

DIABETES



A D V O C A T E

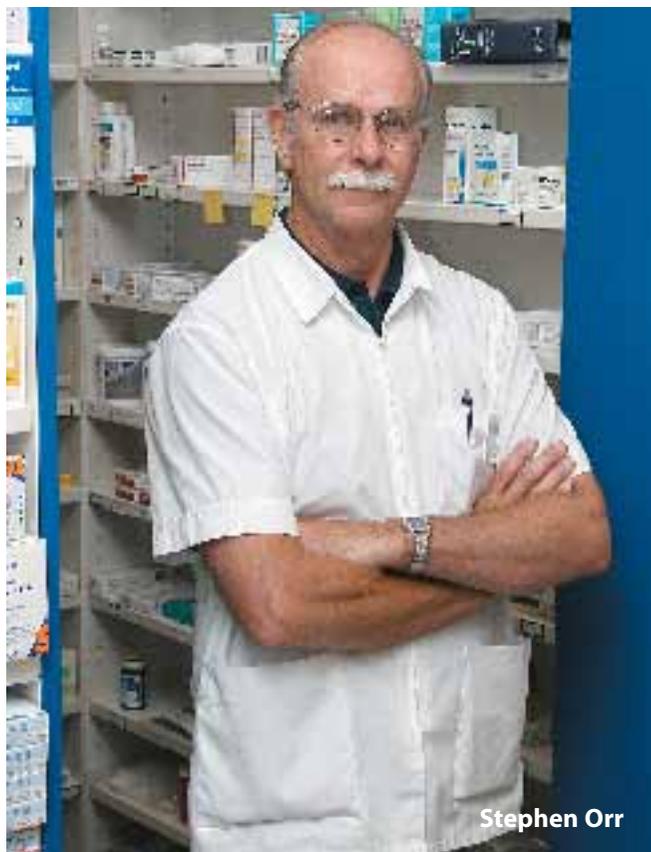
PROVIDING THE LATEST NEWS FROM ADA'S GOVERNMENT AFFAIRS AND ADVOCACY DEPARTMENT

Fighting For Your Rights

Whether it's discrimination, federal funding, or stem cell research, there is much work to be done—and many ways you can get involved

When a Wal-Mart district manager invited him to apply for a position as manager of the company's pharmacy in Chadron, Neb., Stephen Orr thought it sounded like a great job. At the time, he was working as a pharmacist in Rapid City, S.D., but he had lived in Chadron previously, and jumped at the chance to move back to the town where his grown children and plenty of other family and friends still lived. He didn't think his type 1 diabetes, diagnosed in 1986 but well under control, would be a problem. He never imagined that it might lead to his getting fired.

Orr's diabetes management regimen included half-hour lunch breaks to keep hypoglycemia at bay. But because he was the only pharmacist at this location, it also meant closing the pharmacy during that time period. Soon after Orr, now 57, started work in January 1998, he was told by a new district manager that he could



Stephen Orr

not close for lunch breaks, though Orr says he was told at his time of hire that this would not be a problem. (Wal-Mart denied this assertion in court, but also argued that it was not relevant to the matter before the court.) After multiple hypoglycemic episodes on the job, Orr returned to his practice of taking half-hour lunches. He was subsequently discharged.

Orr took his case to court, suing Wal-Mart Stores, Inc. for violating the Americans with Disabilities Act and Nebraska Fair Employment Practices Act. But due to Supreme Court decisions narrowing the federal legislation, Orr was not considered “disabled” under the context of these acts—for the very reason that his diabetes is under such good control.

Orr lost his case. But he’s a chief example of why the American Diabetes Association has supported the congressional effort to restore the Americans with Disabilities Act as it was originally intended when passed in 1990. The ADA Restoration Act, introduced in August, is one of a list of the Association’s leading federal advocacy priorities, which also includes:

■ **Increasing the federal commitment for diabetes research, prevention, and treatment.** Since February, when the Bush administration proposed a budget allowing no additional dollars for federal diabetes research and prevention efforts, ADA has led the effort to significantly increase the federal investment.

Throughout the budget process, ADA has urged Congress to increase diabetes research at the National Institutes of Health and treatment and prevention at the Centers for Disease Control and Prevention’s Division of Diabetes Translation.

■ **Reauthorizing both the Special Diabetes Program for Indians and the Special Statutory Funding Program for Type 1 Diabetes Research.** The Special Diabetes Program for Indians helps implement prevention and awareness programs in at-risk communities, while the type 1 program has led to the establishment of large-scale, collaborative research programs that could not otherwise have been undertaken. In an effort to extend the programs before they expire next year, ADA has come out as a strong supporter of bipartisan legislation—S. 1494/H.R. 2763—that would reauthorize both programs. In June, ADA volunteers went to Capitol Hill to lobby in support of the legislation.

■ **Ensuring affordable, quality health coverage.** ADA has been vigilant in efforts to protect coverage for diabetes services and supplies in private health insurance plans. ADA has also been a strong supporter of legislation that would expand diabetes coverage within Medicare and Medicaid. In particular, ADA has endorsed the “Diabetes Screening and Medicaid Savings Act” (S. 755), which aims to prevent type 2 diabetes and diabetes complications among the Medicaid

population by providing screening tests under the Medicaid program for adult enrollees with diabetes risk factors. The legislation would also ensure that states offer a comprehensive package of benefits needed to properly manage diabetes care. The bill is currently pending in the Senate.

■ **Protecting and expanding federally funded embryonic stem cell research, which offers hope both for a cure and for better treatments for diabetes.** ADA has been recognized as a leading patient advocacy group in support of the Stem Cell Research Enhancement Act, which passed Congress but was vetoed again by President George W. Bush. Despite the veto, ADA will continue to look for opportunities to expand support for embryonic stem cell research, as well as all forms of stem cell research that strike an ethical balance.

With so much legislation pending, including spending bills, that would impact ADA’s priorities in Congress, ADA volunteers can still make their voices heard. “It is vital that members of Congress continue to hear from their constituents about how they have been affected by diabetes and why it is so critical that they act on our priorities,” said L. Hunter Limbaugh, chair of ADA’s Advocacy Committee. “There will be numerous instances when we will rely on the strength of our volunteer advocates.” To join us and make a difference, go to <http://advocacy.diabetes.org>.