

DISABILITIES ADVISORY COUNCIL (DAC)
MEETING
Draft Minutes
September 18, 2008

- Members Present:** Betty Friedrichsen, Larry Friedrichsen (Vice Chair), Shirley McInis, Melanie Paul, Mary Jane Sufficool, Linda VanAken, Monica Wiley
- Members Absent:** None
- Guests Present:** Chris Harrison (Governing Board member), Lisa Ritchie, Arva Priola, Melissa Meade (by telephone)
- Staff Present:** Colleen Miller (Executive Director), Sherry confer (Deputy Director), Kim Mendella (Executive Assistant)
- For portions: Steven Traubert (Staff Attorney)
- Call to Order/
Welcome/Introductions:** Larry Friedrichsen, Vice Chair, called the meeting to order at 10:00 and asked that Council members and staff introduce themselves.
- Public Comment:** No public comment was offered.
- June 2008 Minutes:** Mr. Friedrichsen asked the Council to have a look at the minutes from the last meeting. Mr. Friedrichsen referred to page 10 of the Council packet and asked for the name of the housing provider mentioned in the minutes. Sherry Confer said that we would review that recording from the last meeting and amend the minutes. With no further comments, Mr. Friedrichsen asked if there was a MOTION to accept the minutes as amended. Mary Jane Sufficool made a MOTION to accept the minutes Betty Friedrichsen SECONDED the MOTION. The amended minutes were passed with unanimous approval.
- Staff Presentation
Voting Rights for People
with Disabilities** Steven Traubert, a staff attorney with VOPA, spoke in length about voting rights for people with disabilities in Virginia. He started by talking about ensuring people with disabilities have access to absentee ballots. In 2006, there were individuals living in state mental health facilities being denied absentee ballots on the grounds that the State Board of Elections does not give absentee ballots to people with mental illness. VOPA files a lawsuit resulting in granting any person with mental disability in a State

hospital by court order the access to absentee ballots. However, this did not address people who enter State hospitals voluntarily, people who were in any hospital, at home, or just couldn't get to the polls due to their mental illness or disability. VOPA threatened to sue again and changes came into effect June 1 of this year. Previously the absentee ballot indicated that you have to have a physical illness or disability. The legislature took out the word "physical" and stated that any type of disability or illness is entitled to have an absentee ballot. The legislature went further to entitle people who personally care for a family member with an illness or disability to have access to an absentee ballot

Mr. Traubert referred the DAC to a VOPA publication, "exercising your right to vote." He spoke about identification required, where to obtain necessary documents, and the current work by VOPA staff to educate people with disabilities individual rights with regards to voting.

Governing Board Report Sherry Confer deviated from the agenda as Mr. Traubert finished his presentation early. Chris Harrison was asked to present on the Governing Board; last meeting on July 22, 2008. Mr. Harrison stated that there was a presentation on the ADA [Americans with Disabilities Act] and its impact on government agencies. The Executive Director, Colleen Miller, and the VOPA Governing Board offered recognition to outgoing Chair, Brent Brown, for his leadership of the Board for two terms. This was Susan Kalanges' first official meeting as Chair. Mr. Harrison announced the dates for the Board Meetings in 2009. The Board adopted the fiscal year 2009 Budget for VOPA.

Mr. Harrison briefly reviewed the committee reports. Internal Policy Committee presented on a policy regarding confidentiality which the board adopted. A new committee, Council Relations and Public Policy Committee, was formed with Pat Meyer as Chair. The committee will look at obstacles Council for membership among other items.

Ms. Friedrichsen asked how board members are appointed. Ms. Confer stated that a section of the Virginia Code decreeing the creation of VOPA states that there

should be 11 members and three appointing bodies responsible for the appointments: Governor, House of Delegates and the Senate. The Virginia Code does not address Advisory council, however, Ms. Confer stated that the Board is committee to the Advisory Councils and is committed to have Advisory Council involvement. The Board by-laws have the Advisory council chairs as ex-officios members who do not vote. The committee structure allows for Advisory Councils an opportunity to be involved in all the activities of the Board including discussions and the opportunity to vote.

Executive Director's Report

Colleen Miller, Executive Director, joined the DAC meeting to give her report to the Advisory Council. Ms. Miller stated that since there are so many new members to the DAC that she wanted to quickly explain a few things in the report.

Ms. Miller talked about Critical Incident Reports (CIRs) that are mandated by State law that state operated facilities are to report serious incidents to VOPA. These serious incidents are not the same thing as abuse or neglect. Critical incident is defined as serious bodily injury or loss of unconsciousness requiring medical treatment. DMHMRSAS defines "serious injury" as any injury resulting in bodily hurt, damage, harm or loss that requires medical attention by a licensed physician or physician extender (i.e., physician's assistant or nurse practitioner). Therefore, CIRs do not capture incidents of abuse that does not involve medical attention such as verbal abuse. VOPA does receive some reports from waiver homes, assisted living facilities and nursing homes, however, these reports are often sporadic and informal in nature. Melanie Paul said that she is familiar with reporting incidents in her school for the deaf and hard of hearing in Hampton. Ms. Miller explained that VOPA does not receive those reports.

Ms. Confer informed DAC that Virginia obtained a grant called the Systems Transformation Grant from the Centers for Medicaid and Medicare Services of the Federal Government to work on improving the service delivery System for people with disabilities in Virginia. One of the goals from the grant included developing a web-based electronic reporting system where all service providers are to report all incidents where people are hurt. Ms. Confer

stated that this has been going on for two years and she does not believe that the Department of Education is even at the table. Arva Priola insisted that monitoring should occur at these schools as the children are young and sometimes away from home. Ms. Miller stated that VOPA does receive reports from Psychiatric Residential Treatment Facilities (PRTFs) that is required by Federal law to report to VOPA, however, that reporting, too, is often sporadic. Ms. Miller continued to say that we need to pay attention to children that are taken away from home and safeguards need to be in place to detect abuse.

Ms. Miller turned the conversation to address VOPA's work with special education. Ms. Miller explained that there are lots of different levels of advocacy you can provide on special education such as providing information to going to an IEP meeting. Ms. Miller discussed the state issued proposed regulations to implement the new Special Education Law and the new federal Education Law that passed in 2004. VOPA worked with a coalition of advocacy groups to comment on the proposed regulations and as a result many of the advocacy groups quoted VOPA and used the materials in public hearings.

Working Lunch

Mr. Friedrichsen set aside the agenda for a networking lunch.

Governing Board Reports

Ms. Confer commented that currently the DAC is comprised of many new members who have been reluctant to volunteer on committees until they have become more familiar with the DAC, VOPA and the VOPA Governing Board. Ms. Confer presented the committee reports.

Finance Committee

The Finance committee presented the proposed budget to the full Board and the Board approved it after some discussion. There were a few changes but it did not go over the bottom line. The Board also approved the IRS increase in personal mileage reimbursement rate for Board and Council members on VOPA business.

Council Relations Committee and Public Policy

New committee that has not had an opportunity to meet.

Goals and Public Awareness

The purpose of this committee is to work with VOPA staff on developing the goals, focus areas, and objectives that VOPA will work on during the course of the year using the federal grant money VOPA receives. The term public awareness is used because there is so much concern in the public about how much work VOPA turns away. The goal setting process is a way to educate the public that VOPA does have limitations both resource-wise and legally regarding what VOPA can and cannot do. The Board will vote next week for the Objectives for FY09. Then they will start planning to find out how to obtain public input for FY2009.

Work Session – DAC Annual Report

Ms. Confer discussed the reasoning behind the DAC Annual Report. Each federal grant requires VOPA to complete a year-end report to explain how VOPA used the money and what VOPA accomplished on behalf of people with disabilities. The PAIMI (Protection and Advocacy for Individuals with Mental Illness) grant requires a report from the PAIMI Advisory Council. Because the Board and VOPA values the work of the DAC equally as much as the PAIMI Advisory Council, the DAC also has to write a report as well. Staff usually write the report by reviewing the minutes of the past fiscal year's minutes and staff may call the Chair to clarify some items as needed. The report tries to reflect the conversations that went on during the meetings.

Ms. Confer then asked the Council to make suggestions on what they would like the council to do, such as what informational presentations the Council would like to have. Ms. Confer suggested joint meetings with the PAIMI Advisory Council where both councils have an overview of the disability system, presentations on federal funders, VOPA's role in the disability system and what other Protection and Advocacy systems do across the county, among other things. Mr. Friedrichsen agreed that that would be a great help to the new members.

Ms. Paul suggested that the council should learn about the issues of Deaf children in public schools and the availability of interpreters. Lisa Ritchie stated that education is important but also stressed that the community at large should be educated about sensitivity and the issues people with disabilities are experiencing.

Mr. Harrison stated that here is often unfortunately the automatic assumption that if there is a disability it means that the person has an intellectual disability as well, essentially dropping that person's IQ by 50 points.

The Council also wanted to learn more about Para transit issues and ways to improve the service. Ms. Ritchie also wanted more education concerning support animals, in particular emotional support animals. In addition, Ms. Ritchie wants the public to become more aware of other Service animals besides seeing eye dogs for a variety of disabilities. Ms. Paul brought forward the example of her certified dog that assists with hearing as well acting as a therapy dog during volunteer outings. Ms. Paul was quick to add that the dog wears a uniform and the public has to recognize that the dog is working especially when going to restaurants.

Other Business

DAC applicants

Mr. Friedrichsen asked the applicants to tell the Council a little about why they want to join the Council. Mr. Friedrichsen stated that after today's meeting, Ms. Mendella will poll the current members about applicants by e-mail to gain a consensus from the Council about whether the applicants should be appointed or not. The VOPA Governing Board Chair makes the final decision on appointments.

The three guest applicants, Lisa Ritchie, Arva Priola, and Melissa Meade, each gave a brief introduction to why they wanted to join the council, experiences, and their commitment to disability related advocacy.

Election of Officers

Ms. Confer stated that Shirley McInnis has volunteered to become the Chair of the Disabilities Advisory Council. As chair of the Council, Ms. McInnis will represent the Council at the VOPA Governing Board meetings.

Ms. Sufficool made a MOTION to elect Ms. McInnis as chair of the DAC. Ms. Friedrichsen SECONDED the MOTION to elect Ms. McInnis as chair. The MOTION passed with unanimous approval.

Governing Board Committees

Ms. Confer stated that the Governing Board has a number of committees meeting usually the day before the Board meets.

Public Awareness and Goals – Shirley McInnis
Internal Policy – Melanie Paul expressed interest and asked about transportation. Monica Wiley also expressed interest.

Council Relations and Public Awareness – Lisa Ritchie expressed interest but only if she is successful becoming a member of the DAC.

Finance Committee – no volunteers

Meeting Schedule

The Council confirmed the meeting schedule for next year
December 11
March 12
June 11

Adjournment

With no further business, Mr. Friedrichsen asked the Council if there was a motion to adjourn the meeting. Ms. Wiley made a MOTION to adjourn the meeting. Ms Sufficool SECONDED the MOTION to adjourn. The motion passed with unanimous approval.

**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