

**DISABILITIES ADVISORY COUNCIL (DAC)
MEETING
Final Minutes
March 12, 2008**

- Members Present:** Jesse Chapman, Betty Friedrichsen, Larry Friedrichsen, Van Johnson (Vice-Chair), Julie Palmer, Edward Senft, Elaine Senft, Linda VanAken, Dave Wilber (Chair), Monica Wiley
- Members Absent:** Edward Zeigler
- Guests Present:** Rita Kidd (Governing Board member), Shirley McInnis, Melanie Paul, Mary Jane Sufficool
- Staff Present:** Sherry Confer (Deputy Director), Kim Mendella (Executive Assistant)
- For portions: Jonathan Martinis (Managing Attorney), Dana Traynham (Staff Attorney), Paul Buckley (Managing Attorney)
- Call to Order/
Welcome/Introductions:** Dave Wilber, Council Chair, called the meeting to order at 10:05 and asked that Council members and staff introduce themselves. Kim Mendella asked everyone present to write their names on the cards provided due to the high number of attendance and new members at the meeting.
- Public Comment:** No public comment was offered.
- Agenda Adoption:** Before the meeting began, a revised agenda was distributed. Dave Wilber asked the Council to adopt the revised agenda. Ed Senft made a MOTION to accept the revised agenda as amended and Elaine Senft SECONDED the MOTION.
- December 2007 Minutes:** Mr. Wilber asked the Council if there are any changes to be made to the December 2007 minutes. Mr. Wilber declared that “silence is consent” and asked the Council if anyone wanted to make a motion to accept the minutes as is. Mrs. Senft made a MOTION to accept the minutes Betty Fredrichsen SECONDED the MOTION. The amended minutes were passed with unanimous approval.
- Housekeeping** Sherry Confer took some time while waiting for Jonathan Martinis to arrive to review some housekeeping details. Ms. Confer told the Council and guests about the layout of the building including restrooms, drinking fountains, snack room which offices belong to VOPA, and introduced the receptionist,

Rhonda Comer, who can be of assistance to the council if needed.

Executive Director Update:

Mr. Martinis filled in for Colleen Miller in her absence. Mr. Martinis described the work his unit is responsible for. Mr. Martinis referred to the Progress on Objectives report and Litigation report in the Council packet. He mentioned that since it was drafted in January, there have been many updates with the work VOPA completed. The issue on absentee ballots has been a huge victory for VOPA. The word “physical” has been dropped from the legislation and now people with any type of disability can obtain absentee ballots if they are unable to get to a polling station on Election Day. The bill has been passed and is now waiting for signature by the Governor.

Mr. Martinis went on to describe the work his unit is working with, in particular the presentation on EPSDT (Early Periodic Screening Diagnostic Treatment) and the case surrounding lottery vendors in Virginia. VOPA’s argument with the lottery is that if the lottery agency licenses businesses to sell lottery tickets, these businesses should be accessible. Mr. Martinis stated that a hearing was scheduled for April 4. The hearing would focus on our Motion asking the Court to rule that the Lottery has a legal responsibility to make sure that its retailers are accessible to people with disabilities and the Lottery’s Motion asking the Court to rule that it has no such responsibility.

Mr. Wilber inquired about the work surrounding Logisticare, in particular where the accountability lies if there is an incident. Mr. Martinis stated that Logisticare is the only state-wide transportation company for Medicaid services. Mr. Martinis said that the accountability lies with DMAS (Department of Medical Assistance Services) as they are responsible for who gets the contract.

Mr. Martinis facilitated a discussion on facility discharge planning and DRS transition to employment. The discussion moved into talking about students who are of transition age and the services provided.

Council members then asked Mr. Martinis specific questions about the Progress on Priorities on various topics such as: Functional Behavioral Assessments, Manifestation Determination Review, special educational services, and Individualized Education Plans.

Alternatives to Guardianship Dana Traynham presented on the topic of Alternatives to Guardianship. In this presentation, Ms. Traynham touched on the topics of:

- Capacity
- Advanced Directives
- Power of Attorney
- Living Will
- Psychiatric Advanced Directive
- Health Care and Financial Power of Attorney
- Executing an Advance Directive (copies and revoking)
- Health Care Decisions Act
- Guardianship

Lunch Mr. Wilber distributed copies of the draft DAC Annual Report for the Council members to read during the lunch break

Overview of Use of Experts Ms. Confer asked Paul Buckley (Managing Attorney) to talk about VOPA's use of experts in training facilities and off-campus activities as the question was raised in the Executive Director's Update discussion. Mr. Buckley spoke about expert Tony Records who visited Southeastern Virginia Training Center to see what kind of opportunities there were and discovered several vocational opportunities in the communities. The Training Center essentially did not look outside its walls and instead used very sheltered activities. Some VOPA staff were trained to actively look for opportunities in the community and encouraged to address the training centers to make more of an effort to utilize such opportunities.

Mr. Buckley spoke briefly about expert Sheila Stuart regarding Assistive Technology devices and services and how they facilitate communication for people with disabilities.

Mr. Senft stated that his son lives at the Northern Virginia Training Center and he is not isolated or segregated. He listed several excursions that his son went on at the Training Center. Mr. Senft said that he does not want to lead people to thinking that people living at Training Centers are deprived in any way.

Review of DAC Annual Report Ms. Confer facilitated the discussion on the DAC Annual Report. The report contained comments throughout the last fiscal year from October 1, 2006 to September 30, 2007.

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

Mr. Wilber wanted to insert the comment that he encouraged

centralized reporting of abuse, neglect and incidents in general.

Goal 2: Children with disabilities receive an appropriate education

Jesse Chapman encouraged that membership on the DAC should always include a parent of a minor child and that the DAC should shift focus away from Developmental Disabilities and be more representative of all disabilities.

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

Mr. Wilber suggested that there should be a buddy system in place to ensure that council members can attend meetings as transportation may be an issue. Ms. Chapman wanted to be mindful of the Council's needs in regard to over accommodating a member with a disability; that there needs to be a balance.

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

No comment offered

Goal 5: People with disabilities are employed to their maximum potential

Monica Wiley requested a presentation from the Employment Clinic.

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

Mr. Wilber expressed concern over the long waiting lists for ICF/MRs. Mr. Senft mentioned that wheelchair repair is not good in the community and needs improvement.

Goal 7: People with disabilities in the Commonwealth of Virginia are aware of VOPA's services

Ms. Chapman said that a form of outreach is when a person calls in with an issue that is not a goal of VOPA, that people still receive advice.

Ms. Confer gave the Council a deadline for Friday March 14 to e-mail her further comments as members only received the report at lunch.

Governing Board Reports:

Rita Kidd addressed the Council to present a summary of the last Governing Board meeting that occurred on January 29, 2008. Ms. Kidd noted that there was training on Early Periodic

Screening Diagnosis Treatment (EPSDT).

Mr. Kidd also spoke about the Board retreat in April. There has been no firm decision yet, but the Board does want the Councils to be involved in some way.

Ms. Kidd talked briefly about the Critical Incidents Reports and how VOPA is following State Code.

Governing Board Committee Reports

Julie Palmer – Internal Policy Committee

Ms. Palmer noted the following decisions made at the last committee meeting:

- 1.12 Critical Incident Reporting → approved and procedures are in process
- 2.2 Response to Subpoenas → deleted
- 1.6 Reasonably Safe Work Environment → approved
- 2.3 Confidentiality → brought to attention for Governing Board to look at first time
- 1.1 Services → addition of Short-Term Review, no action required

Committee will next meet in July and Colleen Miller (Executive Director) and Ms. Confer will be research long-range policy review before the next meeting.

Ed Senft – Finance Committee

VOPA has made significant steps in the Accounting Manual and Auditing Process. Mr. Senft commented that there is a lot of work behind the scenes.

Other Business

New Applicants

Mr. Wilber asked the guest who applied to be part of the DAC membership to say a few words why they want to be on the Council.

Melanie Paul talked about her experiences as a person in the deaf community and how learned how to advocate for herself. Her experiences include working with the police for training purposes, working with children with disabilities for 25 years, and serving on the Virginia Board for People with Disabilities. She says that deafness is often an invisible disability and the need for more advocates.

Mary Jane Sufficool talked about her experience as a parent advocate. She wants to know what is available so she can bring that information back to the families in need.

Shirley McInnis has worked with the Arc for 24 years. Ms. McInnis says that she is dedicated to the individuals she works with and will pass information to and from VOPA.

Nomination of Officers

Mr. Wilber stated that majority of the members' term will expire at the next meeting. His term as Chair and Van Johnson's term as Vice-Chair will expire at the June meeting. The Council discussed who should be nominated for the positions. The decision of officers will be postponed to the June meeting.

Travel Reimbursement

Mr. Wilber reminded the Council members to complete their Travel Reimbursement forms and turn them into the VOPA staff present.

Meeting Date Changed

Mr. Wilber noted that there were a few conflicts for the upcoming DAC meetings and proposed to change the June 11 meeting to be held a week before, on June 4.

DAC Members Appreciation

Mr. Wilber announced to the Council that both Ed and Elaine Senft's term will expire at the end of this meeting. Mr. Wilber thanked both for their experiences and convictions to the Council. Mr. Wilber presented plaques to honor Ed and Elaine Senft for their time and participation on the Council.

Adjournment

Ms. Senft made a MOTION to adjourn the meeting and Mr. Senft SECONDED the MOTION. The Council adjourned at 2:35pm.

Final minutes

March 19, 2008

**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