

Virginia Office for Protection and Advocacy (VOPA)

Disabilities Advisory Council (DAC) Meeting

VOPA Office, Richmond, Virginia

Draft Minutes

September 11, 2009

Members Present	Larry Friedrichsen, Betty Friedrichsen, Shirley McInnis (Chair), Melissa Meade, Arva Priola, Lisa Ritchie, Mary Jane Sufficool, Monica Wiley, Patrick Watt, Barbara Barrett, Linda VanAken, Charles Cooper (VOPA Board Member)
Members Absent	Melanie Paul
Guest Present	Chris Harrison (VOPA Board Member), Erin Haw (VOPA Disability Rights Advocate)
Staff Present	Sherry Confer (Deputy Director), Kim Mendella (Council Liaison), Colleen Miller (Executive Director) <i>For Portions:</i> Jack Brandt (Disability Rights Advocate), Clyde Mathews (Managing Attorney), Mark Stevens (Disability Rights Advocate)
Welcome/Introductions	Shirley McInnis called the meeting to order and introductions were made.
Public Comment	Patrick Watt suggested that the Council have a moment of silence in remembrance of the September 11 World Trade Tower Attack. The Council concurred and observed the moment of silence. There was no public comment.
VOPA's Work at State-Operated ICFs/MR & Team Model Advocacy at SEVTC	Mark Stevens provided the Council with an overview of the types of advocacy VOPA provided at the state-operated Intermediate Care Facilities for the Mentally Retarded (ICFs/MR). Mr. Stevens spoke about the Commissioner Advisory Council consisting of parents of South Eastern Virginia Training Center (SEVTC) residents, Arc representatives, SEVTC residents and other advocacy groups. Council members were concerned about the proposed budget cuts mentioned in the media and how it impacted the training centers and community services. Linda VanAken was curious about the length of stay for the

average SEVTC resident to which Mr. Stevens stated that it was about 30 years. Council members wonder what was holding up discharges from the training centers. Mr. Stevens stated that with changes to the Money Follows the Person Waiver; money is not an issue for discharge delay. The Department and training centers believe that there are not enough community providers and placements in the community to accept people from the training centers. VOPA heard from an adult foster care provider that they have nearly a hundred vacancies. Charles Cooper believes that it will take another generation to empty out the training centers as there is still a lot of fear with aging parents wanting to make sure that their children with disabilities are going to have the care they need. Mr. Watt spoke of his personal experience about the frustration finding appropriate permanent housing in the community. He has moved several times in the last year and said it is difficult to make community connections. Melissa Meade asked about the adult foster care program particularly about length of placement. Mr. Stevens stated that there is a thorough application process before a family is chosen for adult foster care so the placement can be lifelong. Also, there a lot of services provided to the family during the placement as the individual with a disability is still on a Medicaid Waiver and therefore connected to the local Community Service Board (CSB).

Mr. Stevens also discussed individual and systemic case work with some information about investigations. Mr. Stevens noted that VOPA has developed an internal cross unit team to provide comprehensive resources for issues being addressed. Issues include assistive technology, Medicaid Waivers and community integration strategies. Council members discussed with Mr. Stevens questions and recommendations for advocacy efforts on behalf of the residents at the state-operated ICFs/MR.

**Executive Director's
Update: 3rd Quarter
Progress for FY2009;
Goals and Focus Area;
Litigation Report**

Progress on Objectives

Colleen Miller started her discussion on the Progress of Objectives report by talking about the current situation about SEVTC. The Governor announced the closing of SEVTC in December 2008 and then the legislature proposed the building of 75-bed facility for SEVTC residents. The Department of Behavioral Health and Developmental Services (DBHDS) compiled individual assessments of current SEVTC residents on the support intensity scale. The

report concludes that there are no special needs of current SEVTC residents that would prevent the residents from living in the community. The report also notes that there are already people living in the community with comparable level of need. Even with this report, the Department will still pursue the building of this facility even in this current fiscal environment. There is strong evidence that it is fiscally cheaper to provide a high level of care in the community than in a state operated facility like SEVTC. Council members asked about whether current residents can advocate where they choose to live. Ms. Miller stated that many of the residents have a training center appointed "Authorized Representative" (AR) that has full decision making control over the person's care. However, under the Human Rights legislation in Virginia, ARs are not legal but to Ms. Miller's knowledge no-one has successfully challenged the department against the use of ARs.

Ms. Miller then discussed the current Social Security investigations into Representative Payees (RP). SSA want to make sure that employers of people with disabilities who are RP are not financially exploiting people with disabilities. VOPA and other Protection and Advocacy entities see more abuses with residential providers who are RPs.

Litigation Report

Ms. Miller talked about the survey of retail business in Lynchburg and the majority of businesses surveyed agreed to make the necessary changes to improve accessibility to their businesses. VOPA is currently preparing litigation for the businesses that will not comply. VOPA will suggest options to these businesses before litigation. Ms. VanAken wanted to know the criteria to determine accessibility. Ms. Miller stated that the Americans with Disabilities Act has a checklist of accessibility concerns starting with the business parking lot.

Mr. Watt asked about how the budget cut will impact the CSBs. Ms. Miller stated that what the Governor announced recently was a plan and not a budget, there are several things the Governor can do without legislature approval. The Virginia Code requires the CSBs to provide a number of things such as emergency services. Arva Priola was concerned about the CSBs not providing communication access for Deaf individuals. Ms. Miller stated that the Federal Law requires communication access so CSBs cannot

eliminate communication access. Barbara Barrett stated that if there are cuts to services that we should not get mad at the CSBs, but to talk to our legislators to inform them of the issues. Council members then discussed Logisticare and anecdotes of problems they were aware of.

Ms. Miller ended her discussion by telling a success story about an individual living in a training center who has significant disabilities causing profound limitations. VOPA advocated to obtain assistive technology to allow this person to communicate with others. This person surprised everybody with his abilities and the training center staff worked hard to find placement outside the training center. This person is now employed part-time in the community.

Board of Directors Report

Charles Cooper welcomed and thanked the Council for its work on behalf of the Board of Directors. He provided a thorough review of the most recent Board Meeting on July 28, 2009. He noted discussion of the functioning of the Nominating Committee, approval of the FY2010 budget, and internal operating policies approval. He reported on the discussion that the Board conducted in considering the focus areas for the office (Goals had previously been approved). He referred the Council to their packet for the details.

Governing Board Committee Reports Council Feedback for Board/Staff

Finance Committee - Linda VanAken

Ms. VanAken noted Mr. Cooper's comments and added that the Committee also had a discussion about fundraising.

Goals and Public Awareness Committee - Shirley McInnis

Ms. McInnis noted that the Council packet included the Board-approved focus areas.

Council Relations and Public Policy Committee – Lisa Ritchie

Ms. Ritchie updated the Council on the discussion about the time and travel commitments for Council and Board members to participate in their respective meetings as well as committee meetings. Ms. Miller queried the Council about meeting options under consideration including having a joint meeting with the Board for portions of the agendas for both groups. The discussion will be shared with the Executive Committee. Ms. Miller reported that the Board approved the Council Relations Committee's recommendation to establish a provisional membership status for Council applicants. This status will assist in travel reimbursement issues that were a

barrier to Council membership recruitment.

Internal Policy Committee

Guest Board Member Chris Harrison gave the report as the DAC representative could not attend the Committee meeting. Mr. Harrison noted that although there was not a quorum at the meeting, the committee processed the hours of operation, providing job references and conflicts of interests policies.

Working Lunch

The Council members and staff had a working lunch where they networked and shared resources.

Work Session: Annual Input for VOPA's work – 2010 Objectives

Clyde Mathews, Managing Attorney and staff to the Goals and Public Awareness Committee facilitated the Council's discussion on objectives for the Board approved Goals and Focus areas.

Goal: People with Disabilities have Equal Access to Appropriate and Necessary Healthcare

Focus Area: Individuals with Developmental Disabilities have Access to Dental Care

Council members were very concerned about access to dental care in the community and the training centers. Ms. Confer spoke about the grant received by Northern Virginia Training Center (NVTC) for community dentists that specialize with patients with disabilities training other dentists and building networks to encourage dentists to continue practicing at NVTC. Ms. Confer noted that this model should be shared with other dental schools as a means for sustainability to provide dental services to people with disabilities. Ms. Priola also talked about informational and education videos for children having procedures at dental or doctor offices and the videos not having closed captioning. This is very important for everybody as the population ages and may be helpful for people with cognitive disabilities.

Focus Area: Accessibility of medical offices and clinics under the ADA and Rehabilitation Acts

Council members talked about episodes when people with disabilities go to the hospital and have their wheelchairs taken away and returned at discharge. This severely limits the person's independence and mobility. Ms. Priola said that many people do not go to the right person to make complaints for system change. Ms. Priola also stressed that people should call ahead so the office can prepare to meet

individual needs. Mr. Watt commented that getting a diagnosis can be scary especially if the doctor does not carefully explain what diagnosis means. There is a need for communication to happen in a consumer focused way.

Focus Area: Assistive Technology through Insurance

Mr. Mathews talked about the success of obtaining AT through Medicaid and private insurance.

Mr. Harrison said there is a tendency for people to equate a physical disability to an intellectual disability. Often people will talk to the support worker instead of the person with the disability which could be a breach of confidentiality. There was a lot of agreement to this observation by Council members. Council members agreed that medical professionals need to be educated and about how to be respectful to people with disabilities.

Goal: People with Disabilities are Employed to their Maximum Potential

Focus Area: Maximized Employment for Vocational Rehabilitation Clients

Council members agreed that the biggest barrier to employment is transportation. Mr. Harrison stated that Vocational Rehabilitation agencies should stop thinking that people with disabilities are only qualified to work in certain settings. People with disabilities should be employed to their maximum ability. The Individualized Plans for Employment (IPEs) are not individualized at all. Monica Wiley stated that people with disabilities are often not afforded the opportunity to go into the direction of work they want to go in. People with disabilities are not told how to obtain the skills and experience to be able to work where they want to so the potential can never be realized. Lisa Ritchie stated that if a person with a disability turns down a work assignment it is seen as that person is not capable to work.

Review of June 2009 Meeting Minutes

The minutes were approved with the noting of a spelling error and the need to clarify a section on page 3 about feedback from private foster care providers and their awareness level about DRS services. Ms. Meade made a MOTION to accept the minutes as amended. Mary Jane Sufficool SECONDED the MOTION to accept the minutes. The MOTION carried unanimously.

Other Business:

- **Membership** There were no membership applications for the Council to consider.
- **Travel Voucher
Reminder** The Chair reminded the Council members to submit their travel reimbursement vouchers.

Betty Friedrichsen made a MOTION to adjourn the meeting at 2:15 p.m. Ms. Barrett SECONDED the MOTION. The MOTION carried unanimously.

Draft minutes

09/11/2009

Date

**Virginia Office for Protection and Advocacy
Mission Statement**

Through zealous and effective advocacy and legal representation, to: protect and advance legal, human, and civil rights of persons with disabilities; combat and prevent abuse, neglect, and discrimination; and promote independence, choice, and self determination by persons with disabilities.