

PACIFIC ADA CENTER
EMERGENCY MANAGEMENT AND PREPAREDNESS:
INCLUSION OF PERSONS WITH DISABILITIES

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>> LEWIS KRAUS: Welcome to the Emergency Management and Preparedness Inclusion of Persons with Disabilities Webinar Series. I'm Lewis Kraus from the Pacific ADA Center, your moderator for this series. This series of webinars is brought to you by the Pacific ADA Center on behalf of the ADA National Network. The ADA National Network is made up of ten regional centers that are federally funded to provide training, technical assistance, and other information as needed on the Americans with Disabilities Act. You can reach your regional ADA Center by dialing 1-800-949-4232. Realtime captioning is provided for this webinar. The caption -- excuse me. The caption screen can be accessed by choosing the CC icon in the meeting control toolbar. To turn that toolbar on, you can press the alt key once and press it again to keep it on. As always in our sessions, only the speakers will have audio. If you do not have sound capabilities on your computer or prefer to listen by phone, you can dial 1-669-900-9128 or 1-646-558-8656 and use the webinar ID872-0730-7836. And just a reminder that these webinars are -- this webinar is being recorded and will be able to be accessed in the ADA presentations archive in the emergency management section next week. This is the seventh year of this Webinar Series, which shares issues and promising practices in emergency management inclusive of people with disabilities and others with access and functional needs. The series topics cover emergency preparedness and disaster response, recovery, and mitigation as well as accessibility and reasonable accommodation issues under the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the ADA, and other relevant laws. Upcoming sessions are available at ADApresentations.org under the Schedule tab in the Emergency Management section. These monthly webinars occur on the second Thursday of the month at 2:30 Eastern, 1:30 Central, 12:30 Mountain and 11:30 Pacific. By being here you are on the list to receive notices for future webinars in this series. Those notices go out two weeks before the next webinar and open that webinar to registration. You can follow along on the webinar with the slides. If you are not using the webinar platform, you can download a copy of today's PowerPoint presentation at the ADA presentations web page in the schedule section. At the conclusion of today's presentation, there will be an opportunity for everyone to ask questions. You may submit your questions using the chat area within the webinar platform. The speakers and I will address them at the end of the session, so feel free to submit them as they come to your mind during the presentation. To submit your questions, you may type them in the chat area text box, or if you are using keystrokes, press alt-H and enter your text in the chat area. If you are

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Today's ADA National Network Learning Session is titled "How Personal Assistance Services Promote the Self-Determination of People with Disabilities Recovering from Disaster." The personal assistant services addendum to the mass care emergency assistant pandemic planning considerations released in January of 2021 increases collaboration, planning and knowledge surrounding the importance of establishing continuity of services for people with disabilities prior to a disaster. Without proper planning for or providing of personal assistant services at the onset of a disaster shelter mission, the health and safety of disaster survivors may be at risk. Today's speakers relationship Linda Mastandrea. Linda is the director of the Office of Disability Integration and coordination or ODIC. at FEMA emergency management agency. Zachary Usher is the Branch Chief for mass care Voluntary Agency Coordination and Community Services at FEMA. Star Black is the FEMA Public Assistance Training Deputy Section Chief out of FEMA headquarters, which is responsible for all public assistance course content delivery, webinars and the grants portal and grants manager hotline. We have many speakers today. Whoops, let's go back.

Amy Nicholas is a Senior Attorney Adviser at the National Council on Disability. Mary Casey-Lockyer is Senior Associate for Disaster Health Services at the American Red Cross. And Everett Sedgwick is FEMA's Individual Assistance first Disability Adviser working in the mass care voluntary agency community services branch. So, Linda, I will now turn it over to you.

>> LINDA MASTANDREA: Thank you, Lewis Kraus. Good afternoon and good morning, everybody. My name is Linda Mastandrea. As you heard, I'm the director of FEMA's Office of Disability Integration and Coordination, and it's really great to be here today. I would like to thank the Pacific ADA Center and the ADA National Network for hosting this very important session on how personal assistant services promote people with disabilities recovering from disasters. Today we're going to hear some terrific speakers from FEMA, the Red Cross, and from the National Council on Disability. They will be sharing with us information on this timely and relevant topic and how together we can insure that people with disabilities impacted by disasters have access to the programs and services they need to safely and effectively recover, including access to personal assistant services. And though I'm sure that everybody attending this call today knows what they are, I think it's always appropriate to have a little refresher and set the stage. So personal assistance services are services provided to individuals of all ages with all types of disabilities, physical, sensory, intellectual, cognitive, learning, and others, to help with activities of daily living or ADLs, as we may know them. And these ADLs, again, as we may know, may include things like grooming, eating, bathing, toileting, dressing, taking medication, transferring, communicating, and accessing life in the community, which includes accessing the programs and services of local state and

federal governments. And for those of you who maybe don't know, FEMA provides guidance to state, local, territorial and tribal governments on how to integrate the needs of people with disabilities into emergency and disaster programs and services, like evacuation and sheltering. And over the last year and a half, we understood that in the midst of a pandemic the usual way of doing business wasn't necessarily going to work. So, FEMA created a Mass Care and Emergency Assistance pandemic planning considerations guide, which I'm sure you're going to hear more about later on in the presentation. But for our purposes here today, the most important piece of that is this. In early 2021, FEMA created and released add personal assistant services addendum to that original planning guide, specifically to provide guidance to our state and local government partners on how to meet the needs of people with disabilities for personal assistant services who had been impacted by disaster. As you heard I'm joined by my FEMA colleagues from individual assistance and public assistance, and also colleagues from the American Red Cross and the National Council on Disability, and they're going to be sharing with you information on the mass care planning guidance, the personal assistance services addendum, and how this guidance is helping our partners at all levels of government meet the needs of people with disabilities in their communities who have been impacted by disasters, and as a result reducing health and safety risks and improving outcomes. And you're going to be hearing from representatives of the National Council on Disability and the American Red Cross who are going to be providing us with real-world examples of how critical personal assistance services are to the well-being and independence of people with disabilities who are affected by disasters. So without further ado, let's get started. And I'm going to turn it over to Zachary Usher from FEMA. Thank you.

>> ZACHARY USHER: Thank you, Linda. I really appreciate the introduction and to Lewis and the team, really appreciate the chance to join and present this information with you all today. This is, as Linda noted, there's been, I think throughout the emergency management community, a tremendous amount of contemplation and reinvention in some ways of how we need to deliver services in the midst of what we have been facing with COVID-19 and the COVID-19 pandemic. And as part of that, FEMA did extensive work throughout last spring of 2020 and summer of 2020, trying to think critically in consultation with stakeholders about how we adapt and change some of our policies, our procedures, and in some cases provide increased flexibility for emergency managers at all levels of government, so that we really could adapt in realtime to the threat of COVID-19 while knowing that natural disasters didn't stop last year amidst the pandemic, whether it was floods or catastrophic wildfires out west or hurricane responses, all those things had to happen amidst this environment of COVID-19. So what you're going to hear about a bit over the next hour or so is not entirely focused on personal assistance services in a pandemic environment but rather the importance of planning well in advance for any delivery of mass care and in particular sheltering. So that's what we'll talk about over the next hour or so. Let's move to the next slide.

Just a word of -- or a note, I would say, about the history of this effort. And the fact that the origin of the pandemic planning guide that Linda referenced, and the drive for producing the specific information on personal assistance services came in large part

from feedback we got from stakeholders. And one of those key stakeholders is our partners at the National Council on Disability, who as we began to think early last year in 2020 about the need to adapt and change some of our policies and procedures, helped us to engage with disability-related organizations who had some feedback for us on areas where they had concerns, areas that they felt additional clarification or technical guidance was needed, and this topic, providing personal assistance services and in particular providing clarity on what FEMA can assist with and what FEMA can't assist with, and who the appropriate actors are for providing personal assistance services was something really needed. So Everett Sedgwick, who is going to speak with you in a little bit, took the lead for our team working with many others to pull this guidance together. What we have found as we've been socializing the availability of this information, our stakeholder groups were exactly right. There's a lot of interest in understanding this topic more deeply. So we hope that is part of what you get out of this session here this afternoon. Next slide.

Linda touched on this at the top, and I'll reiterate the language that we're referencing when we talk about personal assistance services, and what we're talking about are the services that would enable someone to perform their activities of daily living. And in this context, in this conversation, that's going to be thinking about activities of daily living when someone has been displaced, whether it was an evacuation or due to damage from a -- damage to a residence from a storm. But someone who has been displaced from their normal typical setting for day-to-day life. And in that setting, it's likely that there was a network of support that was providing assistance with activities of daily living for those with disabilities. And it could be a combination of support elements. It could be home health agencies. It could be family members, friends, neighbors, probably in many cases a combination of all of that. But all of those support elements focused on a specific geography, focused on someone's home or residence. And so in a disaster situation, where someone has evacuated and moved to a shelter environment, it's likely that none of those resources are actually going to be immediately available, because we're in an emergency situation. Someone has moved to a new location. And so there's an obligation for those of us that are planning emergency management functions to think in advance and to contemplate this reality in advance that those with disabilities who are going to require sheltering are going to be separated from the typical network that they rely on for activities of daily living. Next slide.

Thinking about who requires personal assistance services, we've touched on a couple of these in the introduction. What I want to highlight is thinking about individuals who perhaps would not even consider themselves as having a disability but in activities of daily living absolutely need personal assistance from friends, family members, or others. Women who are in the late stages of pregnancy is a terrific example, and likely not a condition where the woman is going to identify as having a disability, but depending on the stage of the pregnancy and the term of the pregnancy, absolutely could require additional assistance with activities of daily living. So, again, I think the important point here is thinking broadly, thinking critically in advance that when shelters are opened up, any and all people within the impacted area need to be contemplated, what their potential needs might be, so that they can really succeed in accessing the same services and benefits of that shelter as anyone else who were to come in through the front door. Next slide.

This is an important slide for us. This is about the primary responsibility for planning and providing personal assistance services. And this relates to the roles and responsibilities in the delivery of mass care in the United States. So, within the United States, FEMA provides support to sheltering operations, and we do that through the provision of technical assistance. We do that through the provision of funding in terms of cost recovery for sheltering activities. In rare instances we provide support in terms of physical material, things such as cots or food commodities or drinking water, but the primary responsibility for planning and then operating disaster sheltering is a state responsibility, and in almost every case states delegate that responsibility to local county-level government. And so it's a federal support to a state and, in fact, it's a state typically delegating the responsibility to local government. That is the concept of operations for how sheltering is planned, and then operated. Now, in many cases, local emergency managers work very closely with non-profit organizations, social service organizations, voluntary and faith-based organizations present in a given community to operate mass care services, in particular sheltering services. And there's a good reason. There are many good reasons for that. One especially good reason is because those organizations understand those communities and provide social services day in and day out, whether there's a disaster, a natural disaster occurring or not. And so there is a capability with those organizations that exists that is relevant and organic to the community. And that's an important reason why partner organizations like the American Red Cross are so essential in providing sheltering in disaster situations, because they're also providing services every night of the year to those in need, whether it be for multifamily house fires in the case of the Red Cross, or for some of our other partners that provide feeding support in terms of running feeding resources, soup kitchens and other venues for assistance.

So shelter operators at the local level are really -- it's essential that there be contemplation in advance of the need for personal assistance services, because when a disaster shelter opens, it's important that anyone with a need for that sheltering resource has an ability to maintain their activities of daily living and not rely on, for example, a federal solution. There are some federal capabilities in terms of providing personal assistance services in that we have some contingency contracting capability. But that contracting capability will never be delivered in time to support an evacuation shelter or in the days immediately after an event. So there is a -- it's very, very important that at the local level shelter operators, emergency managers are thinking in advance, and then putting mechanisms in place in advance for the provision of personal assistance services along with the other elements of sheltering prior to a disaster event. So we can move on to the next slide, and with that I'm going to hand the virtual microphone over to my colleague Everett Sedgwick, who is our Disability Integration Adviser within the individual assistance division. Everett is going to touch on the impacts of not providing personal assistance services, and, Everett, with that, over to you.

>> EVERETT SEDGWICK: Thank you so much, Zach. And I want to thank ADA National Network and everyone participating in this for allowing us to come and share the things that we're providing as we learn. You know, it's so important that we learn from each other, as in our meetings with disability stakeholders during the NCD

roundtable sessions that present FEMA with issues regarding the impact to people requiring personal assistance services when they are not available at the time of arriving at a congregate or non-congregate shelter, and especially during a pandemic environment. The high risk for persons requiring personal assistance services, if these services are not provided, and the consequences of the absence of these services are persons who normally maintain their independence, who live in our communities, would be sent to nursing homes and lose their hard-fought-for independence. Sometimes words get in the way of understanding what we're trying to say, and so if you will bear with me, I'd like to just maybe explain it in a different way. The consequences of losing our independence is the same as losing our freedom. If you bear with me, it's like if I were incarcerated, what freedoms would I lose? How scary would that be? Would I ever be able to regain my freedom? Is this where I'm going to spend the rest of my life? These are scary thoughts for people who are at risk of losing their independence or freedom. But in this case there's something we can do about it with proactive planning and preparation.

Next slide, please.

Now, that in itself would be reason enough to have personal assistance services immediately available. But even a greater need, when we know that there has been a disproportionate number of deaths from COVID-19 in nursing home facilities. Institutionalization of people just seeking shelter is the most common answer for not preparing and having timely personal assistance services available at the onset of a disaster shelter operation. The then U.S. assistant secretary for Health and Human Services during a CNN State of the Union stated that 50% of the COVID-19 deaths in the U.S. are in nursing home facilities. That was at a time when approximately 8% of all U.S. COVID-19 cases were found in nursing homes. So that 8% for the weight of the 50% of the toe tall COVID-19 U.S. deaths. Too often in the wake of a disaster, persons seeking shelter seeking PAS are transferred to long-term care facilities because personal assistance services is just not available. If PAS are not planned for and provided on the onset of a disaster shelter operation, lives of many will be at risk. We know that the occurrence rate is going down. The numbers of deaths are receding. But the risks are still real. And so is the fear of institutionalization. Let's read the last bullet on this slide, the goal of emergency managers and disaster shelter planners must be to provide equitable services that ensures people living in their communities will be able to remain in the general population. The Stafford Act, the Post-Katrina Emergency Management Reform Act mandates integration and equal access for people with disabilities. Next slide, please.

So, what can FEMA do? Is FEMA a first responder? No. That obligation belongs to local governments, states, tribes and territories. Does FEMA provide personal assistance services contract? FEMA no longer has a PAS contract except through our individual assistance support contract, which is just that, support. If it's relied on to meet the immediate needs of people requiring personal assistance services, then we've already lost them. Personal assistance services are extremely important in maintaining the independence of people with disabilities requiring the support of a caregiver that provides activities of daily living, daily, as not in two days or three weeks later. By the time a state, tribe, territorial government recognizes it doesn't have the needed resources and requests federal support via our support contract, daily can become

three weeks. People requiring PAS can't wait three weeks to have daily needs addressed. In addition to the individual assistance support contract, FEMA also provides technical assistance and guidance such as the personal assistance services addendum, which provides guidance, legal responsibility and promising practices for emergency managers and shelter planners who are the initial responders. The document is both an addendum to the recent released mass care emergency assistance pandemic planning guide, but also sent out separately, so that it can be utilized immediately in planning and provision of personal assistance services during a time of pandemic or not. Like any federal document, it's been vetted and been approved by all the necessary internal and external offices and agencies. It's been forwarded to regions, states, tribes and territories, providing language that ensures that it is understood that they, we, have a legal and ethical obligation to protect all disaster survivors. I believe the addendum was included in the invitation to this webinar. If not we'll be sure it's made available to you. Before we go to the next slide, I would like to, if I can, personalize the people for whom the addendum was developed by sharing real life experience. And the story of this lady I'm going to speak of has been spoken of on numerous occasions, but I want to go back to the aftermath of Katrina. A woman was evacuated to the astrodome, a mega shelter. She was an independent businesswoman who worked hard to be successful and own her own home. I didn't mention that she was paralyzed and required assistance that wasn't available. It wasn't available whenever she arrived to the shelter, and there she sat in her chair for three days. And with no one to provide assistance, she sat in her own waste. She was emotionally and physically devastated until pressure point sores had developed and became infected. When assistance was finally provided, it was to have her hospitalized and she was in serious condition. From the hospital she was sent to recover in a nursing home where she stayed for three years. Three years she lost her business, she lost her home, she lost her independence. And after three years, even the chance to register for disaster assistance is lost. This is just one example of what can happen if personal assistance services are not available on the onset of a shelter separation and the devastating effect on a person's life. It's one thing for me to describe a story of what has happened to someone else, but it's more poignant whenever a person who faces these fears of losing independence is able to share from their perspective. So I'm going to step back and I want to allow Amy Nicholas, she's a senior attorney adviser for National Council on Disability. Amy, I'm going to get it right. But I want Amy to share with you. Amy is one of the people that has really made my work with FEMA and with disability doable by providing her expertise and her wide range of disability stakeholders that she can bring to bear or whatever, there's issue that come up. Amy, I just want to turn the microphone over to you, please.

>> AMY NICHOLAS: Thank you, Everett. I appreciate it. Good morning and good afternoon, everyone. I appreciate you having me here. First off, I do want to let you know what NCD, or who NCD is. We are the National Council on Disability and we are a federal agency, and independent federal agency. We advise the president, Congress and other federal agencies on disability policy. So I was very pleased as the FEMA point of contact to coordinate with FEMA for the roundtable discussion last spring and summer to illustrate and basically just cull out some of the issues that still exist with

sheltering, and want to definitely highlight that the issue with PAS services is not only during COVID and the non-congregate setting, that issue was there way before and during congregate settings as well. As said, I -- for me this is a personal issue. I am a person with a disability. I am extremely independent. My home is accessible and doable for me on a daily basis. However, if I were required to evacuate and go to a shelter, I would not be able to care for myself. And I am fearful, in fact, petrified that if something were to happen and I did go to a shelter, that they would try to put me into a nursing home. And the reason that I'm so fearful of that is that once you are admitted into a nursing home, it is extremely difficult to get re-introduced or re-inserted into the community. It's not as easy as, you know, being in a hospital for many of you and then, okay, you're released and you go back to your home. A nursing home facility usually is a stay of a month or two. You're losing your income. You lose your job. You lose your accessible apartment or home. And trying to re-establish all of the supports that you had prior to is sometimes unattainable. As Everett said, with the woman in New Orleans, it definitely is a morally and legally, you are required to provide personal assistance services at the get-go. It's not something that you should wait and see if somebody shows up and needs it. It's something that should be established as you're planning your shelter, as simple as how food is going to be delivered, PAS services should be in that conversation from the beginning and available that moment that shelter opens. If somebody does not require the services on that given instance, then they can be deployed to do something else within the shelter. But it is imperative so that people with disabilities can remain in the shelter and not be separated from their family, be able to return to the community as quickly as possible, that these services are provided. And as we mentioned, it's a legal requirement as well. In 2007, DOJ instructed state and local governments in their ADA best practices toolkit, that the ADA requires people with disabilities to be accommodated in the most integrated setting appropriate to their needs, and the disability-related needs of people who are not medically fragile can be met in a mass care shelter. So people with disabilities should be housed with their families, their friends and neighbors, and mass care shelters, and not be diverted to -- whether it be a special needs shelter or to nursing homes. NCD elaborated on that point in a 2019 report on preserving freedom and ending institutionalization of people with disabilities during and after disasters. And we talked about the lack of PAS and how that does lead to the institutionalization of people with disabilities. So if I can leave you with anything today, just the ever-growing importance of having PAS available. I know at the SLTT level, you probably didn't know at this point what happened to people with disabilities when they show up at a shelter, and the services they require are not available. Now you do. So I just hope that you can work together with your -- with the disability community and reach out to the disability stakeholders within your local community. They are the experts at providing PAS and can help assist and work with you to make sure that the services are available at your shelters as needed. With that I'll hand it back over to Everett.

>> EVERETT SEDGWICK: Amy, thank you so much, again, I really appreciate you giving up time. For those that don't know, Amy is on vacation right now, but she stepped away from family and her time away from work to be able to provide this information. So it's truly appreciated, Amy. And I do thank you.

So we do a lot of planning using numbers and statistics, and as much as it confuses me a lot of times, I get it. But we must always remember that our decisions and planning efforts affect the lives of real people who depend on us. Emergency managers, shelter planners, disability stakeholders, to provide equitable and fair services across the board. Next slide, please.

What is a state, local, tribal, and territorial role in planning for provisions of PAS? To prepare for continuity in service-provision prior to a disaster to avoid unnecessary or unjustified institutionalization of people with disabilities. I'm going to read from this slide. What are the obligations of the Olmstead Act? It ruled that the integration mandate of Title II of the Americans with Disabilities Act requires public agencies to provide services in the most integrated setting appropriate to the needs of qualified individuals with disabilities. And people with disabilities have a qualified right to receive state funded support and services in the community rather than institutions.

Next slide, please.

Personal assistance services are provided in every community, but a few are a shelter planner or emergency manager, and you don't know where to find these services, there are community-based organizations providing or advising on PAS. Some of them may be in this. And I'm sure they're in this engagement session now. And some of them, for instance, are the Centers for Independent Living, home health agencies, respite for riders, mental health organizations, developmental disability organizations, agencies on aging, advocacy groups, medical or vocational service agencies, faith-based organizations, local houses of worship, voluntary agencies, American Red Cross chapters. And let's not forget the Regional Disability Integration Specialist from FEMA and their reach to state and local disability stakeholders. But going back to American Red Cross, we're very fortunate today to have Mary Casey-Lockyer join us. She's the lead disaster health services adviser for the national office of the American Red Cross, and someone that I can -- I spent 18 years with the Red Cross, and before I met her, I knew her name, because people would discuss the amount of experience and information she has on this and other subjects. And so we're very fortunate to have Mary join us today, and I'm going to turn the mic over to her at this point.

>> MARY CASEY-LOCKYER: Good afternoon, everyone. Everett, it's an honor to be here with you. I just want to talk a little bit about Red Cross philosophy sheltering. And that philosophy is everyone is welcome. We will get the resources that our clients need to provide them with access and equality in our shelters. I will add that Red Cross does plan for personal assistance services, but just like FEMA, it takes time to activate those plans. So it's very, very important to plan ahead. We do deploy licensed healthcare professionals who can provide these services, but, again, there's a time element here. So it's so important that states and locals and tribals and territories really look into this personal assistance services before a disaster occurs. Let me give you an example of how pre-planning can work.

So due to major flooding in Baton Rouge in 2016, there were people requiring personal assistance services who were evacuated from their homes and went to emergency shelters. Because of early planning and having an agreement already in place, the new horizons Independent Living Center, a Center for Independent Living out of northern Louisiana provided personal assistance services within the shelters. They had

connected with the Louisiana Department of Children and Family Services, the ESF-6 partner of Governor's Office of Homeland Security and Emergency Preparedness to provide required personal assistance services and fulfill obligations under the law. Services were conducted seamlessly with their contractors presenting proper identification badges and checking into the shelters where their clients were staying. I actually met some of those individuals. There were no issues reported and services continued until the clients were able to return home or to suitable housing, which eliminated the need for transferring to nursing home facilities. Louisiana continued to provide personal assistance services during Hurricane Laura displacements, even in the non-congregate hotel setting, which was a bit more challenging, but we were very pleased to see that the state continued that service even in those hotel settings. So by failing to secure these important services, we are placing disaster survivors in harm's way, planning for and providing personal assistance services in congregate and non-congregate shelters is our collective responsibility. Please read the attached addendum providing guidance on establishing personal assistance services in advance of the next disaster. And then disability stakeholders, if you will, help by positioning yourselves to guide and assist emergency managers and shelter planners in your communities and states to achieve the capability to provide this important service. It is so crucial to do this ahead of time. There are many things that go into having personal assistants come to assist clients in shelters, including background checks. And if courts are closed, which they might be during a disaster, it is very difficult to have those background checks done. So, please, again, I encourage you all to plan ahead. And now back to you, Everett.

>> EVERETT SEDGWICK: Thank you so much, Mary. I really appreciate you and appreciate what you have shared, and before I turn this over to Zach to introduce the public assistance part of the presentation I just want to one more time say that this -- it's one thing whenever there's something you can't do anything about the. But when we have the opportunity and advance to put things in place, there's no excuse for not having it done whenever it affects people's lives in the way that the absence of personal assistance services affects people's lives. With that I'll turn it back over to Zach. And thank you all so very much.

>> ZACHARY USHER: Thank you, Everett. As we move to the next slide kick want to make a note about the next component of the presentation, which is the role of FEMA's Public Assistance Program in personal assistance services. And this references some comments I made at the beginning of our talk this afternoon where I mentioned that one of the -- where I mentioned that one of the ways FEMA provides support for personal assistance services is through reimbursement or cost recovery for shelter operators for the cost of providing sheltering, including personal assistance services. So when we were talking with colleagues at the National Council on Disability and some of the stakeholder organizations last year, this next part of the presentation is an element that they were really seeking clear guidance on to understand the expectations, the process and the requirements for accessing public assistance funding, specifically related to public-personal assistance services in the wake of a disaster declaration. So very pleased to introduce and welcome Star Black from our public assistance team, who is

going to touch on those topics over the next couple minutes. Star, I'll hand the microphone over to you.

>> STAR BLACK: Thank you, Zach. Let's go to the next slide. Perfect. So, now you basically have your pre-planning. You've got those folks in place. So, as Zach was mentioning, how does public assistance play a role in this? And where can you find the actual documentation of what is even available for personal assistance services? We have a fabulous publication. It's called the "Public Assistance Program and Policy Guide." Now, because it's FEMA, we always like to use an acronym, so you will hear me refer to it as the PAPPG. It's kind of like the Papa Smurf of all of our policies. In the past we had policies that -- what we used to call the 9500s. They were all individual policies. Well, what we have done is we have actually took all of those policies, consolidated those into one policy guide and even program guide. And the beautiful thing about this publication, it's not the -- as though you're reading the Code of Federal Regulations to where it's the hereto, therefore, thou shalls. It's written in common language. It's all in a single document. So you will find -- the other thing about it, we're actually on Version 4, which was issued back on June 1st of 2020. So what you need to pay attention to is whenever your event is declared by the president, it's whatever version of the PAPPG is in place, is what stays in place with that event. For example, COVID was declared prior to this PAPPG.

Yeah, I have to make sure. The year just seems to have disappeared.

So version 3 would be what would be in play for that event. So in territorial governments vents going forward from June 1st, 2020, would go to Version 4 for any policies, regulations, any program knowledge that you need. Now, the other thing included in this is a lot of eligibility. That's probably one of the biggest questions we get in public assistance, is what's eligible and what's not. You're going to find that it talks about relevant eligible activities that are related to public assistance services. You're going to find things about sheltering. You're also going to find things about private nonprofit organizations, which usually is the ones that offer these personal assistance services. So it's downloadable. You can go to your favorite web browser and just type in -- you could even type in PAPPG and it should come up immediately and you can just download it. The other nice thing about downloading it, having it electronic, is it makes it searchable. So you can just put in keywords and be able to find what we're looking for. Highly recommend if you do not have a downloadable copy of this to get your latest Version 4 of the PAPPG. Next slide, please. So how does public assistance support personal assistance services? FEMA, on the PA side, we reimburse the state, the local, the tribal, and the territories, or as you heard before, the SLTT. And we do that for what we call emergency protective measures. We have several categories of work, and sheltering operations actually falls into what we call Category B work or emergency protective measures. And that actually falls in under emergency work. So sheltering is part of our Category B emergency protective measures. So this entity is managed through -- in public assistance we use a software called grants portal. Grants portal is where all the grant processing happens. And so public assistance works with the SLTTs as the authority rests with the state or a local or tribal jurisdiction that has the authority -- and here's the big one -- or legal responsibility to provide emergency shelters. So they're the ones responsible for opening their shelters. We usually refer to

the state or the tribal as the recipient that receives the direct funding and then they in turn give the money to the local organizations. So either the county or the local jurisdictions. So it's more of a pass-through entity of how that happens. So let's go to the next slide. So, private nonprofits, they're often the PAS providers. So, again, to seek reimburse at, the PNPs have to have an agreement or a contract in place with that state, local or tribal territory in order to be compensated for those provisions of that personal assistance services in a Stafford Act declared incident. So, again, if you could go ahead and change to the next slide. There we go. So support for disability access to the PAS, again, it can be found in our PAPPG, the PA program policy guide, Version 4. Make sure it's the effective one as of June 1st of 2020. So let's move to the next slide, please. Let's take a closer look at how does the PA policy, how does it relate to those accessible facilities and that personal assistance services? So funding for personal assistance services, again, as it's described in the PA policy, it's emergency work. We actually have two different types of work. We have emergency work and permanent work, but sheltering operations, as I mentioned, is emergency work. And specifically that Category B, which is an emergency protective measure. Now, why is that important? The importance of on emergency work or Category B. When we look at the time that people are claiming, it's usually for emergency work. It's usually over time that is reimbursed. So it's very important that we know -- that you know that this is emergency work and it's specifically the emergency protective measures. Also, when an event is declared by the president, in that declaration is what type of measures are authorized. So if it's Category A, that would be debris removal, and Category B, which is emergency protective measures. So that can actually be declared as an emergency declaration. If it's declared as a major declaration -- a lot of times you will hear those on the news and you won't know the difference. If it's a major declaration, it usually will cover the debris and the emergency protective measures, but it will also cover permanent work. But sheltering, again, only exists in that emergency work or the emergency protective measures, and that's really where PAS falls. So I just wanted to give you a little extra knowledge so that when you hear that an emergency declaration was made or a major declaration, you'll know what items. And it will specifically say what things are allowed in that declaration. So, our state, local, tribal, territorial jurisdictions, they may implement measures to ensure sheltering both congregate and non-congregate are provided in facilities accessible for people with disabilities and meet the needs of those same people while in shelter. So sheltering is sheltering. It could be congregate or non-congregate. So let's move to the next slide. We're going to drill in a little bit further. What does this exactly mean? So these eligible costs related to sheltering including, if they need to do some minor facility modifications, maybe they rented a place that doesn't have some of the necessary things for accessibility. So those minor facility modifications, if they're necessary to make it a habitable, compliant ADA compliant, all of those things, you're going to find a lot more detailed information in our PAPPG Version 4 on Page 120. So you can see it gives you a list of what minor facility modifications could possibly be eligible. Also we provide funding that supports that SLTT to enter an agreement with that shelter staff. So, you know, those that provide the food, that provide the security, even those that provide that personal assistance service. And that could even include, you know, Certified Nursing Assistants. Or even the equivalent of that. So there's not just, you know, those that are

offering that personal assistance, but it could also be those certified nurses. And prior to disasters, that could be made readily available to deploy. So those contracts or those agreements, as Everett was mentioning, they need to be in place way before an event happens. And as Everett mentioned, if an event happens and you don't have it in place, you're too late. So it's very important that you get ahead of this so that we don't have those things happen like what happened at astrodome. We want to provide any type of assistance to help people recover back. So pre-think this one. Have these contracts in place prior to. Have these agreements that when we call, when we have to open a shelter, that we can call on this group or this group. So have those agreements there and ready so you're not waiting a day, a week, a month for those things to happen. And it's very important that you get those together. Now, you're going to find on page 121 in the PAPPG, are where you can find the actual information and detail on you know, entering that agreement or that contract. So let's go to our next slide, please. So emergency services are usually the responsibility of that state, local, tribal or territorial governments. Keep in mind they have to be legally responsible for providing that service. They're the ones that actually receive the funding. So if you have a contract in place, say you're a private nonprofit you know, as a private nonprofit, you're not legally responsible for those services. So you would not be coming to FEMA and requesting the funding. You would be going to the state, local, tribal or territory providing that invoice for the contract, because they contracted your services and then they would in turn pay that contract. Usually it's from the funds that they receive from FEMA.

So it's very important when you go look at the PAPPG of who can be an applicant, and if you're providing -- if you're a private nonprofit and providing personal assistance services you need to have a contract in place. So reach out to either your state emergency management, your city, your county, the tribal or even the territory, to get that contract in place pre-event. Let's move to the next slide. So when a private nonprofit provides those emergency services, remember it's got to be at the request of, or under contract, too, agreement with vet legal responsible government entity. Can you tell this happens a lot? That a lot of private nonprofits go directly to FEMA? Well, you're not legally responsible for doing that. The state is legally responsible. The city, the county, the tribe, the territory. They're legally responsible to provide and open those shelters. So it's very important that you get that contract in place. You can find where those provisions that were already mentioned, you can find that on page 112 in the PAPPG. As you can see, this is quite the comprehensive document. So let's go to the next slide. So what's the minimum emergency work criteria? So the minimum is the work must meet all three of these general criterias to be eligible. So it must be required as a result of the declared event. So it needs -- it can't just be because. It needs to be required as a result. And usually sheltering is. Be located within the designated area. Now, with sheltering, we do have -- and you will find on Page 51 of the PAPPG, we do have some provisions if sheltering is outside of the designated area. We found this when we had some catastrophic events, and sheltering happened outside of those designated events. So make sure that if you do have that exception, then make sure you refer to Page 51. The other is to be legally responsible of an eligible applicant. So, again, that's going to run into the state, local, tribes or territories. So let's go to our next slide, please.

So if you're a private nonprofit and you're interested in becoming a personal assistant service provider or a PA eligible facility, how do you do it? So that private nonprofit you need to pursue that opportunity to be that personal assistance service provider or have your damage facility considered to be eligible for PA during that declared incident, ideally it needs to be before. Because you know how long it takes to get a contract in place. And days and minutes count. So it's very important that you get on top of this prior to any incident. I mean, we've got Hurricane Elsa that is coming through. It's too late for Florida. It's really too late for a lot. So make sure you get ahead of this. Get it in place so the moment those shelters open, we've got somebody there that can offer the personal assistance service immediately, from moment those stores are open. And as Mary was saying, you know, it's critical that they're there, the moment it happens. Contact your state emergency management agency and find out, you know, do they need that service, is it a service that you can provide? Also, you could attend what we call an applicant briefing. These are put on by the state. And these are briefings about the event that just happened. So it's still -- you're probably a little behind the curve if you're attending an applicant briefing, but anything is possible to get those services in place. But the applicant briefing actually walks you through what would be considered eligible. It gives you kind of a mini idea of how do you start thinking about documentation, what might be eligible, what might not be eligible. What was actually in the declaration? So applicant briefings usually happen after a declaration which is signed by the president. And then applicants FEMA PA must submit a request for public assistance. What that RPA does is it actually sends a little flag over to FEMA and waves and says, hey, hey, I want some of that FEMA money. I want to be an eligible applicant. Now, keep in mind, if it's for PAS and you're a private nonprofit, most likely you would not be coming directly to FEMA. That would be the state, local, tribe or territories coming directly to FEMA. They would have to fill out the request for public assistance. If you were that PNP offering those services, again, you would have a contract in place with them outlining exactly what services you would provide and any costs that are associated with that. So let's move on to our next slide. So if an SLTT or PNP have questions regarding FEMA PA eligibility. Well, first things first. You need to go to your state public assistance officer. Now, you might be thinking, where do I find that information? Look up your state emergency management office. If that state PA office or public assistance officer is unavailable to assist you, then you can always reach out to the FEMA regions. Now, we have 10 FEMA regions throughout the country. It's in the recovery division, and the branch is public assistance. So where do you find this? You can see that right there on the link. It's [FEMA.gov/about-agency](https://www.fema.gov/about-agency). And you will see all the regions and you'll be able to find that contact information. So let's go to next slide, please. So some other things that are really critical to consider. Again, those SLTTs and those private nonprofits, don't always think that FEMA is first stop. Yes, we're there to assist, but there may be other federal agency fundings that can support people with disabilities. The Red Cross was mentioned. There's a lot of other -- I know Everett just listed off a whole list of other agencies that will support people with disabilities while they reside in a sheltering environment. So don't stop with FEMA. Look at what are some other options for funding. And one of the biggest issues we have in public assistance is we find, yes, you're in the throes of an event and offering services, and a lot of times documentation is the last thing that is thought of.

And that is the first thing that we need. So you need to be super diligent regarding your documentation. Any services that were provided, that contract, that agreement, you should maintain a super inclusive detailed documentation of all activities, all the costs, and meeting the requirements of that agreement or that contract. That could even boil down to the name, the time they signed in, the time they signed out. What services did they provide to whom? Those types of things. We need that level of detail. So working with your state, local, tribal jurisdictions, to plan on that implementation of PAS. Again, we need to make sure it's properly procured. We avoid delays, we get ahead of this issue so that the moment those doors are opened you have got those services available to those folks. They need it as much as the person walking in who just lost their entire home. So let's not forget those folks. Let's get those contracts in place, so all the state, local, tribes and territories have to do is implement it. And then they're ready to go. I promise you, your jurisdictions will love you for it. So where can you find some more about public assistance? So let's go to our next slide. Back in 2019 we launched or actually put out 28 independent study courses. They can be found right there on the website, but the courses that really apply to private nonprofits, emergency sheltering, those types of activities that we're talking about today, is the independent study 1000, which is the Public Assistance Program and Eligibility. And it kind of walks you through the PAPPG. If you like a more interactive type of webinar, or independent study. That should be IS instead of ID. That's IS1010. All of these are IS, or Independent Studies. The Emergency Protective Measures. That's where sheltering falls in. The 1020 talks about donated resources. This is a great opportunity for state, local and tribal and territories to offset their non-federal share. Because there is a cost involved. So this is a great way to help offset what they are basically on the hook for. So this is a great course to kind of walk through, how can donated resources really help a local entity. And then there's 1026. 1026 talks about private nonprofits. What would be eligible and what would be not? If you're a private nonprofit, I highly recommend you take this course. And the other nice thing about our independent study courses is it allows you to start and stop. So if you start an independent study and then you realize, whoops, I forgot about this meeting I've got to go to, you can stop it and be able to pick it right back up. So these are the top four that I recommend that would give you a lot more information about public assistance in addition to the PA policy and program guide. So, that concludes the end of my presentation. And, I believe, Lewis, I need to turn it back over to you.

>> LEWIS KRAUS: Right. Thank you so much, Star, and all the rest of you. Thank you so much for a great presentation. Please remember now, this is the time for you to submit your questions in the chat window and we'll start working through those now. So the first question that I see that maybe you all can answer... is there a commonly used planning assumption as far as the number of PAS providers per 100 persons in a shelter?

>> EVERETT SEDGWICK: I will start to give an answer, and if anybody else from my group wants to join in, please do. But it's so hard to come up with an exact number or prescribed number, because it's according to what the need is and how much time we'll need to be invested to the person that is requiring the personal assistance services. So

let's say you're in a mega shelter and you have five people, as far as five personal assistance services workers and you have 15 people who require those services, more than likely that staff of people would be able to handle, because it doesn't have to usually be one-on-one in a setting where you're so close to where the other individuals may be. And so you can provide food and change of clothing or do a service to someone. And then move to somebody else. But in a setting like with a non-congregate setting where you may have two people in one hotel and two miles down the road you have another, then it's altogether different consideration on how to plan and how to have the appropriate numbers of staff available. My consideration would be shoot high and cut back if it's not needed rather than go in what limited number and find that it's not enough to provide the services that are required. I don't think that really helped you a whole lot, but I hope it gets to the idea of how you need to think about it.

>> MARY CASEY-LOCKYER: One thing from Red Cross. I can give you an example. We had the shelter in Baton Rouge, and there were about -- between 1300 and 1500 people there, and I believe that the state of Louisiana provided five or six -- I think it was six -- personal assistance services personnel. I do agree that the non-congregate is different, and it depends on whether a person needs 24/7 care or assistance with just one time a day, bathing or grooming, etc. It really does depend on the need. I will tell you, though, for those who are planning, and we've done this, if you are contracting personal assistance services there is sometimes the agency that provides these services want more than just a few days of work. The people that they hire want more than just a few days. So there are some challenges around contracting for these services, and you really need to work through all those challenges. Like does the personal assistant need someone to report to rather than just going to the client? All of this is important to know. Do they have to have a site inspection? If you're in a congregate setting, sometimes they have to have a site inspection, and that needs to be done. So when you're contracting, you need to understand what the requirements are from the agency who is going to provide the personnel. Just some thoughts.

>> LEWIS KRAUS: All right, thank you. Someone wanted a clarification on Slide 26. So if we can back up to Slide 26. And the question, while that's going, the question was: Does that include to evacuation shelters outside of the designated area?

>> I believe I covered that, but I also have Mark Tinsman from our policy group available to answer any additional questions.

>> MARK: I'll just offer a clarification on that point. So when a state tribe or territory receives a presidential declaration, emergency or major disaster for purpose, and it really applies more to states because they have multiple parishes, and so just take... there's a whole other tier of parishes north of there that wasn't included in the declaration but sheltering or evacuation of people, disaster survivors to those other counties would be covered in that state.

What wouldn't be eligible is evacuating people over to Texas if Texas doesn't have an agreement to Louisiana to provide services. Because Texas doesn't have a declaration in that example. I hope that helps.

>> LEWIS KRAUS: All right, thank you so much. Next question. I am from a local level SLTT. We contract with Red Cross for shelter. When I asked our SLTT shelter and care section about PAS, they say it will be provided by Red Cross. My question to the panelists is: What do you recommend for inclusion in the SLTT's Emergency Operations Plan beyond contracting with Red Cross? For example, is it your recommendation that the SLTT have their own contracts in place for PAS even when they have a contract with Red Cross to provide those services?

>> MARY CASEY-LOCKYER: This is Mary from Red Cross. So generally we have memorandums of understanding, which are not contracts with state and local governmental agencies to provide sheltering. We absolutely plan for personal assistance services and we also, in the interim, before getting the plan activated, we have a license to healthcare providers that can provide personal assistance services, but none of our volunteers are paid, and so I don't know that the state -- the state wouldn't be paying for those services. So I'm a little confused on the word "contract." I don't know, Mark, if you can comment on that.

>> MARK: From a PA policy perspective, we don't have an opinion on it, but I would encourage that you look to providers who are delivering those personal assistance services on a day-to-day basis when looking for an organization with which to make an agreement and/or a contract. Red Cross will bring staff, but there might be a lot of other things that are needed along with delivery of personal assistance services that a provider who does that every day may be better positioned to help you obtain.

>> EVERETT SEDGWICK: May I add one more thing? And that is that a disaster is just that. You can do all the planning you want, and if you only plan for one thing, and that one thing is disturbed by the disaster, then you have nothing. Redundancy in services and in planning is so important that you don't plan on just one resource being available, but you look to have contracts, even with the volunteers through Red Cross. And I hope you don't mind me speaking to Red Cross, Mary, but the -- if it's a long drawn-out disaster, the volunteers may not be able to be there as long as the need is there. Having backup plans for all these issues, especially for something as important as PAS is really, really essential.

>> LEWIS KRAUS: I think we can take one more question here. This person writes. So are you implying that failure to provide PAS to disaster impacted people with disabilities being sheltered is due to the PAS provider not acting fast enough or that the obligations fall to the PAS providers to make sure there is PA services at the door when the door opens?

>> EVERETT SEDGWICK: Help me to understand what was being asked.

>> LEWIS KRAUS: You want me to repeat it?

>> EVERETT SEDGWICK: Would you please.

>> LEWIS KRAUS: Yeah. So are you implying that failure to provide PAS to disaster impacted people with disabilities being sheltered is due to the PAS provider not acting fast enough or that the obligations fall to the PAS providers to make sure there are PA services at the door when the door opens?

>> EVERETT SEDGWICK: Yes, yes and yes or no. You know, having people in advance -- you know, having a plan in place ahead of time, and people there as the doors open I believe is essential. Especially for the person that comes in that needs it when it's not there. But on the other hand, you can have a really good resource. But if that resource is not available when the doors open because of the disaster or for any other reason, then you have no plan. The idea is to make sure that you have more than one contingency, more than one thing in place to draw off of in case the one that you're depending on isn't available. So that was what was the purpose of what I said earlier, that you want to make sure that it's there available right away. If it's not, you need to have another plan in place to make sure that it can be taken care of until that situation is either dealt with or until there's time for reaching out to other resources like FEMA that is going to take a while before we can have a contract in place.

>> LEWIS KRAUS: All right, we'll have to leave it there, just to respect everybody's time because we've hit our time limit. We realize some of you may still have questions for our speakers, and apologize if you did not get the chance to ask your question. If it is -- do you all have a contact that you want to make available, you can put it in the chat window for people to contact you. Otherwise, if you have a question that is ADA in nature you can contact your regional ADA Center at 1-800-949-4232 to ask that question. You all will receive an email with a link to an online session evaluation. Please complete that evaluation for today's program as we value your input and want to demonstrate the value to our funder. We want to thank our speakers today for sharing time and knowledge with us, very incredible detailed presentation. A reminder that today's session is being recorded and that recording will be available for viewing next week at ADApresentations.org in the Archives section of Emergency Management. On our next webinar, August 12th, we'll be joined by the Colorado state division of Homeland Security and emergency management's access and functional needs coordinator, and the Regional Disability Integration Specialist for region 8 for a presentation on achieving whole community inclusion and emergency management. So we hope you can join us then. We will watch for your email two weeks ahead of time for the announcement of the opening of registration for that webinar. Thank you all for attending today's session. And have a great rest of your day!