

**VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY (VOPA)**

**DISABILITIES ADVISORY COUNCIL (DAC)  
MEETING**

**VOPA Office, Richmond, Virginia**

**DRAFT MINUTES  
June 12, 2009**

- Member Present Larry Friedrichsen, Shirley McInnis (Chair), Melissa Meade, Melanie Paul, Arva Priola, Lisa Ritchie, Mary Jane Sufficool, and Monica Wiley, Daaiyah Rashid (VOPA Board Member)
- Member Absent Betty Friedrichsen, Linda VanAken
- Guest Present Patrick Watt
- Staff Present Sherry Confer (Deputy Director), Colleen Miller (Executive Director), Kim Ware (Data Analyst)
- For portions: Julie Triplett (Disability Rights Advocate)*
- Welcome/  
Introductions Shirley McInnis, called the meeting to order at 10:10 and asked for everyone to introduce themselves.
- Public Comment There was no public comment offered.
- Foster Care and  
VOPA 2009  
Objectives Julie Triplett initiated discussion and dialogue about VOPA's Foster Care objective. She explained that the Department of Social Services' (DSS) goal is to help children with disabilities transition to adulthood. She said that Virginia ranked 49<sup>th</sup> in the country for children leaving foster care to successful transition to adulthood and community living. Due to the broken system, young adults who age out of the system have no or very few supports leading to a lot of these individuals becoming homeless, sent to institutions and even jail. Ms. Triplett said that the foster care issue and transition was not just a Virginia problem and anecdotally quoted that 70% of males in the California corrections system have been through their foster care system. Ms. Triplett provided an example of a case VOPA worked on, a female from Northern Virginia who has been in the foster care system since age 11 and when VOPA took the case she was 20. DSS had no plan for this young woman for when she would turn 21, the age when she would age out of the foster care system. At age 20, the Community Service Board (CSB) refused to help as CSBs are not obligated to provide services until she turns 21. As a result,

when this young woman turned 21, she was TDO'd and sent to Northern Virginia Mental Health Institute (NVMHI). She is currently on the ready for discharge list at NVMHI where she attends public school but lives in the institution. She will be graduating soon and the CSB has created a placement for her.

Ms. Triplett said there are gaps in the system and that things could have happened but did not. That case spawned VOPA's interest to do more work with DSS and the foster care system in Virginia. VOPA believes that what occurred to this young woman could be happening to other young people with disabilities. She said that many individuals are not being served appropriately and that many children in foster care have disabilities. She also said that there could be more planning when children are younger and that there are programs available before they age out of the system. For example: special education, Individualized Education Program (IEP) (at age 14/15 IEP should include transition services), transition services, work incentives, Medicaid programs (if the child is Medicaid eligible, the child is also eligible for EPSDT – Early Periodic Screening Diagnostic Treatment), specialty care, and Department of Rehabilitative Services (DRS) involvement. Ms. Triplett felt VOPA should develop a dialogue with DSS and provide training to foster care case managers and DSS workers. She said that DSS seems to be not fully aware of programs that are out there for children in foster care.

Arva Priola indicated she was very concerned about whether DSS is providing communication access. She said that DSS has to pay for interpreters and that DSS may not be setting money aside for transition services. Lisa Ritchie said that DRS had not reviewed her file due to a high case load and she believes this is true for DSS that a high client load makes it harder for them to work. Melissa Meade asked if the DSS heavy case loads could be changed. Ms. Meade stated that there are regulations that limit the number of students per teacher in special education and wondered if something can be done for client load assigned to DSS case workers. Ms. Meade continued by talking about her past experience as a foster parent and how misinformed or under informed foster care workers are in many different areas.

Ms. Triplett talked about another VOPA project where VOPA surveyed Community Work Incentive Coordinators (CWICs) and Benefits Planners about Medicaid 1619(b) and Medicaid Buy-In and how many consumers are using those programs. The survey indicated there was a problem with 1619(b) and that consumers believed that DSS staff did not understand when they were talking

about those options so consumers would feel frustrated and leave. Ms. Ritchie indicated that Virginia Access was providing work incentives trainings. Ms. Triplett recommended these training as they are highly informative and always provide current materials as things are always changing and being updated. Ms. Meade stated that many DSS staff may not attend the work incentives trainings because they believe that they already know everything there is to know about work incentives. Ms. Meade wants VOPA to include in its trainings to DSS and foster parents about the role of the biological parents of the child placed in foster care. It is the goal of foster care to return the child home. And if the child receives a benefit it is a huge incentive for the parent to get the child back. Ms. Meade stated that when a child goes home the child no longer receives foster care money, but if the child receives Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) the money follows the child home. However, if the parent becomes reliant on the SSD/SSDI of the child as part of the parent's income, it becomes a disincentive for the child to enter the workforce and therefore becomes a barrier to transition. Ms. Meade said something like 95% of children aging out of the foster care system return home so parents need to be educated. Patrick Watt stated that his family didn't care about him. He said he was 38 years old, on SSDI and was having a hard time functioning on his job because of the lack of family supports.

Ms. Triplett asked Council members if they had other comments about the foster care system and what VOPA could do. Ms. McInnis said that parents get their children back because of funding and were not aware of what transition services were available especially in school settings. She said parents could not understand DSS language, and that families frustrated by this do not go back to DSS to obtain services. Ms. Ritchie indicated there was not any continuity from the case worker following the child through the fragmented system so things are missed. Ms. Triplett said that private foster care entities needed to be informed. Ms. Meade said that her workplace received calls from private providers at the and they were not aware of DRS. Mr. Watt said more advocates were needed. Ms. Meade said that she heard that DRS will not begin transition services until the child is in senior year of school. Ms. Triplett said that this goes against DRS policy. Schools are supposed to have Individual Plan for Employment prepared and signed at the end of senior year. This plan cannot be completed in a school year; the process needs to begin earlier. Colleen Miller stated that transition planning should start at age 14. Ms. Priola said that the Centers for Independent Living (CIL) could help. Ms. Meade said that sensitivity training would be helpful. Ms. Triplett said that VOPA had done

some individual cases to provide advocacy to foster parents. Larry Friedrichsen indicated that case workers are overloaded but in his experience he has always received the help he needs for his adopted foster child.

Break

Council took a ten minute break and resumed the meeting at 11:07.

Executive  
Director's  
Update

### **Progress on Objectives Report**

Colleen Miller updated Council on the following:

- 2010 Goals, Focus Areas and Objectives
- As part of VOPA's outreach effort, six new fact sheets are available and that was one way VOPA tried to help people advocate for themselves.
- A short-term assistance (STA) case not within objectives is a case where a couple of hours of work was done and the situation was fixed. She said this type of case does not make it into the Progress Report. Ms. Priola added that other entities and advocates were using VOPA materials for trainings.
- Two death investigations were almost concluded and VOPA is going to develop an e-mail system of notification for VOPA updates.
- A literature review on Seclusion and Restraint with a focus on mechanical restraint, was almost ready and that it was in the clean up process.
- The State Special Education Advisory Council did not advocate to Department of Education (DOE) to a policy on seclusion and restraint approximately four years ago when VOPA encouraged them to. DOE did issue guidance for the local school districts. Now, DOE has surveyed all the school districts on their use of seclusion and restraint. VOPA hopes they will adopt a statewide policy.
- Special Education Regulations are now final. VOPA is studying the changes. Monica Wiley expressed concern that communication between para-professionals and parents was not good. She said there was a problem in the Tidewater area. Ms. Miller explained that under the old regulations, that IEPs had benchmarks and under the new regulations the benchmarks were removed.
- Department of Rehabilitative Services (DRS) closed accepting new cases about a year ago. They have received stimulus funds and have reopened the order of selection.

Arva Priola asked if VOPA was involved in developing a polling place access evaluation. Ms. Miller indicated that the CILs and

VOPA had used one. She further advised that VOPA trained citizens to survey polling sites.

### **Litigation Report**

- VOPA vs. Reinhard. Ms. Miller said that the result of this litigation to access peer records in on-going death investigations was a mixed result for VOPA. The 4<sup>th</sup> District said it must be resolved at the state level. The next option is a petition for Rehearing and request all 14 judges to hear the case. VOPA can also do a Mandamus request at the state level.

Mr. Watt asked what did the death investigations involve. Ms. Miller said one client was in a mental health facility and was restrained by staff and the individual stopped breathing. The other case involved a resident at a training center with known Pica behavior who ingested latex gloves and died.

- VOPA vs. Virginia Lottery. Ms. Miller said that VOPA won this accessibility case in the state Supreme Court.

New Member Orientation will be held before the Board meeting in July. Kim Mendella will get the information out to the Advisory Councils.

Board of  
Director's Report

Ms. McInnis introduced Daaiyah Rashid to the DAC as a VOPA Governing Board member. Ms. Rashid was glad to be back at a DAC meeting as she is a former member and Chair. Ms. Rashid stated that the Board last met in April in Roanoke. There was a training on Brain Injury Services. The Board closed the meeting to evaluate the Executive Director's job performance. The Board recommended a salary increase recognizing Ms. Miller's performance. Ms. Miller thanked the Board but refused the salary increase. Ms. Rashid then talked about the committee meetings and how the Goals and Public Awareness Committee recommended the Goals be a three year cycle. The Board also elected a new Chair and Vice Chair to be effective July 2009.

Governing Board  
Committee  
Reports  
Council  
Feedback for  
Board/Staff

### **Internal Policy Committee**

Ms. Confer stated that the committee discussed the telecommuting policy. Currently four VOPA employees telecommute.

### **Goals and Public Awareness Committee**

Ms. Confer stated that the committee recommended six goals and the Board approved them. The committee will work on focus area at the next meeting in July.

### **Finance Committee**

Ms. Confer stated that committee reviews the financial reports and everything was in-line with grant money and time left in the fiscal year.

### **Council Relations and Public Policy Committee**

Ms. Ritchie stated that the committee wanted copies of the draft Board meeting minutes included in the Council meeting packets and the Councils meeting minutes included in the Board packet. Ms. Ritchie said that it was sometimes hard to recruit new members due to financial hardship. The committee discussed the idea of "provisional" membership to remove the financial barrier to Council membership. The idea of "provisional" membership would allow applicants to be reimbursed for attending meetings.

### **Working Lunch**

Sherry Confer handed out a list of current FY09 Goals and Focus Areas to the DAC members. While the members ate lunch, members were asked to review the list and choose five focus areas that they would like to discuss in further detail during the meeting's work session.

The meeting resumed at 1:00 and Ms. Miller talked briefly updating the DAC about off-campus activities.

### **Work Session Annual Input for VOPA's work – 2010 Focus Areas**

Mr. Mathews briefly talked about the priority planning process at VOPA, and what the DAC will work on in today's meeting are the Focus Areas for 2010. VOPA highly values the comments and suggestions made by the Advisory Councils. The VOPA Governing Board will have the final decision what Goals, Focus Areas and Objectives VOPA will have in the year to come. Mr. Mathews also presented the public comment sheet that will be provided at conferences, trainings and upon request. The public can also make comments through the VOPA website.

### **Transition from school to work**

Ms. McInnis stated that families often do not know what is in the county and the school does not let the family know about services available. Ms. McInnis wants families to be educated about available transitional services. Ms. Priola said agencies like DRS are to provide required services to individuals who need them and not wait until VOPA gets involved to make them. Ms. Priola gave an example of individual CSB not providing interpreters until VOPA intervened. Ms. Rashid talked about transition from school to work and certain facilities would offer certain limited trainings opportunities. The choice should be left to the person with a disability. The school is

limiting the choices and therefore not allowing the person to choose what career they want. There is a mind set that people with disabilities can only do certain jobs and therefore are trained only to what they can do currently not what they want to do. Ms. Meade also stated that sometimes accommodations are not made with trainings that are offered to people with disabilities. Not accommodating is an attempt to dissuade the person from doing what they want to do. It can also be intimidating to the student with a disability to voice that they can do the training if the accommodation is provided in a room full of adults who are viewed as experts. IEPs are often not implemented in vocational schools and parents do not know how to enforce compliance in post-secondary educational settings.

### **Abuse or Neglect in Community Settings**

Ms. Rashid was very concerned about predatory issues facing people with disabilities. There is a lack of protection or safeguards to people who are vulnerable. Ms. Sufficool is very concerned about people living in group homes or Intermediate Care Facilities for the Mentally Retarded (ICF/MRs) where often there is only one person on duty and if there was any abuse or neglect there is no real way to report it. There should be some system in place or safeguards of people with disabilities and especially for those who cannot vocalize. Ms. Meade stated that crisis shelters often do not accept males over the age of 15 so a male who is abused at home has no where to go except maybe a homeless shelter.

### **Services and Supports to Enable Individuals to Move into / Remain in the Community**

The DAC agreed that the largest barrier for people to move into the community after residing in residential facilities is transportation. Also, before the person is discharged, services should be set up to enable the person to successfully move back into the community. Often the transportation available for people with disabilities such as HandiRide in the Tidewater area has no services on Sunday or evenings. This means that a person with a disability cannot have a social life or make friends; these are instrumental to being successful in the community. The DAC spoke of instances where the accessible vans left people at doctor's offices. People feel reluctant to make reports as they rely on these services and fear reprisal from the drivers that they reported. The DAC also talked about the barriers of affordable housing and jobs for people to integrate into the community. Mr. Mathews spoke that VOPA struggles with housing from an advocacy standpoint. Legal advocacy cannot create affordable housing but can ensure equal access for available housing.

### **Physical Abuse in Juvenile Facilities**

The DAC was concerned about juveniles entering the facilities and if they were receiving the proper screening and therefore getting proper treatment. The DAC was also concerned about juveniles with hidden disabilities entering juvenile facilities. Ms. Meade was concerned about private locked facilities. Ms. Meade wanted to know if these facilities report incidents and if VOPA receives them and if VOPA can do anything about them. Mr. Mathew replied that it depends on the regulations, who is licensing the facilities, providing what kind of services. Kim Ware spoke in detail about Psychiatric Residential Treatment Facilities (PRTFs) reporting requirements. PRTFs report only critical incidents where there is an injury but they do not have to report incidents where the juvenile does not sustain a physical injury that requires no treatment. However, under PRTF's licensing agreements there might be some other mandatory reporting that they have to report but not to VOPA.

### **People with Disabilities are employed to their maximum potential (general)**

Ms. Ritchie is concerned that DRS main concern is to get people with disabilities a job. It does not matter if these jobs are very menial and is not what the people with the disability want to do. All DRS counselors are concerned is that the person has a job so DRS can close the case. Ms. Meade announced that professionals, individuals, businesses, and school districts need to know about work incentives and how to use them.

### **People with Disabilities have equal access to appropriate and necessary health care**

Ms. Meade stated that physical access of just getting onto an examination table whether in a hospital or doctor's office is crucial for proper health care. Ms. Priola said that one of the biggest issues raised during townhall meetings for Deaf and Hard of Hearing is the lack of communication access for not only sign-language interpreters but also for service animals. DAC members discussed the issue of people using electric wheelchairs or scooters and not getting into examination rooms.

Mr. Mathews asked the DAC what is the one thing VOPA should be working on in the next three years? Ms. Rashid said that VOPA needs a more physical presence in every county in Virginia. If you are not in the Richmond area, you can be very isolated and people are very desperate for legal resources. Ms. Priola spoke about health care and knowing who to contact if you have a complaint. So many people go into hospitals and do not speak up or do not follow-

up with issues. Only by advocating and making people aware of those issues can you achieve positive change.

- Review of March 2009 Meeting Minutes Ms. McInnis referred the Council members to page 7 of the DAC packet to review the minutes from the March 2009 meeting. Ms. Ritchie had a few questions about the narrative about the presentation on Traumatic Brain Injury.
- Other Business Ms. McInnis moved the agenda to talk about Other Business and Membership. She introduced Patrick Watt as an applicant to the DAC. Mr. Watt stated why he wants to become a member.
- Elections of Officers Ms. Confer stated that there was an oversight at the last meeting. Nominations for the Vice-Chair position should have been conducted according the DAC By-Laws. Mr. Friedrichsen has been acting as Interim Vice-Chair but he cannot continue this to position. Ms. Ritchie volunteered to be Vice-Chair.
  - Travel vouchers Ms. McInnis reminded the Council members to hand in their travel vouchers to Kim Ware.

Meeting adjourned the meeting at 3:30.

*FINAL MINUTES*

June 12, 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