

**Virginia Office for Protection and Advocacy (VOPA)**

**Disabilities Advisory Council (DAC) Meeting**

**VOPA Office, Richmond, Virginia**

**Final Minutes**

**December 11, 2009**

<b>Members Present</b>	Barbara Barrett, Larry Friedrichsen, Betty Friedrichsen, Shirley McInnis (Chair), Melissa Meade, Arva Priola, Lisa Ritchie (Vice-Chair), Mary Jane Sufficool, Linda VanAken, Monica Wiley
<b>Members Absent</b>	Melanie Paul
<b>Guest Present</b>	Chris Harrison (VOPA Board Member)
<b>Staff Present</b>	Sherry Confer (Deputy Director), Kim Mendella (Council Liaison), Colleen Miller (Executive Director)  <i>For portions: David Hominik (Disability Rights Advocate), Julie Triplett (Disability Rights Advocate)</i>
<b>Welcome/Introductions</b>	Shirley McInnis called the meeting to order and introductions were made.
<b>Public Comment</b>	No public comment was offered.
<b>Staff Presentation – Overview of Virginia General Assembly and Advocacy Opportunities</b>	David Hominik, VOPA Disability Rights Advocate, distributed several handouts about the Virginia legislative process and the upcoming 2010 Virginia General Assembly. He discussed how the legislative process works and VOPA's role. VOPA has to comply with the federal regulations on lobbying. Mr. Hominik explained that VOPA can educate State legislators by presenting facts surrounding issues but cannot advise because that may be perceived as lobbying. Mr. Hominik then discussed how Disabilities Advisory Council members can get involved as citizens and educate their local representative. Mr. Hominik then ended his discussion by providing practical information about timelines, parking, and the information desk at the General Assembly.
<b>Review of September 2009 Meeting Minutes</b>	Ms. McInnis referred the Council to look at the draft minutes from the meeting in September. Linda VanAken noticed a

typo on page 9. Ms. McInnis asked if there was a motion to accept the minutes as amended. Barbara Barrett made a MOTION to accept the minutes as amended. Mary Jane Sufficool SECONDED the MOTION to accept the minutes as amended. The motion carried unanimously.

## **Board of Directors Report**

Sherry Confer, VOPA Deputy Director, gave the Governing Board of Directors' Report. Ms. Confer talked about advocacy strategies and the presentation by VOPA staff about collaboration.

## **Governing Board Committee Reports Council Feedback for Board/Staff**

### **Internal Policy Committee**

Ms. Confer stated that the Board adopted the Conflict of Interest policy presented by the committee. Currently the committee is working on a staff development policy that has to consider many different types of staff at VOPA including attorneys, advocates and administrative support.

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

Ms. McInnis stated that the committee met in September and reviewed all the proposed objectives. The committee was concerned about the number of objectives VOPA proposed. The proposed objectives were then submitted to and adopted by the Board.

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

Lisa Ritchie said that at the last meeting, the committee reviewed the Advisory Council member description which will be reviewed by the Council later in the meeting. There was a discussion about having joint Board and Advisory Councils meeting in 2010. Ms. Ritchie also opened the discussion about advocacy groups having a designated seat on the DAC. Members were concerned about consistency of members. Members also cautioned about naming specific advocacy groups as it would be difficult to invite every advocacy group in Virginia.

### **Finance Committee**

Ms. VanAken talked about how VOPA is currently limiting the number of clients under certain grants to ensure that VOPA will not go over the proposed budget. Bill Fuller (Governing Board Vice-Chair) has been named as the Chair of the Resource Development Task Force that has been charged with looking into fundraising opportunities. Ms. Sufficool is the DAC representative on the Task Force. VOPA primarily receives Federal funding to operate; however, these grants

have limitations such as no lobbying and no fundraising. Ms. Barrett wanted to know what would fundraising funds be used for and Ms. Confer stated that VOPA would use the monies to supplement things VOPA cannot do with Federal funds such as train-the-trainer programs and self-advocacy.

**DAC Member Description**

Kim Mendella presented the Council the draft Advisory Council member description that the Council Relations and Public Policy Committee worked on. This member description will be used as a recruitment tool and as part of Advisory Council member orientation. Melissa Meade thought the document is presented well and is very useful. Ms. Sufficool noted a typo on page 50. Ms. McInnis asked if there was a motion to accept the DAC Member Description as amended. Ms. Barrett made a MOTION to accept the member description as amended. Ms. Ritchie SECONDED the MOTION to accept the member description as amended. The motion carries unanimously.

**2010 Meeting Dates**

Ms. Confer stated that VOPA staff and the Council Relations Committee looked at several different scenarios for meetings to reduce members' leave time off work and travel. Advisory Council chairs have a large time commitment for meeting dates including four Council meetings a year, four Committee meetings a year and four Board meetings a year. The Board will meet on Saturday, January 30 and there will be a joint Board and Advisory Councils meeting in July for two days. This joint meeting will hopefully promote cross participation in the Board and Advisory Council meetings. The DAC then discussed potential meetings dates for March 2010. Ms. McInnis asked if there was a motion to accept the next meeting date for March 12, 2010. Ms. Sufficool made a MOTION to accept the next meeting date. Larry Friedrichsen SECONDED the MOTION to accept the next meeting date as March 12, 2010. The motion carried unanimously.

**Executive Director's Update**

**Progress on Objective Report**

Ms. Miller started her discussion about the current meeting by the Rehabilitation Services Administration (part of the US Department of Education) and state agencies that receive funding from them to provide vocational rehabilitation services for people with disabilities. The Council discussed the Vocational Rehabilitation services at Department of Rehabilitative Services (DRS) and how Virginia heavily uses sheltered workshops which is disproportionate to the rest of the country.

The Council also asked Ms. Miller questions about VOPA's work on Logisticare and the Medicaid Buy-In and 1619(b) programs.

### **Litigation Report**

Ms. Miller talked about the recent case VOPA brought to court concerning the creation of new Intermediate Care Facility for the Mentally Retarded (ICF/MR) in Virginia. DAC members were concerned about that there are adequate supports in the community so why would another facility be required. Ms. Miller talked about a recent assessment of the current Southeastern Virginia Training Center (SEVTC) residents that showed that people with disabilities with similar levels of need already live in the community.

Ms. Miller talked about the Fourth Circuit Court decision on the case VOPA v. Reinhard. In this case, VOPA states that Federal Law entitles VOPA access to the Department of Behavioral Health and Developmental Services (DBHDS) investigative records. Fourth Circuit held that a state agency may not sue the state that created it. The court also stated that were we constituted as a private not for profit entity, sovereign immunity would not have been a bar, and VOPA would have been able to sue the state for access to records. The Indiana Protection and Advocacy (P&A) State Agency has a similar case in the Seventh Circuit that says that not only does a State P&A cannot sue a State Agency that even private non for profit P&As cannot sue. The Indiana P&A has asked the Seventh Circuit to reconsider its decision and VOPA will consider that decision when appealing the Fourth Circuit Court decision.

The DAC asked about if a settlement for the lottery case was announced. VOPA hopes a settlement can be reached without going to trial. The Virginia Lottery is covered by the Americans with Disabilities Act (ADA) and has to comply to its accessibility requirements.

### **Working Lunch**

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

### **Work Session: Disabilities Advisory Council Annual Report**

Ms. Confer introduced the work session and discussed the reasoning behind requiring the Disabilities Advisory Council to draft their own annual report. DAC members discussed their knowledge of VOPA's work during the past fiscal year

goal by goal. Council members encouraged VOPA to continue its work in special education from ensuring that assistive technology is provided and utilized, transition services from school to work continued, and the continued emphasis on foster care system. Ms. Meade mentioned that the Southwest region of the State has seen some improvements with transition services in part due to the presentations and informational sessions by VOPA staff. The DAC does recognize that there is still a lot that needs to be done and knows that both the State and VOPA have limited resources. The Council also discussed VOPA's work concerning Veterans' Affairs, Traumatic Brain Injury, and employment.

**Other Business:**

- **Travel Voucher Reminder** Ms. Mendella reminded the Council to submit their travel reimbursement vouchers.

Ms. VanAken made a MOTION to adjourn the meeting at 2:00 p.m. Ms. Sufficool SECONDED the MOTION. The MOTION carried unanimously.

*Final minutes*

03/12/2010

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.