner programs in community preparedness efforts, as partners, subject matter experts and local resources.
- Teach first responders not to separate people from their PAS/AT/ DME/service animal during evacuation.
- Plan for accessible transportation to keep people with their PAS/AT/ DME/service animal during evacuation.



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Assets Not Liabilities



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Partnership



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Space Weather...



... potential impact on technology used by people with disabilities



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Power Issues



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Promising Practices in Preparedness
www.fema.gov/about/odc



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“Plans are useless; planning is priceless.”

-General Dwight D. Eisenhower



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“However beautiful the strategy is, you should occasionally look at the results.”

- Winston Churchill



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NOTHING ABOUT US, WITHOUT US



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Employment with FEMA

- Reservist Program
 - Disability Integration Lead (DISL)
 - Disability Integration Advisor (DISA)
- FEMA CORPS
- Mandatory Schedule A training



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INTEGRATION AND COORDINATION

When communities integrate the access and functional needs of children and adults with and without disabilities in all phases of community-wide emergency management, they strengthen their ability to prepare for, protect against, respond to, recover from, and mitigate all hazards.



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- **Helpful Links:**
- Office of Disability Integration and Coordination www.fema.gov/about/odig
- Getting Real- Promising Practices in Inclusive Emergency Management
▪ gettingreal-8.webcastulu.w/home/homepage.php
- Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelters http://www.fema.gov/pdf/about/odig/fnss_guidance.pdf
- Personal Assistance Services Contract FAQ
▪ http://www.pascenter.org/publications/publication_home.php?id=1324&focus=
- Planning for the Whole Community <http://terrorism.spcollege.edu/Broadcasts/LRBroadcast0611.aspx>
- First Responder Guide <http://terrorism.spcollege.edu/SPAW/RAFNI/index.html>
- CAL EMA Office for Access and Functional Needs
▪ <http://www.calema.ca.gov/ChiefofStaff/Pages/Access-and-Functional-Needs.aspx>
- Disaster Resources for People with Disabilities and Others with Access and Functional Needs <http://www.ik.com/disaster.html>
- PAS Center Emergency Preparedness <http://www.pascenter.org/emergency/index.php#promise>



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- **Helpful Links:**
- DOJ www.ada.gov
- Project Civic Access <http://www.ada.gov/civcac.htm>
- PCA Tool Kit:
▪ Chapter 3- General Effective Communication Requirements Under Title II of the ADA
▪ <http://www.ada.gov/pcatookit/chap3toolkit.htm>
- Chapter 7- Emergency Management Under Title II of the ADA
▪ <http://www.ada.gov/pcatookit/toolkitmain.htm#pcatoolkit7>
- ADA Checklist for Emergency Shelters <http://www.ada.gov/shleterck.htm>
- An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities
▪ <http://www.ada.gov/emergencyprep.htm>
- DOJ Statement of Interest, CALIF, et al. v. City of Los Angeles, et al.
▪ http://www.ada.gov/briefs/cali_interest_br.pdf



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Thank you for participating in the Emergency Management and Preparedness Webinar Series

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The State, Local, and Community Response to Emergencies- How Disability Fits
September 13, 2012
2:00pm EST/1:00pm CST/12:00pm MST/ 11:00am PST

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www.adaconferences.org/Emergency/Archives

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