

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

**Disabilities Advisory Council (DAC) Meeting**

**VOPA Conference Room – Richmond, VA**

**Final Minutes**

**December 10, 2010**

<b>Members Present</b>	Barbara Barrett, Shirley McInnis, Melissa Meade, Arva Priola, Lisa Ritchie (Chair), Mary Jane Sufficool, Linda VanAken (Vice-Chair)
<b>Members Absent</b>	Monica Wiley
<b>Guests Present</b>	Angela Thanyachareon (VOPA Governing Board Member)
<b>Staff Present</b>	Sherry Confer (Deputy Director), Kim Mendella (Executive Assistant), Colleen Miller (Executive Director)  <i>For Portions:</i> Steven Traubert (Staff Attorney)
<b>Call to Order</b>	Lisa Ritchie, Chair, called the meeting to order. Ms. Ritchie asked everyone present to introduce themselves.
<b>Public Comment</b>	No public comment was offered.
<b>September 2010 Minutes</b>	The Council took some time to read over the September 2010 meeting minutes. Sherry Confer, Deputy Director, directed the Council to the section of the minutes about VOPA's work on voters' rights trainings at Assisted Living Facilities and suggested a few changes. Ms. Ritchie 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.
<b>Executive Director's Update</b>	Colleen Miller, Executive Director, spoke about the case VOPA has currently before the US Supreme Court. The US Supreme Court heard arguments on December 1, 2010. This case is a result of an action to attempt to access peer review materials from investigations of incidents at institutions operated by the Department of Behavioral Health and Developmental Services (DBHDS). Members were curious if other Protection and Advocacy offices faced similar difficulties to obtain investigative materials. Members also found it hard to believe that VOPA had to go to the US Supreme Court to obtain records. Members are supportive of VOPA's case before the US Supreme Court as having access to internal investigative reports will be beneficial for VOPA to protect people with disabilities from abuse and neglect.  The Council was thrilled with VOPA's role in Regal Theaters' screening

the recent Harry Potter film with opened captions on opening night. This achievement obtained nation-wide media attention.

### **Federal Fiscal Year (FFY) 2011 Objectives**

VOPA is currently in year two of a three year cycle. The goals and focus areas remain the same during the cycle and the objectives change every year.

VOPA will investigate the responses of entities responsible for licensing, oversight, and investigations of instances or allegations of abuse and neglect of individuals with disabilities. These investigations will focus on the quality of the oversight agency and identify possible patterns of abuse and neglect.

VOPA is also looking at alternate sources of funding, such as partnering with the Virginia Department of Aging to provide training and technical assistance for the Options Counseling program through the Aging and Disability Resource Centers. VOPA will also be collecting “prevailing party” attorney fees when representing people with disabilities in a variety of cases. For example, VOPA will represent people with disabilities who have been denied access to a place of public accommodation due to architectural barriers or inaccessible parking. VOPA will also represent individuals denied benefits from Social Security at the administrative appeal level and collect less than the standard fee approved by the Social Security Administration.

Council members were very interested with the objective about access to dental care for individuals with developmental disabilities. There are a lot of obstacles for people with developmental disabilities to obtain dental services. Often, people with developmental disabilities have to return to the Intermediate Care Facilities for the Mentally Retarded (ICF/MR) to obtain dental services and this can be very traumatizing for the individual. Members wanted to know if lessons learned at the Northern Virginia Training Center (NVTC) can be applied to other ICF/MRs throughout the state.

### **Training - VOPA Services**

Steven Traubert, VOPA Staff Attorney, discussed the different levels of services offered by VOPA. Mr. Traubert provided a little background about the limitations of the work VOPA can do under certain grants. For example, VOPA cannot litigate using funds from the Help America Vote Act (HAVA).

Mr. Traubert also walked the Council through the typical process for screening requests for services. Members were curious about the number of litigation cases VOPA completes annually. VOPA provides many levels of services and only litigates on a very small percentage of cases.

### **Greeting from the Governing Board**

Angela Thanyachareon, VOPA Governing Board Member, introduced herself to the Council as the newest member of the Governing Board appointed by the Virginia State Senate in July 2010. The Board

adopted the FFY11 objectives in September and the next meeting will be on January 27, 2011. The Board may have a retreat in April and the details are still being discussed.

**Work Session – DAC Annual Report**

Council members reviewed the draft version of the DAC Annual Report and noted some changes to be made. Ms. Confer told the Council that the report is read by the Governing Board. Members had a few comments about the content of the report.

Ms. Ritchie asked if there was a motion to accept the DAC Annual Report as amended. Ms. Barrett made a MOTION to accept the DAC Annual Report as amended. Melissa Meade SECONDED the MOTION to accept the DAC Annual Report as amended. The MOTION carried unanimously.

**Other Business**

**Membership**

Ms. Confer suggested that VOPA staff study the current council membership for geographic representation. Staff will let the Council know what areas of the state are not represented for targeted recruitment. Ms. Confer asked the Council to think about ideas and recommendations for recruitment for the next meeting.

**Meeting Dates**

The Council agreed to continue to meet on Fridays. The Council will be meeting on the following dates:

March 25, 2011

June 24, 2011

Ms. Ritchie asked the Council if there was a motion to adjourn the meeting. Ms. Barrett made a MOTION to adjourn the meeting. Linda VanAken SECONDED the MOTION to adjourn the meeting. The MOTION carried unanimously.

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*FINAL MINUTES*

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03/25/2011

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.