

Virginia Office for Protection and Advocacy (VOPA)
Disabilities Advisory Council (DAC) Meeting

Crowne Plaza – Richmond West, Richmond, Virginia

Final Minutes

July 28, 2010

- Members Present** Shirley McInnis (Chair), Arva Priola, Lisa Ritchie (Vice-Chair), Mary Jane Sufficool, Linda VanAken, Monica Wiley
- Members Absent** Barbara Barrett, Betty Friedrichsen, Larry Friedrichsen, Melissa Meade
- Guests Present** For portions: Charles Cooper, Bill Fuller, Maureen Hollowell
- Staff Present** Jonathan Martinis (Managing Attorney), Kim Mendella (Executive Assistant)
- For portions:* Carlon Matthews (VOPA intern), Nisha Patel (VOPA intern)
- Call to Order/ Introductions** Shirley McInnis, Chair, called the meeting to order. Ms. McInnis asked everyone present to introduce themselves.
- Public Comment** No public comment was offered.
- Review of March 12, 2010 Meeting Minutes** Ms. McInnis referred the Council members to the draft minutes from the March meeting. Ms. McInnis asked if there were any questions or corrections for the draft minutes. Lisa Ritchie drew attention to two typos. Ms. Ritchie also had questions about the Logisticare presentation from the last meeting and asked for an update. Jonathan Martinis stated that this will be covered during the work session. Ms. McInnis asked if there was a motion to accept the minutes as amended. Ms. Ritchie made a MOTION to accept the minutes as amended. Linda VanAken SECONDED the MOTION to accept the minutes as amended. The MOTION carried unanimously.
- Work Session – FY2011 VOPA Objectives** Mr. Martinis stated that today's work session is an opportunity for the DAC members to tell VOPA what to work on. Ms. Ritchie talked about the transportation issues where she lives. Mr. Martinis asked the DAC to become more focused with their suggestions. For example, are the services offered by Logisticare late or are the staff discourteous? Members would like to see the paratransit

system in Northern Virginia expanded throughout the state. Members discussed negative episodes of transit services provided by Logisticare. Mary Jane Sufficool talked about issues with Hampton Roads Transit (HRT). Mr. Martinis mentioned briefly about the case that VOPA was involved about ten years ago. Mr. Martinis suggested that VOPA could investigate whether HRT is still meeting the requirements contained in the Americans with Disabilities Act (ADA). Ms. Sufficool mentioned that transit would refuse to pick-up individuals living outside the service radius even when that individual was willing to travel to a location within the service radius. Mr. Martinis stated that transit providers do not have to pick up passengers outside the service radius but VOPA could investigate HRT for not picking-up passengers within the service radius.

Arva Priola spoke about a few incidents that she knew about where interpreter services were denied or was inappropriate. Ms. Priola also stated that other states received reimbursement from Medicaid for interpreter services but Virginia did not. Ms. Priola suggested that VOPA could investigate why and then educate service providers about the reimbursement.

Ms. VanAken would like to see VOPA research accessibility in schools because many schools are voting sites for elections. Mr. Martinis stated that VOPA has had an objective this year looking at accessibility in schools in Mathews and Orange Counties that acted as voting sites. Ms. VanAken asked if this objective could be expanded next year to look at more counties.

Ms. Sufficool was concerned about dental care for adults with disabilities. Ms. Sufficool stated that Northern Virginia is the only place she knows in the state that offers accessible dental care services. Ms. Sufficool wants VOPA to advocate for more accessible dental care locations throughout Virginia. Mr. Martinis stated that Virginia Medicaid does not cover dental care for adults whereas other states do. The Council suggested that VOPA could educate policy makers about the need for dental services for adults.

Ms. Ritchie had a few concerns about accessible housing. Ms. Ritchie stated that accessible housing is available for the elderly in the city where she lives but it is difficult for

people with disabilities to obtain suitable housing. Ms. Priola mentioned that her county provided free smoke detectors but did not initially provide visual smoke detectors for the hearing impaired. Ms. Priola suggested that VOPA could identify counties that offer free smoke detectors and make sure that accessible ones are also offered.

Ms. Sufficool asked when transition services for children with disabilities began in schools. Mr. Martinis stated that it should begin at age 14 but many schools do not really address transition services until the final year of high school. Ms. VanAken was concerned that transition services may fall between the cracks as schools are cutting services due to budget constraints. The Council wants VOPA to ensure that transition services are more than a check box exercise but a fundamental component of Individualize Education Plans initiated at age 14.

Mr. Martinis moved the discussion to businesses that receive funding from the state government being accessible. Council members agreed and asked about private businesses. Members discussed issues of narrow aisles in stores and scooters that were inoperable or unsafe. Mr. Martinis asked if there was one particular store that VOPA could investigate. Mr. Martinis brought up the success gained from an investigation several years ago that involved fast food restaurant chain. Charles Cooper talked about how a mall in Fredericksburg has been renovated that is very accessible for people with disabilities.

Council members then discussed issues encountered working with Department of Rehabilitative Services (DRS). Issues included poor communication, lack of appropriate follow-ups, and recommending jobs that are not appropriate. Council members want work assessments to be consistent with individual choice. Council members stated that some DRS representatives do not recognize volunteering as a trial work period. Mr. Martinis talked briefly about VOPA's agreement with DRS and that DRS counselors undergo training that includes trial work experience. The DAC suggested that VOPA follow-up with DRS to see if the training has been completed and what was covered. Council members also want VOPA to inform policy makers about appropriate case management standards including frequency of communication for DRS counselors and case managers.

Ms. Priola talked about the importance of interpreters in medical settings. Ms. Priola stated that a lot of hospital re-admissions could be avoided if patients were able to understand doctors discharge instructions. The DAC wants VOPA to represent a number of individuals who were denied access to interpreters. Council members also discussed doctor etiquette about facing an individual with a hearing impairment while talking or even using simple terminology. People with intellectual disabilities may have lower levels of reading comprehension and understanding so doctors need to be able to change their behavior accordingly.

Council members were concerned about confidentiality in medical settings. One member talked about a situation where a hard of hearing individual was talking to a receptionist and the receptionist kept raising her voice to the point where everyone in the waiting room could hear. Council members were also concerned about similar issues in training centers where treatment plans are discussed in a group rather than in private.

Council members were also concerned about obtaining and replacing assistive technology (AT) devices. Stories were told about the difficulty in obtaining replacement AT devices such as wheelchairs. Council members were concerned that many service providers were unaware of communication devices that could help individuals who are non-verbal to communicate with others. Council members want VOPA to advocate for individuals to obtain the AT devices they need. The Council would also like to see VOPA bring awareness to service providers about the importance of AT devices.

Mr. Martinis ended the work session by saying that council members and members of the public should feel free to call VOPA anytime about disability rights issues. Callers will always receive information and referral services. Suggestions for goals, focus areas and objectives are always welcomed any time of the year.

Other Business

Committee Reports

Finance Committee – Ms. VanAken stated that the committee approved the FY11 budget. State funding has been removed from the budget as the last General Assembly discontinued funding to VOPA. VOPA plans to be

very fiscally conservative over the next few years. VOPA's Resource Development Committee has been charged with looking into fundraising opportunities.

Public Awareness and Goals Committee – Ms. McInnis stated that the discussion for FY11 objectives is still ongoing. There was a discussion about VOPA's role in the community. There was also some discussion about generating funds.

Internal Policy Committee – Monica Wiley talked briefly about the Inclement Weather policy that was under revision.

Membership

Kim Mendella stated that in two years that a majority of the current member's terms will end. The DAC needs to think about recruitment so that member's terms are staggered. Ms. Mendella asked the council to think of recruitment ideas and possible contacts for future membership.

Break

Ms. Mendella informed the DAC members that the joint session with the Governing Board, DAC, and PAIMI Advisory Council will begin at 11:00 in Salon 1.

Joint Session

VOPA Governing Board, Disabilities Advisory Council and Protection and Advocacy for Individuals with Mental Illness (PAIMI) Advisory Council.

Members Present

PAIMI Advisory Council: Elaine Caudill, Kathy Harkey, Van Johnson, Mike Newcomb, Yvette Lane, Sara Singhas

Governing Board: Charles Cooper, Bill Fuller, Waja Grimm, Chris Harrison, Maureen Hollowell, Susan Kalanges, Rita Kidd, Darrel Mason, Elizabeth Priaulx, Angela Thanyachareon

Staff Present

Sherry Confer (Deputy Director), Clyde Mathews (Managing Attorney), Colleen Miller (Executive Director), Lisa Shehi (Executive Assistant)

Call to Order

Bill Fuller, Governing Board Chair, called the joint session to order. Mr. Fuller introduced himself as Chair of the Governing Board and this meeting is unique as it is a joint meeting between the VOPA Governing Board, the DAC and PAIMI Advisory Council.

Mission Statement

Mr. Fuller read the VOPA's mission statement.

| | |
|---|---|
| Public Comment | No public comment was offered |
| Training Session Critical Incident Reports | <p>Paul Buckley, Managing Attorney for the Institutions Unit, and Kim Ware, Data Analyst, presented to the joint session about Critical Incident Reports (CIRs) received by VOPA from the Department of Behavioral Health and Developmental Services (DBHDS) operated facilities. VOPA receives CIR reports whenever a death, serious injury, loss of consciousness, or an allegation of sexual assault has occurred. There are several limitations with CIR data as it does not contain episodes of verbal abuse, use of diagnostic equipment with no treatment provided, or episodes where injuries are noted but no treatment provided. VOPA uses the data to look for trends and seeks systemic solutions that could be used in all state operated facilities. For example, there were several incidents over the years where clients ingested latex gloves. VOPA wanted to make sure there was a system in place where latex gloves are accounted for such as being locked in secured places and disposed of properly.</p> |
| Working Lunch Reports | <p>All present introduced themselves and gave a brief description of their passions.</p> <p>Progress on Objectives Colleen Miller, Executive Director, started her discussion on the third quarter Progress on Objectives report by drawing attention to the work VOPA is completing on access to movie theaters. Movie theaters have the option of screening movies with closed captioning. A survey conducted recently by VOPA in the Tidewater area reveals that not a single theater screened a first run movie with captioning. Captioning is available on all movies at no extra cost or work for movie theater employees.</p> <p>Ms. Miller spoke about the recent survey completed on schools that served as voting sites during election periods. VOPA looked at Warren and Mathews county. VOPA plans to have VOPA staff visit assisted living facilities (ALF) that receives auxiliary grant funds in the weeks leading up to voter registration deadline on October 12, 2010.</p> <p>Litigation Report VOPA's case to obtain access to peer review materials has been accepted by the Supreme Court. The action stems from VOPA's attempt to access peer review materials during the investigations of three incidents at two state</p> |

operated facilities. In June 2010, the Supreme Court granted VOPA's petition for certiorari and arguments are expected to be heard when the Supreme Court returns to session in October 2010.

PAIMI Advisory Council Report

Mr. Newcomb stated that the PAIMI Advisory Council met that morning and talked about the objectives for FY11. Several themes included outreach and cooperation with community providers, family groups and business groups. The PAIMI Advisory Council was concerned about how to get these groups involved to make progress on VOPA's goals. Mr. Newcomb then talked about the National Disability Rights Network (NDRN) Conference he recently attended. Mr. Newcomb noted that VOPA's PAIMI Advisory Council is a very good mix of representatives of the community, which gives a community perspective at every meeting. However, VOPA's PAIMI Advisory Council members need to take the PAIMI Advisory Council's message back to the community. The Council discussed the possibility for members to talk to two to three groups each quarter. These discussions will also help with recruitment of new members.

DAC Report

Ms. McInnis also stated that the DAC met that morning and that they had a work session on the FY11 objectives. The DAC was very concerned about transportation services provided by Logisticare, dental care for adults with disabilities, transition planning in schools, services provided by DRS, confidentiality, accessibility and interpreter, services.

Mr. Fuller adjourned the meeting for Advisory Council members.

FINAL MINUTES

08/10/2010

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.