

Protecting Long-Term Care Residents' Rights in Florida: Statutory and Practical Tools

October 18, 2023
12 p.m. - 1:30 p.m.

Presenter Biographies

Toby S. Edelman has been representing older people in long-term care facilities since 1977. As a Senior Policy Attorney with the Center for Medicare Advocacy since January 2000, Ms. Edelman provides training, research, policy analysis, consultation, and litigation support relating to nursing homes and other long-term care facilities. Under two grants from the Commonwealth Fund, she evaluated the federal nursing home survey and enforcement system and its impact on state activities and provided technical assistance to states on effective enforcement practices. In cooperation with the Centers for Medicare & Medicaid Services, she recently completed a Commonwealth Fund project to evaluate seven states' deficiency citations for misuse of antipsychotic drugs. Since September 1999, she has written a monthly newsletter on nursing home enforcement issues.

Ms. Edelman was the lead attorney for a statewide class of nursing facility residents who successfully challenged the state of California's refusal to implement the federal Nursing Home Reform Law (*Valdivia v. California Department of Health Services*, Civ. No. S-90-1226 EJD (E.D. Calif. 1993)). As a beneficiary representative, Ms. Edelman has testified before Congress and served on federal task forces, technical expert panels, and working groups on nursing home issues.

Ms. Edelman received a B.A., Magna cum Laude, from Barnard College (1968), an Ed.M. from the Harvard Graduate School of Education (1969), and a J.D. from the Georgetown University Law Center (1974). Ms. Edelman is a member of the Washington, DC Bar.

B. Maria Carrubba-Fuentes has been a staff attorney in the Senior Advocacy Unit at Bay Area Legal Services since 2019. She represents Hillsborough County seniors in cases involving landlord/tenant and subsidized housing issues, family law including temporary relative custody, public benefits, and long-term care involuntary discharges. She has also handled administrative appeals related to the denial, termination and reduction of Home and Community Based Services, and cases which involve restoration and fiduciary issues in the guardianship context. Maria is admitted to practice in Florida, New York, and New Jersey.

Ellen Cheek is a senior staff attorney on the Florida Senior Legal Helpline at Bay Area Legal Services in Tampa, Florida. In addition to direct client service, she has been involved in both federal and state grant-funded projects which are designed to facilitate and improve vulnerable adults' access to civil legal services, as well as to increase the investigation and prosecution of criminal cases. Ellen serves as Co-Chair of the Abuse, Neglect and Exploitation Committee of the Elder Law Section of the Florida Bar, and has received recognition from the Section (the Charlotte Brayer Public Service Award), AFELA (The Jerome Solkoff Advocacy Award), and the Bar's Consumer Protection Law Committee, for her work in this field.

Jo-Ann Quiles has been with the Long-Term Care Ombudsman Program (LTCOP) since November 2009 and has held various positions ranging from District Manager, Regional Manager and was recently promoted to Deputy.

Jo-Ann is dedicated to the mission of the Long-Term Care Ombudsman Program, which is to improve the quality of life for all Florida long-term care residents by advocating for and protecting their health, safety, welfare, and rights. Jo-Ann was recently recognized by Who's Who in America and received inclusion in the 2022-2023 Publication for her professional integrity, outstanding achievement in her respective field and innumerable contributions to society as a whole.

James A. Kowalski, Jr. has served as the President and CEO of Jacksonville Area Legal Aid since December 2012. A graduate of UC Berkeley and the University of San Francisco School of Law, Jim served as an Assistant State Attorney in the Fourth Judicial Circuit from 1989-1996 before moving into a civil trial practice; he has tried more than 60 civil and criminal jury trials to verdict.

Jim was one of the first consumer lawyers in the nation to uncover the mortgage banking practice of “robo-signing” (the Wall Street Journal blamed him for causing the housing crisis) and in December 2010, he testified before the United States House of Representatives Committee on the Judiciary on the topic of “Foreclosed Justice: Causes and Effects of the Foreclosure Crisis.”

Jim was named “Consumer Protection Lawyer of the Year” in 2011 by the Consumer Protection Law Committee of the Florida Bar. He is the recipient of the 2014 Haas Public Service Award from UC Berkeley and in June 2016, Jim received the Florida Bar Foundation President’s Award for Excellence. In October 2018, Jim was named the “Consumer Advocate of the Year” by the National Association of Consumer Advocates.

Katy DeBriere is one of the state's leading experts in Medicaid law. Prior to becoming Florida Health Justice Project’s Legal Director, Katy was the managing attorney for Jacksonville Area Legal Aid’s Northeast Florida Medical Legal Partnership, where she secured significant and sustained funding for the partnership for the first time in its 12-year history. Katy also played a lead role in developing a statewide medical-legal partnership network and assisted hundreds of clients with access to Medicaid eligibility and services through individual administrative advocacy.

Katy began her legal career in 2008 as an Equal Justice Works fellow. The fellowship resulted in several district courts of appeal wins and a successful federal constitutional challenge to Florida’s statutory scheme for the involuntary commitment of individuals with developmental disabilities. The latter case resulted in the amendment of Florida state law to guarantee an annual review of committed individuals.

Her legal work, some of which is described on FHJP’s [website](#), has been awarded First and Second Runner-Up places for the Florida Bar Foundation’s Goldstein-Van Nortwick Award for Excellence in 2014, 2018, 2020, 2022, and the Paul Doyle Children’s Advocacy Award in 2023.

