

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

**Disabilities Advisory Council (DAC) Meeting**

**VOPA Office, Richmond, Virginia**

**Final Minutes**

**March 12, 2010**

<b>Members Present</b>	Barbara Barrett, Shirley McInnis (Chair), Melissa Meade, Arva Priola, Lisa Ritchie (Vice Chair), Linda VanAken
<b>Members Absent</b>	Betty Friedrichsen, Larry Friedrichsen, Mary Jane Sufficool, Monica Wiley
<b>Guest Present</b>	Pat Meyer (Governing Board Member)
<b>Staff Present</b>	Sherry Confer (Deputy Director), Kim Mendella (Executive Assistant)  For portions: Colleen Miller (Executive Director), Kalena Ek (Staff Attorney)
<b>Welcome/Introductions</b>	Shirley McInnis called the meeting to order and asked everyone present to introduce themselves.
<b>Public Comment</b>	No public comment was offered
<b>Review of December 2009 Meeting Minutes</b>	Barbara Barrett noted a missing word on page 10 and Melissa Meade noted that her last name was spelled incorrectly on page 9. Ms. McInnis asked if there was a motion to accept the minutes as amended. Lisa Ritchie made a MOTION to accept the minutes as amended. Ms. Barrett SECONDED the Motion to accept the minutes as amended. The motion carried unanimously.
<b>Update and Discussion about 2010 Virginia General Assembly</b>	Colleen Miller stated that the 2010 Virginia General Assembly was scheduled to end March 13 and she expected the session to be extended. Ms. Miller spoke briefly about the budget hearings that were held throughout the state. Ms. Miller attended a budget hearing in Tidewater and was very impressed with the advocacy efforts for people with disabilities.  Ms. Miller distributed the VOPA Legislative Update dated

March 9, 2010. Ms. Miller walked the DAC through the many versions of Senate Bill (SB) 46 to illustrate the legislative process. SB 46 dealt with obtaining attorney fees in special education cases. SB 46 became House Bill (HB) 46 and was eventually passed with the court having discretion when awarding attorney fees.

SB 689 was sponsored by Senator Blevins and introduced as stating that VOPA should pursue mandatory mediation prior to using legal remedies and “may pursue other legal remedies, subject to approval by the Board.” Mediation is not always the best course of action especially in cases where abuse and neglect are suspected. VOPA also hears about 500 cases a year and it would be impractical for the Board to meet and decide the course of action for each individual case. The version of the bill that passed states the Board may establish “a policy and internal guidelines for the approval of legal remedies.”

Arva Priola was very concerned about a bill that proposed consolidating the Department for the Deaf and Hard of Hearing (DDHH), Department for the Blind and Vision Impaired (DBVI), Department of Medical Assistance (DMAS), and the Department of Rehabilitative Services (DRS) into one department. Ms. Miller states federal law prohibits this so the bill was removed from the docket.

## **Executive Director’s Update**

### **Progress on Objectives**

Ms. Miller announced that VOPA published a death investigation from Eastern State Hospital that is now available on the VOPA website. VOPA will soon publish another investigation involving incidents that happened at a state operated training center. Members asked about the recent death that happened at Central State Hospital reported in the media. Ms. Miller stated that VOPA may investigate after the Virginia State Police finished their investigation.

VOPA is working with the Department of Education to create training materials to help identify children with traumatic brain injury and tailor lesson plans to their educational needs. Ms. Miller then talked about VOPA training facilitators of Advance Directives. Research has shown that people are more likely to complete an Advance Directive if they have someone helping them.

Linda VanAken asked about the lottery case. Since the General Assembly is in session there has not been a lot of movement in the case.

### **Litigation Report**

Ms. Miller talked about the case involving the Arc of Virginia versus Kaine where the Commonwealth is planning to build a new segregated institution to replace South Eastern Virginia Training Center (SEVTC). The Court dismissed the case by stating that there was no violation to the Americans with Disability Act (ADA) until the building was built and someone was placed to live in it. Ms. Miller stated that there has been great movement to find community placements for current SEVTC residents.

Ms. Miller also spoke briefly about the VOPA versus Reinhard case where VOPA was blocked access to peer review material during investigation of three incidents. The court found against VOPA and stated that a state Protection and Advocacy Agency cannot sue another state Agency. VOPA appealed the case to the Supreme Court. Ms. Miller is scheduled to talk with the US Solicitor General about VOPA's case.

### **Working Lunch**

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

### **Logisticare Project**

Kalena Ek, VOPA Staff Attorney, talked about why VOPA is collecting data on Logisticare complaints across Virginia. VOPA wants to know if people with disabilities are getting the transportation services they are entitled to from DMAS and their contractor, Logisticare. Logisticare is the only transportation service provider in Virginia and usually subcontracts local transportation providers such as independent taxi companies to provide the actual services. VOPA has heard lots of complaints about transportation services over the years ranging from missed appointments to serious injuries. The questionnaire on the VOPA website will quantify those complaints. The results from the questionnaire will determine the course of action VOPA will pursue.

### **Governing Board Report**

Pat Meyer, VOPA Governing Board Chair, told the DAC that the Board met on February 20, 2010. The meeting was originally scheduled to take place in January but was cancelled due to the weather. This was the first time the Board met on a Saturday. Ms. Meyer gave credit to the

former PAIMI Chair, CW Tillman, as he was a big proponent for meeting on Saturdays since it can be difficult for members to take off time from work to attend meetings. The next meeting for the Board will be April 30, 2010 and will be in Virginia Beach. The July meeting will be a joint meeting for the PAIMI and Disabilities Advisory Council and the Governing Board.

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

**Finance Committee** – Linda VanAken

Ms. VanAken talked about the last meeting and major discussion points: State Annual Budget, Fundraising Committee, and review of the VOPA Accounting Manual.

**Goals and Public Awareness** – Shirley McInnis

Ms. McInnis stated that the Committee did not meet due to weather.

**Internal Policy Committee**

Sherry Confer stated that the Committee reviewed four internal policies: Conditions of Representation, Use of Experts, Employee Accommodations and Staff Development. Staff Development policy draft was returned to staff and the other three had their first reading at the Governing Board meeting.

**Council Relations and Public Policy Committee** – Lisa Ritchie

Ms. Ritchie stated that the Committee meeting was also cancelled due to weather. The Committee has since been dissolved. The Committee was developed out of suggestions from the 2008 Governing Board Retreat and was assigned with over 20 recommendations. The Committee worked hard and addressed every recommendation.

**Other Business:**

**Meeting Dates**

Kim Mendella stated that the joint Advisory Councils and Board meeting will be July 28, 2010 and will be in Richmond. Ms. Mendella discussed possible meeting dates with the DAC members. The following dates were proposed:

Friday September 10, 2010

Friday December 10, 2010

Ms. McInnis asked if there was a motion to accept the proposed meeting dates. Ms. VanAken made a MOTION to accept the proposed meeting dates. Ms. Barrett SECONDED

the MOTION to accept the proposed meeting dates. The motion carried unanimously.

**DAC Officer Nominations**

Ms. Mendella referred to the DAC bylaws that states officers' terms are for two years. Ms. McInnis' term as Chair will be expiring at the end this fiscal year. The Bylaws state that nominations are held at the spring meeting and final elections are conducted at the summer meeting. Terms are effective the first day of the Federal Fiscal year, October 1, 2010. Since the summer meeting will be the joint Advisory Councils and Board meeting, elections will be held at the September meeting. Ms. Mendella asked if there were any nominations for the position of Chair. Ms. Barrett nominated Lisa Ritchie who accepted the nomination. Ms. Mendella asked if there was a nomination for the position of Vice-Chair. Ms. VanAken nominated herself for the position after the prompting from the Council members.

**Travel Vouchers**

Ms. McInnis reminded members to submit their travel reimbursement forms to Ms. Mendella.

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

*Final minutes*

06/28/2010

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.