

**DISABILITIES ADVISORY COUNCIL (DAC)
ADVISORY COUNCIL MEETING
Draft Minutes
June 20, 2007**

- Members Present:** Van Johnson – Vice Chair, Larry Friedrichsen, Betty Fredrichsen, Julie Palmer, Edward Senft, Elaine Senft
- Members Absent:** Jessie Chapman, Edward Ziegler, Eric Clark, David Wilber - Chair
- Guests Present:** Bill Fuller and Waja Grimm (VOPA Board)
- Staff Present:** Sherry Confer, Colleen Miller, Eileen Levandoski
Julie Kegley, for a portion of the meeting
- Call to Order/
Welcome/Introductions:** Van Johnson, Vice Chair, called the meeting to order at 10:13 a.m. Mr. Johnson welcomed members, staff and guests, and asked for introductions.
- Public Comments:** There were no members of the public present and no public comment was offered.
- March 2007 Minutes:** Mr. Johnson requested that Council members review the March 21, 2007 minutes and provide any comments or corrections. After discussion, Ed Senft made a MOTION to accept the minutes with changes as discussed. Julie Palmer SECONDED the MOTION and it passed with unanimous approval.
- Governing Board Update:** Bill Fuller, from the VOPA Governing Board, provided an update.
- Finance Committee: Mr. Fuller reported that as a result of the recent audit, a number of new policies and procedures will be put in place. He however added that the audit was very complimentary of the Board.
- Executive Committee: Mr. Fuller reported that this committee’s discussions have involved drafting a job description for VOPA’s Executive Director. He said there is a new commitment to a more quantitative approach to evaluating the Executive Director and judging job performance.
- Internal Policy Committee: Mr. Fuller provided an overview of some of the internal policy changes that were put into effect which include revisions in the policy governing case file management.
- Public Awareness and Goals Committee: Mr. Fuller reported that the goals for public awareness and outreach were presented to the Board in April and that they will be voted upon by the Board at its July meeting.
- Public Policy Committee: There was no report offered at this time.

Nominating Committee: Mr. Fuller reported that the Board at its April meeting elected Brent Brown as Chairman and Susan Kalanges as Vice Chairman. Their terms commence in July 2007.

**Work Session:
VOPA FY08 Focus
Areas**

Ms. Confer initiated the discussion by explaining that the VOPA Board had voted on the goals at its meeting in April, and that it was now time for both the DAC and PAIMI Councils to go over the focus areas under each goal and provide its recommendations for the Board.

Ms. Confer introduced Julie Kegley, Staff Attorney, who distributed a handout entitled "Focus Areas for FY2008 and FY2009". Ms. Kegley explained that the PAIMI Council would also review these focus areas, and there would be input gained from the public will end next week. She invited input from the DAC Council now and suggested spending 10 minutes discussing the focus areas under each goal.

1. People with disabilities are free from abuse and neglect:

Ms. Miller noted that the Board insisted on a very broad scope for the focus areas under this goal. She indicated however that the objectives under each focus area will eventually have to be narrowed down as much as possible. She added, for example, that there may be a need for a focus area concentrating on the role various State agencies have in providing services for the disabled. Ms. Miller noted that there were inconsistencies from facility to facility. Council discussed issues involving various State agencies.

2. Children with disabilities receive an appropriate education:

Mr. Johnson stated that there is still a lot of need in this area based on last year's work and that this work should continue. Ms. Miller explained that special education was the most requested area for services. She noted that a large portion of the requests for services come as a result of people being denied eligibility based on an inappropriate assessment. She indicated that this particular goal needed some level of restriction as VOPA holds limited resources. Mr. Fuller asked about staff reactions to these focus area recommendations. Are there areas that might be overlooked if this restriction is imposed, he asked. Ms. Miller responded that staff does feel all areas are relevant. Betty Friedrichsen asked about those persons who are turned down for services. Ms. Miller answered that staff may provide fact sheets and information and referral to them.

3. People with disabilities have equal access to government services:

Ms. Miller stated that certain Federal grants require VOPA to take on certain cases such as voting rights. Mr. Fuller mentioned an issue he had with the application of waiver laws in Virginia. He said they were transitional in nature and were therefore not be applicable to people at the end of life (over age 70). Mr. Senft responded that he believed this issue fits into the next goal (Goal #4). Mr. Fuller added that there needs to be more oversight given to the licensing of vendors that provide services. He also mentioned the need

for more providers in the community and a need for more oversight as the new systems are implemented. He noted that there is ample opportunity for people to fall through the cracks. Mr. Senft said cracks will appear at the conclusion of investigations into the Virginia Tech shootings. Mr. Fuller noted that he fears it will engage more fear and criminalization of the mentally disabled, with perhaps more placements in facilities like Petersburg and a movement away from appropriate services.

4. People with disabilities live in the most integrated environment possible:

Mr. Senft mentioned his concern for what he called “a continuum of care based on appropriateness”, noting difficulties with admissions to state mental retardation institutions. Mr. Fuller shared with Council a handout comparing home vs. institutional care which showed Virginia ranking #45. We institutionalize people more than most other states, he said. He stated that he believes the answer is not to advocate for more admissions. Mr. Senft disagreed. Without institutions, he said, people are turned away and have died because of it. Mr. Fuller spoke of his experiences with one particular institution but agreed that there is a need for a higher level of services. He feels strongly that people have the right to chose good community based services. Ms. Miller suggested that this discussion perhaps belonged under the “Access to government services” goal (#3). Mr. Senft contended that the language, “continuum of care”, presented problems as a legal right to be institutionalized doesn’t exist. He reiterated his concerns regarding what he perceives is a lack of advocacy for the rights of people to be institutionalized. Ms. Miller noted that Council need to move on from the discussion of this goal and that there would never be agreement on this issue. In conclusion, Mr. Senft suggested the following language: “Advocate for the continuum of care based on consumer choice and appropriate level of care”. The Council discussed this language and finally agreed to recommend the following language: “Advocate for a full array of services based on consumer choice and appropriate level of care.”

5. People with disabilities are employed to maximum potential:

Mr. Johnson remarked that the focus areas under this goal appeared complete. Mr. Fuller asked for clarification regarding employment information centers. Ms. Kegley responded that said Steve Traubert, from VOPA’s Resource Advocacy Unit, had an inventory of these centers that could be made available. Larry Friedrichsen spoke about transitioning and helping people to keep active while they were looking for employment. Mr. Fuller mentioned concern for the fact that we spend millions of dollars educating people only to the point when they turn age 23. Ms. Miller mentioned situations where parents give up their rights to their children so as to get services for them. She reported how many advocacy groups constantly request adequate funding support and are denied. Ms. Miller spoke of issues with State support versus local support, noting that State funding is falling short as disability rights issues get pitted up against such other issues as transportation. Public education is provided as it is an application of existent law, she noted, but only until the age of 23. She

stated that beyond that age, people shifted to Medicare as its service provider.

6. People with disabilities have equal access to appropriate and necessary health care:

Ms. Miller noted that this particular goal will constitute a small number of cases coming into the agency. Council members agreed that all focus areas were appropriate. Ms. Friedrichsen noted that there needs to be more attention given to the advertisement of what services are available.

7. People with disabilities in Virginia are aware of VOPA's services:

Ms. Miller indicated that the VOPA Board wanted outreach to better reflect the nature and scope of its services. Mr. Johnson suggested that outreach materials very specifically describe the focus areas that VOPA will take on. Mr. Fuller shared his outreach experience within his mortgage loan business in trying to draft language that specifically addressed its goals and focus areas. He added that the best way to change the scope and intention of the law and to change the system was with exemplary cases. Mr. Fuller remarked that if VOPA was everything to everybody, it would be less effective. Ms. Confer added that the internal policy committee has delved into developing policy to govern public awareness. A self-advocacy component is important, she said. Mr. Fuller made several recommendations regarding the language and ordering of certain specific focus areas listed.

Ms. Kegley thanked the group and added that if anybody had anything else to add to please contact her.

Working Lunch

Governing Board Committee Reports:

Governing Board Committee Reports and Council Feedback for Board/Staff:

Ms. Confer spoke on behalf of the Public Policy committee to say that they did not have a meeting, and therefore had nothing to report.

Mr. Senft shared that the Finance Committee had just recently received a copy of VOPA's recent audit report. He noted that the committee would be meeting next on July 16, 2007 at which time he indicated that the audit would be further discussed. He added that at their last meeting they reviewed the Accounting manual. He noted that he had found some discrepancies but that they have since been resolved.

Ms. Palmer, representing the Internal Policy Committee, provided an update of that committee's work in reviewing policies governing public awareness, case management, and holidays for VOPA staff. Ms. Miller further explained to Council that VOPA was an independent agency, not conscribed by policies governing other state government agencies. Ms. Palmer discussed efforts to examine policies applying to case file management, the transfer of files between staff, and the transfer of files between funding

streams.

Executive Director's Report:

Colleen Miller, VOPA's Executive Director, presented the Second Quarter Progress Report for the FY2007 Goals and Focus Areas. Ms. Miller discussed VOPA's efforts to work with veterans' facilities and the difficulties staff was experiencing gaining access to these facilities. She also reported on access issues existent at juvenile facilities. Ms. Miller reported on work completed under a HUD grant that concluded in March 2007. She also reported on continued efforts by VOPA staff to work with assisted living facilities.

In her Litigation Report, Ms. Miller reported that a majority of VOPA's current cases were in administrative stages. She briefly reviewed cases that had been handled by the courts to include a matter in York County in which VOPA was awarded \$70,000 in attorney's fees. She also reported on a case in Stafford County that was facing difficulties due to the timing of new Federal regulations soon to be imposed on the Commonwealth.

Ms. Miller also reported that two years ago, 96 people had responded to VOPA's Public Input Survey. She was happy to report that over 300 people have thus far completed the current survey. She reported that VOPA has initiated the development of an evacuation plan and a disaster response plan for staff.

Other Business:

Ms. Confer initiated discussion involving the recruitment of new members to the DAC Council. She mentioned how several respondents to the Public Input Survey had expressed interest in serving on Councils. She said she was hopefully that this interest would result in additions to the Councils.

Ms. Confer reminded Council members to complete their travel vouchers and that the next DAC Council meeting was scheduled for Wednesday, September 5, 2007.

Adjournment:

Mr. Johnson made a MOTION to adjourn the meetings. Elaine Senft SECONDED the MOTION and the meeting was adjourned with unanimous approval.

DRAFT MINUTES

Date