

Virginia Office for Protection and Advocacy (VOPA)

Disabilities Advisory Council (DAC) Meeting

VOPA Conference Room – Richmond VA

Final Minutes

March 25, 2011

Members Present	Barbara Barrett, Shirley McInnis, Melissa Meade, Mary Jane Sufficool, Linda VanAken (Vice-Chair), Monica Wiley
Members Absent	Arva Priola, Lisa Ritchie (Chair)
Guests Present	Charles Cooper (VOPA Governing Board Member)
Staff Present	Sherry Confer (Deputy Director), Kim Mendella (Executive Assistant) <i>For portions:</i> Zack DeVore (Staff Attorney), Colleen Miller (Executive Director),
Call to Order / Introductions	Linda VanAken, Vice-Chair, called the meeting to order. Ms. VanAken welcomed Steven Hornstein as a new member of the DAC. Ms. VanAken asked everyone present to introduce themselves.
Public Comment	No public comment was offered.
December 2010 Meeting Minutes	Ms. VanAken referred the Council to the December 2010 meeting minutes. With no changes, Ms. VanAken asked if there was a motion to accept the minutes as written. Barbara Barrett made a MOTION to accept the minutes as written. Mary Jane Sufficool SECONDED the MOTION to accept the minutes as written. The MOTION carried unanimously.
Training – Developmental Disabilities Act	<p>Zack DeVore, VOPA Staff Attorney, introduced the Developmental Disabilities (DD) Act as one of the federal laws VOPA works under. The purpose of the DD Act is to address abuse and neglect within segregated institutional settings and to assist with the process of deinstitutionalization of persons with DD. The DD Act also addresses access to community services, individualized support and other assistance to reach full inclusion in community life.</p> <p>Mr. DeVore talked about role of the Protection and Advocacy (P&A) agencies and duties under the DD Act. P&As' duties include:</p> <ul style="list-style-type: none">• ensure protection of individuals;• pursue advocacy strategies on behalf of legal rights by representing individuals or seeking systemic change; and• provide information and referral (I&R) services such as technical assistance, rights clinics and assistance for engaging in self advocacy. <p>Mr. DeVore talked about the federal definition of a developmental disability, eligibility for services, and substantial functional limitations in life activities under the DD Act.</p>
Executive Director's Update	1st Quarter Progress on Objectives 2011 and Updates Colleen Miller, Executive Director, started her discussion about a recent

letter from the United States Department of Justice (DOJ) to the Virginia Department for Behavioral Health and Developmental Services (DBHDS) about their Intermediate Care Facilities for people with Mental Retardation (ICF/MRs) (also referred to as training centers). DOJ concluded that Virginia is in violation of the Americans with Disabilities Act (ADA) in the operation of its developmental disabilities services. DOJ states that Virginia does not serve its residents with intellectual disabilities in the most integrated setting possible and that Virginia further violates the ADA by maintaining a waiting list for community based services. The DOJ letter details conditions at Central Virginia Training Center (CVTC) such as the overuse of restraints, inadequate programming, absence of community integration, and isolated and depersonalized living conditions. The letter finds that even when individuals want to be discharged and all parties agree that the individuals can be discharged from the training centers, the individuals often remain in the training center.

Council members asked if the new cottages under construction at South Eastern Virginia Training Center (SEVTC) will be allowed to continue in light of DOJ's letter. Ms. Miller stated that the cottages will not satisfy the DOJ as they are segregated. Members also asked if there will be consequences if the Department of Behavioral Health and Developmental Services (DBHDS) does not follow through with its promises to address the concerns of DOJ's letter. Ms. Miller said that consequences will depend on the agreement between DOJ and DBHDS.

In another objective, VOPA worked with advocacy groups in Northern Virginia and Maryland about a public transportation provider issuing a policy where a person with an intellectual disability had to be escorted to use the services. The public transportation provider withdrew the policy and will not create a similar policy without consultation with disabilities groups.

Ms. Miller stated that the Department of Rehabilitative Services (DRS) is currently operating under its "Order of Selection." This means once an individual has been found eligible for services from DRS, he or she will be placed on a waiting list to receive services. Current DRS clients are still being served but DRS is placing potential clients on a waiting list. DRS hopes to resume accepting new clients in the fall of this year. Ms. Miller stressed that clients can still be evaluated and receive some assessment related services.

Litigation Report and Updates

Members were curious if the US Supreme Court released a decision on VOPA's ability to litigate against state agencies. VOPA presented an argument before the US Supreme Court on December 1, 2010. Ms. Miller responded that the Supreme Court has until June 2011 to issue a decision. VOPA and the Virginia Lottery reached a settlement agreement regarding the accessibility of lottery products in retail outlets across Virginia. The Virginia Lottery has three years to fully implement the accessibility changes. The settlement offers great physical access throughout the state of Virginia at Lottery retailers.

Greetings from

Charles Cooper introduced himself as a member of the Governing Board.

Governing Board

Mr. Cooper thanked the DAC for their input on annual goals and objectives. The DAC Annual Report was presented at the Board’s January meeting. Mr. Cooper talked about his hopes about the new Commissioner of DBHDS and was very excited with DOJ’s letter. The DOJ letter came at a great time during the General Assembly before the budget was approved. Mr. Cooper encouraged everybody to read the Executive Director’s blog as it gives members an opportunity to comment directly to Ms. Miller.

Work Session – Council Development

Sherry Confer, Deputy Director, distributed self assessment forms and a list of past trainings at DAC meetings. Part of the member description of the DAC is for members to be ambassadors to the community. Ms. Confer asked the Council if their needs as members are being met to perform the duties of an ambassador.

A Council member stated that there is a focus in meetings on institutional work and asked about how VOPA fits in with preventing abuse and neglect in the communities. Council members then discussed different types of trainings they want to have.

Ms. Confer mentioned that the Protection and Advocacy for Individuals with Mental Illness (PAIMI) Advisory Council met at different mental health hospitals throughout the state and members felt it was a valuable experience. Ms. Confer asked the members if it would be helpful to meet at a training center. Members believed that having a tour of a training center will be very beneficial as it will give members a perspective of the clients VOPA serves.

Other Business

Membership

Kim Mendella passed out the geographic representation of the current DAC membership and noted several vacancies. Members suggested several contacts for Ms. Mendella.

Travel Voucher Reminder

Ms. Mendella reminded members to complete their travel vouchers and return the completed forms to her.

Direct Deposit Option

Ms. Mendella also reminded members that they are eligible to have their travel reimbursement checks deposited directly into their bank accounts.

Ms. Sufficool made a MOTION to adjourn the meeting. Monica Wiley SECONDED the MOTION to adjourn the meeting. The MOTION carried unanimously.

6/24/2011

FINAL MINUTES

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.