

**ANNUAL PROTECTION & ADVOCACY OF INDIVIDUAL RIGHTS (PAIR)  
PROGRAM PERFORMANCE REPORT**

**Fiscal Year 2006**

<b>DESIGNATED AGENCY IDENTIFICATION</b>	
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Name of PAIR Director/Coordinator:	Colleen Miller, Esq.
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<b>PART I. NON-CASE SERVICES:</b>	
<b>A. Individual Information and Referral Services (I&amp;R):</b> (Multiple responses are not permitted.)	
1. Individuals receiving I&R <u>within</u> PAIR's priority areas	706
2. Individuals receiving I&R <u>outside</u> of PAIR's priority areas	1874
3. Total individuals receiving I&R (lines A1+A2)	2580
<b>B. Training Activities:</b>	
1. Number of trainings presented by PAIR staff	36
2. Number of individuals who attended these trainings (approximate)	4510

Describe the trainings presented by PAIR staff. Be sure to include information about the topics covered, the training methods used, and the purpose for the training. Use separate sheets if necessary.

Date	Title of Presentation	Audience
10/19/2005	VOPA Exhibit Booth: J. Sargeant Reynolds Community College	Students and Faculty
10/22/2005	VOPA Exhibit Booth: Imagine Festival	Spanish Community
1/26/2006	VOPA Newsletter Article	General Population
2/2006	VOPA PSA: WHRO TV & Radio	Tidewater Public
2/2006	VOPA PSA: Virginia Voice	Richmond Public
2/2006	VOPA Listing on Web Page: Virginia Relay	Public
2/20/2006	VOPA PSA: Valley Voice	Organizations, providers, consumers & family

3/10/2006	VOPA Exhibit: Old Dominion University Disability Conference	Consumers & Providers
3/15/2006	VOPA Overview and Discussion: Appalachian Independence Center	Consumers, Providers
3/22/2006	VOPA Overview and Discussion: Appalachian Independence Center	Consumers, Providers
4/7/2006	Spanish Outreach Meeting: Richmond Coalition	Service providers & Spanish Speaking Community
4/13/2006	Self-Advocacy: Hope House Foundation	Service providers & consumers
4/21/2006	Spanish Outreach Meeting: Henrico Coalition	Service Providers who work with Spanish-speaking Community
4/29/2006	Who is VOPA: Spanish Outreach: Southwood Apartments Neighborhood Watch	Consumers
5/20/2006	VOPA Exhibit Booth: Day for People with Disabilities at the Norfolk Zoo	Public & Other Agencies
5/26/2006	Working Together: Hispanic Coalaborando Juntos	Service providers who work with Spanish-speaking Community
6/13/2006	Using Data in Abuse/Neglect Investigations: NDRN	P&A Professionals
7/10-7/14/2006	Grant-Funded Programs-WIPFLI	P&A Professionals
7/21/2006	VOPA & HUD Overview: Henrico Coalition Meeting	Service providers who work with Spanish-speaking Community
7/27/2006	VOPA Exhibit and Walk through Southwood Community handing out flyers prior to event: National Night Out	Spanish Richmond Community Residents
8/20/2006	VOPA Exhibit: Community Day, Henrico Coalition-London Towne Community	Spanish-speaking residents, service providers
9/23/2006	VOPA Exhibit: Hispanic Imagine Festival	Service providers who work with Spanish-speaking Community, Community Members and Leaders
10/26/06	VOPA Exhibit: J. Sargeant Reynolds Community College	Students and Faculty
10/28/2006	VOPA Overview: Eastern Shore CIL	Consumers & Staff
<b>PLUS:</b> At least one CIL per month	"Office Hours": VOPA attorneys are available at Centers for Independent Living (CIL) for Information/Referral and Technical Assistance	CIL Members and Staff
1. Radio and TV appearances by PAIR staff		
2. Newspaper/magazine/journal articles		1
3. PSAs/videos aired		4
4. Hits on the PAIR/P&A website		22173
5. Publications/booklets/brochures disseminated		Unknown
6. Other (specify on separate sheet)- - newspaper articles about VOPA activities		9

<b>PART II. INDIVIDUALS SERVED</b>	
<b>A. Individuals Served: (An individual is counted only once per fiscal year. Multiple counts are not permitted for lines A1 through A3.)</b>	
1. Individuals who were still being served as of October 1 (carryover from prior fiscal year)	25
2. Additional individuals who were served during the year	33
3. Total individuals served (lines A1+A2)	58
4. Individuals who had more than one case file opened/closed during the fiscal year. (This number is not added to the total on line A3 above.)	
<b>B. Individuals still served as of September 30 (carryover to next year) (May not exceed total on line II.A.3 above.)</b>	
	29
<b>C. Problem Areas/Complaints of Individuals Served:</b>	
1. Architectural accessibility	17
2. Employment	1
3. Program access	
4. Housing	
5. Government benefits/services	9
6. Transportation	2
7. Education	19
8. Assistive technology	2
9. Voting	
10. Health care	8
11. Insurance	
12. Non-government services	4
13. Privacy rights	
14. Access to records	
15. Abuse	1
16. Neglect	5
17. Other (Reasonable accommodation-2; Title III, Access- 3)	5
<b>D. Reasons for Closing Individual's Case Files:</b>	
1. Issues resolved partially or completely in the individual's favor	18
2. Other representation found	
3. Individual withdrew complaint	5
4. Appeals were unsuccessful	
5. PAIR services not needed due to individual's death, relocation, etc.	4
6. PAIR withdrew from case	
7. PAIR unable to take case because of lack of resources	
8. Individual's case lacks legal merit	2
9. Other (Please explain on separate sheet.)	

<b>E. Intervention Strategies Used in Serving Individuals:</b> (List the highest level of intervention used by PAIR prior to closing each case file.)	
1. Technical assistance in self-advocacy	10
2. Short-term assistance	10
3. Investigation/monitoring	4
4. Negotiation	4
5. Mediation/alternative dispute resolution	
6. Administrative hearings	1
7. Litigation (including class actions)	
8. Systemic/policy activities	

**PART III. STATISTICAL INFORMATION ON INDIVIDUALS SERVED:**

**A. Age of Individuals Served:** (as of October 1)  
(Multiple responses not permitted.)

1. 0 - 4	
2. 5 - 22	22
3. 23 - 59	27
4. 60 - 64	
5. 65 and over	7
6. Other (unknown-1; client refused-1)	2

**B. Gender of Individuals Served:** (Multiple responses not permitted)

1. Females	25
2. Males	33

**C. Race/Ethnicity of Individuals Served:** (Multiple responses permitted)

1. White	40
2. Black or African American	14
3. American Indian or Alaska Native	
4. Asian	
5. Native Hawaiian or other Pacific Islander	
6. Hispanic or Latino	1
7. Race/ethnicity unknown	1
8. Other	2

**D. Living Arrangements of Individuals Served:** (Multiple responses not permitted)

1. Independent	28
2. Parental or other family home	21
3. Community residential home	2
4. Foster care	1
5. Nursing home	2
6. Public institutional living arrangement	1
7. Private institutional living arrangement	2
8. Jail/prison/detention center	1
9. Homeless	
10. Other living arrangements	
11. Living arrangements not known	

<b>E. Primary Disability of Individuals Served:</b> (Identify the individual's primary disability, namely the one directly related to the issues/complaints raised by the individual.)	
1. Blind/visual impairment	7
2. Deaf/hard of hearing	9
3. Deaf-blind	1
4. Orthopedic impairment	7
5. Mental illness	2
6. Substance abuse	
7. Mental retardation	
8. Learning disability	16
9. Neurological impairment	5
10. Respiratory impairment	
11. Heart/other circulatory impairment	1
12. Muscular/skeletal impairment	7
13. Speech impairment	
14. AIDS/HIV	
15. Traumatic brain injury	
16. Other disability (autism-2; diabetes-1)	3

<b>PART IV. SYSTEMIC ACTIVITIES AND LITIGATION:</b>	
<p>It should be noted that the Virginia Office for Protection and Advocacy (VOPA) has made a deliberate decision to take cases that we believe will have a strong systemic impact on the lives of Virginians with disabilities. Although we are opening a targeted number of cases, we believe that by tying them directly to systemic reform, we are making significant impact on a much larger population group.</p> <p>It should also be noted that VOPA plans its objectives based on the needs within the state; not by funding stream or specific disabilities. Some of the identified estimated cases may be addressed in conjunction with other funding streams, but the result will still be a positive impact on PAIR eligible individuals.</p>	
<b>A. Systemic Activities:</b>	
1. Number of policies/practices changed as a result of non-litigation systemic activities	on-going activity
2. Number of individuals potentially impacted by policy changes	on-going activity
<p>Describe your systemic activities. Be sure to include information about the policies that were changed and how these changes benefit individuals with disabilities. Include case examples of how your systemic activities impacted individuals served. (Attach separate sheets if necessary.)</p>	

The Virginia Department of Transportation (VDOT) has a motorist service that is responsible for the large blue signs near exit ramps on selected interstate and other restricted access highways indicating where travelers can get a meal, spend the night, or fill their gas tanks. Currently, there are logo signs at over 300 Virginia interchanges on I-64, I-66, I-77, I-81, I-85, I-95 and I-295 and restricted bypass routes. Over 4,200 logo business panels are installed, and more than 2,300 businesses participate. Virginia piloted this “logo” program in 1965.

VOPA continues to advocate for commercial locations under contract with this state government program to be accessible. In 2005, VOPA submitted comments to propose regulations governing the “logo” program, arguing that the Department of Transportation should require that all contracting companies be accessible. VOPA is monitoring whether the Department of Transportation accepts and implements the comments made by VOPA.

The LOGO project was carried over to this fiscal year as the results of the Lottery case will affect the manner in which the LOGO case is pursued and litigated. VOPA has approached Centers for Independent Living about collaborating to develop a tester program. See Litigation Section.

VOPA completed accessibility surveys of over 25 courthouses throughout Virginia. In one case, VOPA’s survey led to a settlement agreement requiring a County to make all of its public buildings accessible. In another, a Virginia city agreed to make modifications to three of its courthouses to ensure accessibility. VOPA served a demand letter upon a local government, informing it that its courthouses were inaccessible. This led to a settlement conference where VOPA advocated for the city to make all of its government buildings accessible. A formal settlement agreement was executed requiring all buildings to be fully ADA accessible within the year. The city allocated over one million dollars for the construction work. A contractor was engaged and the work has been completed. In another case, a city contacted VOPA to request its assistance in surveying its courthouses and recommending changes. VOPA surveyed the three courthouses run by the city and provided technical assistance. Most courthouses surveyed by VOPA were compliant with the ADA and did ensure physical access.

VOPA conducted accessibility surveys of the businesses in downtown Roanoke. VOPA’s surveys focused on the accessibility of the entrances to the various businesses located in the “Circle in the Square” region. VOPA found that many businesses had entrances with steps or other barriers to accessibility. VOPA has sent technical assistance letters to 25 businesses to inform them of the requirements of the ADA. VOPA has made settlement offers to the businesses giving them to opportunity to comply voluntarily with the law. If the settlement offers are refused, VOPA will initiate appropriate legal action. Several businesses have contacted VOPA and agreed to make changes to ensure accessibility. Others have refused or not responded. VOPA is collaborating the CIL to arrange for “testing” of businesses that have refused.

VOPA’s role during the General Assembly, and throughout the year, is to be available to educate policy makers about the implications of proposed legislation for people with disabilities in the Commonwealth of Virginia. In the FY06 General Assembly session, VOPA monitored over 20 bills from the House of Representatives and Senate of Virginia. We posted a notice on our website identifying these bills and encouraged the public to use the General Assembly’s website about other bills. In addition, we received communication from the public about other bills that were of importance to the disability communities in Virginia. These recommendations were explored and some were added to the VOPA list to monitor and track.

<b>B. Litigation/Class Actions:</b>	
1. Number of individuals potentially impacted by changes as a result of PAIR's litigation/class action efforts	on-going activity
2. Number of individuals named in class actions	on-going activity
Describe your litigation/class action activities. Explain how individuals with disabilities benefited from your litigation activities. Be sure to include case examples that demonstrate the impact of your litigation. (Attach separate sheets if necessary.)	
<p>Last year, VOPA filed a lawsuit against the Virginia Lottery alleging that the lottery discriminated against people with disabilities by allowing and encouraging inaccessible locations to sell lottery products. VOPA represents four people with disabilities in the action. This year, the Lottery moved to dismiss the action, arguing that they are in compliance with the law and/or have sovereign immunity from the law. VOPA argued that the lawsuit should go forward. The court agreed with VOPA and the case was not dismissed. The case is currently in discovery, with VOPA reviewing approximately 50,000 pages of Lottery records regarding the accessibility of lottery retailers.</p> <p>These locations are frequently a small retail establishment that also sells groceries, stamps, money orders, etc. to the community. In some instances, community residents can get their mail, use a public phone, etc.</p>	

## **PART V. PAIR'S PRIORITIES AND OBJECTIVES:**

### **A. Priorities and Objectives for the Fiscal Year Covered by this Report:**

It should be noted that the Virginia Office for Protection and Advocacy (VOPA) has made a deliberate decision to take cases that we believe will have a strong systemic impact on the lives of Virginians with disabilities. Although we are opening a targeted number of cases, we believe that by tying them directly to systemic reform, we are making significant impact on a much larger population group.

It should also be noted that VOPA plans its objectives based on the needs within the state; not by funding stream or specific disabilities. Some of the identified estimated cases may be addressed in conjunction with other funding streams, but the result will still be a positive impact on PAIR eligible individuals.

**Goal: People with Disabilities are Free from Abuse and Neglect**

**Focus Area: Abuse or Neglect in Community Settings**

#### **Needs/Issues/Barriers Addressed**

Individuals with disabilities living in the community are being subjected to abuse and neglect.

#### **Indicators for Success Include the Completion of the Following Objectives:**

Identify possible abuse and neglect by reviewing all reports of abuse, neglect or exploitation forwarded to VOPA by Adult Protective Services.

Prepare quarterly summaries of reports about facilities not covered by the Critical Incident Reporting statute, using licensing inspections, investigations, complaints of abuse or neglect, APS reports, and other relevant information to identify patterns of abuse or neglect.

Establish whether full investigation is warranted, where there is an allegation of abuse or neglect as identified in patterns above.

Investigate six (6) allegations of abuse or neglect from Adult Protective Services reports, selecting one report from each of the six (6) APS Regions containing allegation in patterns above, and obtain corrective action as appropriate.

Investigate four (4) additional allegations of abuse or neglect in licensed community residential settings, particularly concerning inappropriate medication, safety, and inappropriate use of seclusion or restraints, and obtain corrective action as appropriate.

Represent consumer choice, independence, and community integration for people with disabilities on the DMHMRSAS Human Rights, Mental Health Planning Council (MHPC), and ALF regulation workgroups.

Increase Adult Protection Services referrals to VOPA of allegations of abuse or neglect through development of consistent and uniform reporting tools.

Identify medication practices and staff training by monitoring five (5) assisted living facilities.

Inform policy-makers of the need to eliminate abuse and neglect in community settings in response to all relevant legislative proposals, proposed administrative regulations, and organizational policies.

Inform relevant policy-makers of the need to improve requirements for community providers to report abuse or neglect.

Represent the interests of persons with disabilities on the Guardianship Advisory Board of the Department for the Aging in an effort to promote alternatives to guardianship, consumer self-direction, and improved protections for persons with disabilities in substitute decision-making proceedings.

Inform policy-makers of the need for consumer self-direction and protection for persons with disabilities in substitute decision-making proceedings in response to all relevant legislative proposals, proposed administrative regulations, and organizational policies.

Collaborate with Virginia's Long-Term Care Ombudsmen through quarterly meetings.

### **Collaborative Efforts**

State and Local Departments of Social Services and their stakeholders  
Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services and its stakeholders  
Guardianship Advisory Board  
Representatives of the Long-Term Care Ombudsman

**Number of cases handled** 5 with PAIR funding

### **Case summary that demonstrates the impact of the priority**

Staff consistently prepare quarterly summaries of reports about facilities not covered by the Critical Incident Reporting statute, using licensing inspections, investigations, complaints of abuse or neglect, APS reports, and other relevant information to identify patterns of abuse or neglect.

VOPA reviews all reports forwarded to VOPA by Adult Protective Services (APS), all reports of "serious occurrences" forwarded to VOPA by Psychiatric Residential Treatment Facilities (PRTFs), and the reports of surveys of community-based ICFs/MR conducted by the Center for Quality Health Care Services and

Consumer Protection. (Not all this activity is conducted using PAIR funds.)

VOPA has worked on several systemic investigations of alleged abuse or neglect in community based facilities that were initiated as a result of referrals from APS. VOPA has an additional eight ongoing investigations into allegations of abuse or neglect in licensed community settings. In one facility, VOPA substantiated systemic problems involving medication administration and documentation. Working with the Department of Social Services, we reached an agreement to correct the problems. This work has been completed using other funding streams.

In one PAIR case, VOPA's client was an elderly resident of an assisted living facility who contacted VOPA alleging that he was not receiving timely medical treatment. VOPA staff met with the facility's "care coordinator" who advised that they had attempted to contact client's daughter, who has a medical power-of-attorney, but that she had been unreachable for a period of time. VOPA explained that the power-of-attorney became effective only upon client's incapacity and that he was currently able to make decisions regarding his medical treatment. The facility agreed that in the future that they would still attempt to "inform" the daughter of any sought medical treatment but would not wait for her approval prior to treatment. VOPA's client received treatment and is doing fine.

VOPA continues to conduct comprehensive, weekly monitoring of a court-approved settlement in VOPA v. Brice's Enterprises, et al. The settlement agreement became effective in February 2005. Terms of the agreement specified extensive staff training in the areas of medication administration and first aid. These training requirements were promptly addressed in the spring of 2005. Since then, VOPA and the facility administrator identified additional meaningful training opportunities above and beyond what was required in the agreement.

In the first year of monitoring, there was extensive focus on current completion of Medication Administration Records (MARs) and timely, accurate completion of log entries. An outside expert was retained, per the agreement, to monitor MARs for six months and to monitor the actual medication administration.

Subsequently, VOPA has periodically checked medication administration and MAR completion. Early on, one significant paperwork error was noted and addressed in a timely manner. The completion of documentation has consistently improved during the oversight period. Spot checks of medications against inventory have been made with no significant errors noted. The only ongoing difficulty has been in getting the physicians to fax copies of orders for medication changes to the facility in a timely fashion. Although the facility notes the medication changes in the log and on the MAR, sometimes the doctor's orders are not on hand in accordance with regulation. In these cases, the facility has always been able to call either the doctor or the pharmacy to get a copy of

the order faxed immediately.

There have been no access issues since the settlement agreement went into effect. The facility has also made referrals to VOPA regarding rights issues involving their residents and others. This year, there has also been a focus on increased day time activities outside the facility. Many residents now go to some sort of day programming away from the facility, consistent with their expressed preferences. The oversight period required by the settlement agreement terminates in February 2007. At this time, there is no indication that there is any reason to request extension; the facility has had good oversight reviews from all of the other oversight entities as well, including their licensure agency (Department of Social Services), the Fire Department, and the Health Department.

VOPA has met with APS representatives in two regions, including the regional supervisor and all local workers, and has made significant progress on an information sharing protocol with APS.

The approximately 600 DSS-licensed Assisted Living Facilities (ALFs) were sorted into the five commonly recognized state regions (Mountain, Central, Coast, Valley, and Northern) by licensed bed census. That list was narrowed to those facilities with more than 25 but less than 50 residents. DSS licensing reports were reviewed and annotations were made if a facility had been cited for issues related to medication practices or training issues. Those meeting this criteria were sorted by utilizing "randomizer" software.

The objective was not well written as VOPA did not have client authorization to review medication records. Even though VOPA developed a monitoring tool, most of the monitoring was from visual observation (i.e. were medications left out, was the medication cart locked, etc.) VOPA did ask a series of questions about who administered medications and the responses varied by the facility (i.e. some had certified med techs and others had LPNs/RNs and in some it appeared that the CNA did the medication administration). VOPA also asked questions about the type of training staff received, how often they received additional training, etc.

Two outcomes of the monitoring visits was that ALFs became more familiar with VOPA and residents are better informed of their rights.

VOPA participated in working groups reviewing the DMHMRSAS Human Rights Regulations, the DSS licensing regulations for Assisted Living Facilities and monitored the work groups developing regulations for the certification of medication aides and licensing ALF administrators. In each activity, VOPA advocated for increased consumer direction, protection from abuse, neglect and exploitation, stronger reporting requirements for allegations of abuse, neglect and exploitation, and increased opportunities for meaningful community integration.

VOPA was very active at the 2006 General Assembly session related to guardianship issues as well as issues related to personal services provided by health care entities.

VOPA staff have informally collaborated with representatives of the Long-Term Care (LTC) Ombudsman Office over the course of the year. VOPA staff have received individual referrals and facility-related information in some cases.

VOPA attends and is a member of the Public Guardianship Advisory Board convened by the Department of Aging. VOPA serves on 2 committees, Program Planning and Development and Healthcare Decision-making.

**Goal: People with Disabilities are Free from Abuse and Neglect**  
**Focus Area: Abuse or Neglect in Institutional Settings**

**Needs/Issues/Barriers Addressed**

Individuals with disabilities living in institutional settings are being subjected to abuse and neglect.

**Indicators for Success Include the Completion of the Following Objective:**  
Investigate ten (10) incidents of abuse or neglect in state operated institutions or nursing homes, focused on misuse of seclusion or restraint, failure to obtain informed consent, or staff on resident assault, and obtain corrective actions as appropriate.

**Collaborative Efforts**

Confidential sources  
Psychiatric nurse providing training and consultation  
DMHMRSAS Licensing,  
DSS/APS  
Facility Human Rights Advocates.

**Number of cases handled;** over 20, however 0 with PAIR funding

**Case summary that demonstrates the impact of the priority.**

VOPA continues to pursue litigation in the case of a nursing home that has multiple deficient practices that we believe have resulted in the abuse and neglect of numerous residents. This work is being carried over to FY07.

**Goal: Children with Disabilities Receive an Appropriate Education**  
**Focus Area: Children Who Have Been (or Are at Risk of Being) Suspended**

**or Expelled due to Inadequate Behavioral Intervention Plans (BIPs)  
or Functional Behavioral Assessments (FBAs)**

**Needs/Issues/Barriers Addressed**

VOPA has been advised that children with disabilities are being inappropriately subjected to suspension or expulsion when BIPS or FBAs are either not provided or are inappropriate.

**Indicators for Success Include the Completion of the Following Objectives:**

Represent ten (10) children who have been suspended or who are at risk of being suspended due to inadequate functional behavioral assessments or behavioral intervention plans.

Litigate or advocate to obtain compliance by schools and the Virginia Department of Education with requirements to provide independent education evaluations free of charge when parent disagrees with functional behavioral assessments.

Post Suspension/Expulsion brochure to the web and send to local Special Education Advisory Councils, Parent Resource Centers, the VDOE Ombudsman, and parent organizations.

**Collaborative Efforts**

Department of Education  
Parent organizations  
Special Education Advisory Councils

**Number of cases handled** 15 cases, 3 with PAIR funding

**Case summary that demonstrates the impact of the priority.**

VOPA opened 15 new cases under this objective during this year. In several cases, VOPA helped children receive appropriate Functional Behavioral Assessment and Behavioral Intervention Plans. In each PAIR case, VOPA provided information and referral, technical assistance, or case-level services. VOPA reviewed the individual's records, including his or her Behavioral Intervention Plan, and advocated for the school to provide the child with appropriate services and an appropriate Plan as part of his or her Individualized Education Plan.

VOPA developed a special education Eligibility brochure that has been published, posted on the VOPA website, and is available in alternate format. The IEE brochure concerning "Independent Education Evaluations" (IEE) is in the final stage of VOPA's approval process.

**Goal: Children with Disabilities Receive an Appropriate Education**  
**Focus Area: Technical Assistance to Private Bar, Legal Services Agencies, and Parent Advocacy Groups Regarding Changes in the Individuals with Disabilities Education Act 2004 (IDEA)**

**Needs/Issues/Barriers Addressed**

These entities are critical resources for families of and children with disabilities attending school. They must be kept current with the most recent policy development in order to be able to provide effective advocacy.

**Indicators for Success Include the Completion of the Following Objectives:**

Inform private attorneys, parents, advocates and providers regarding IDEA 2004 through technical assistance to five (5) individuals.

Inform private attorneys, parents, and advocates of new special education regulations and IDEA 2004 through three (3) trainings to 30 individuals.

Inform local bar associations, legal aid societies, and parent organizations of the rights of children with disabilities through the distribution of 100 copies of VOPA's summary of IDEA 2004.

Coordinate with three (3) private attorneys to provide legal representation for children with disabilities.

**Collaborative Efforts:**

Private Counsel  
Parent Groups

**Number of cases handled** – 5, 2 with PAIR funding

**Case summary that demonstrates the impact of the priority.**

In one PAIR case, VOPA provided technical assistance about how to file a Department of Education complaint. VOPA helped the parent understand what her rights were and what the regulations require and allow. VOPA provided her with information on working with the Department of Education through the complaint process.

In another case, VOPA provided information from the Virginia Special Education Regulations. Specifically, VOPA addressed terminology used to describe 'Specific Learning Disability' and discussed with the family that the audiologist use the appropriate terminology when reporting their assessment.

VOPA provided extensive training over the past year about special education law and specifically about IDEA 2004 changes. This was done under a variety of

funding streams and reached over 200 individuals. Audiences included parents, advocates, educators and some service providers. VOPA materials are available at nearly all VOPA trainings and presentations.

VOPA has also collaborated with five private attorneys in IDEA cases. VOPA collaborated with Private Counsel in several cases, giving technical assistance on the requirements of the IDEA, including available remedies. VOPA also collaborated with private counsel in a criminal matter, to help the counsel understand the child's special education needs. VOPA also collaborated with a private counsel in a personal injury matter, to help the counsel understand the child's special education and program needs.

VOPA has appeared as amicus curiae in three cases in federal court. Each case began as VOPA collaborated with private counsel on the best ways to protect their clients' rights. VOPA became involved as amicus because in each case, issues presented were ones that could effect a great number of children. In one case, the school took the position that the "stay put" regulation was unconstitutional. VOPA filed an amicus brief defending the regulation and taking the position that a school could not raise that argument because the State of Virginia did not. VOPA also submitted an amicus in that case arguing that the State of Virginia could only "repeal" the "stay put" regulation by following the regulatory process. In another amicus, VOPA argued that the statute of limitations for IDEA cases should be two years. In a third, VOPA argued that the "stay put" regulation applied when a Hearing Officer ordered that substantial changes be made to a student's IEP, not just when a change in placement was ordered. In each case, the court took the position argued by VOPA.

The IDEA 2004 brochure has been published, is posted on the web, and has been made available in alternate format. It has already been requested by the public.

**Goal: People with Disabilities have Equal Access to Government Services**  
**Focus Area: Services and Supports to Enable Individuals to Move Into the Community**

**Needs/Issues/Barriers Addressed:**

This allows VOPA to advocate for adherence to the true intent of the Olmstead decision.

**Indicators for Success Include the Completion of the Following Objectives:**

Represent five (5) individuals who were improperly placed in nursing homes or at risk of improper placement due to a failure by the Department of Medical Assistance Service to provide them with services under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program or the Elderly or Disabled with Consumer Direction (EDCD) Waiver.

Inform policy-makers of the need for increased accessible, affordable housing for people with disabilities in Virginia.

**Collaborative Efforts**

HUD

Community Services Boards

Centers for Independent Living

Spanish Community Coalitions

Department of Medical Assistance Services

Department of Mental Health, Mental Retardation and Substance Abuse Services.

**Number of cases handled** 8, 0 with PAIR funding

**Case summary that demonstrates the impact of the priority.**

VOPA represented eight people with disabilities, in new cases and cases carried over from last year, who were at risk of nursing home placement due to the Department of Medical Assistance Services' failure to provide them with services under the EPSDT program or the EDCD waiver. In one case, VOPA filed a Medicaid Appeal on behalf of a child who was denied EDCD waiver eligibility. The case was resolved when, on the eve of trial, DMAS agreed that the child should be eligible. In another case, VOPA represented a child in a Medicaid Appeal when the child was denied appropriate nursing services. The Hearing Officer ruled that the child should be given the services. In another case, VOPA represented a child who was not provided with a needed Consumer Directed Services Facilitator. The case was resolved when DMAS assisted the child in locating a facilitator. In another case, VOPA advocated for DMAS to create a specialized housing placement for a child with multiple disabilities.

VOPA finalized negotiations with the Regional HUD representative in the spring 2006 for a Fair Housing Education and Outreach grant. VOPA educated policy-makers about increased accessible, affordable housing needs in Virginia. We engaged in planning Fair Housing month activities for both VOPA staff and jointly with HUD representatives. VOPA spoke at the Virginia Fair Housing Board meeting about the need for accessible affordable housing. VOPA has distributed more than 1,500 informational flyers and has responded to more than 100 callers on housing issues. (This activity was not done with PAIR funding.)

Under another funding stream, VOPA has participated in workgroups and activities where it has been identified that access to affordable, accessible, safe housing is a barrier to discharge from institutions.

**Goal: People with Disabilities have Equal Access to Government Services**  
**Focus Area: Inaccessibility of Commercial Locations under Contract with the State.**

**Needs/Issues/Barriers Addressed**

This allows VOPA to enforce Title II and Title III of the Americans with Disabilities Act on a systemic basis.

**Indicators for Success Include the Completion of the Following Objectives:**

Litigate against the Lottery to obtain compliance with the requirement that the State not contract with private businesses that discriminate against people with disabilities.

Litigate or advocate to obtain compliance by the Department of Transportation with the requirement that the state does not contract with private businesses that discriminate against people with disabilities in its LOGO Program.

**Collaborative Efforts**

Centers for Independent Living

**Number of cases handled-** - not individual case level services

**Case summary that demonstrates the impact of the priority.**

Last year, VOPA filed a lawsuit against the Virginia Lottery alleging that the lottery discriminated against people with disabilities by allowing and encouraging inaccessible locations to sell lottery products. VOPA represents four people with disabilities in the action. This year, the Lottery moved to dismiss the action, arguing that they are in compliance with the law and/or have sovereign immunity from the law. VOPA argued that the lawsuit should go forward. The court agreed with VOPA and the case was not dismissed. The case is currently in discovery, with VOPA reviewing approximately 50,000 pages of Lottery records regarding the accessibility of lottery retailers.

The LOGO project was carried over to this fiscal year as the results of the Lottery case will affect the manner in which the LOGO case is pursued and litigated. VOPA has approached Centers for Independent Living about collaborating to develop a tester program.

**Goal: People with Disabilities have Equal Access to Government Services**  
**Focus Area: Completion of Ongoing Work**

**Needs/Issues/Barriers Addressed**

This allows VOPA to enforce Title II of the Americans with Disabilities Act on a systemic basis.

**Indicators for Success Include the Completion of the Following Objectives:**

Complete accessibility surveys of 25 courthouses. Inform responsible officials of accessibility requirements and deficiencies and advocate for corrections.

**Collaborative Efforts**

No applicable

**Number of cases handled** - not individual case level services

**Case summary that demonstrates the impact of the priority.**

VOPA completed accessibility surveys of over 25 courthouses throughout Virginia. In one case, VOPA's survey led to a settlement agreement requiring a County to make all of its public buildings accessible. In another, a Virginia city agreed to make modifications to three of its courthouses to ensure accessibility. VOPA served a demand letter upon a local government, informing it that its courthouses were inaccessible. This led to a settlement conference where VOPA advocated for the city to make all of its government buildings accessible. A formal settlement agreement was executed requiring all buildings to be fully ADA accessible within the year. The city allocated over one million dollars for the construction work. A contractor was engaged and the work has been completed. In another case, a city contacted VOPA to request its assistance in surveying its courthouses and recommending changes. VOPA surveyed the three courthouses run by the city and provide technical assistance. Most courthouses surveyed by VOPA were compliant with the ADA and did ensure physical access.

**Goal: People with Disabilities Live in the Most Integrated Environment Possible**

**Focus Area: Service Animals In Public Accommodations**

**Needs/Issues/Barriers Addressed**

This allows VOPA to enforce Title III of the Americans with Disabilities Act on a systemic basis.

**Indicators for Success Include the Completion of the Following Objectives:**

Represent five (5) people who have been denied access to public accommodations due to their use of a service animal.

Send service animal brochure to (3) taxi companies.

Implement testing program of taxi services to determine whether taxi companies deny rides to people who use service animals. If so, obtain corrective actions as appropriate.

**Collaborative Efforts**

Anonymous tester

**Number of cases handled-** 3 all with PAIR funding

**Case summary that demonstrates the impact of the priority.**

VOPA reached settlement agreements with the businesses that denied access to our clients. In each case, the businesses agreed to provide equal access to people with service animals, undergo training to ensure that their employees understood their responsibility to provide access, and place a sign on their door indicating that service animals were welcome at the establishment.

VOPA implemented a testing program to determine whether taxi companies deny rides to people with service animals. VOPA had a tester, who uses a service animal, call various taxi companies in Richmond to request service. In most cases, the tester received a ride. In one case where the taxi company refused to provide a ride, VOPA represented the tester against the company. The case was resolved when the company agreed to require that all its drivers give rides to people who have service animals.

The service animal brochure has been published and is available in large print and has been posted to the web. Copies of this brochure were mailed to all listed taxi cab companies in the Richmond and Tidewater areas of Virginia.

**Goal: People with Disabilities Live in the Most Integrated Environment Possible**

**Focus Area: Inaccessibility of Retail Settings**

**Needs/Issues/Barriers Addressed**

This allows VOPA to enforce Title III of the Americans with Disabilities Act on a systemic basis.

**Indicators for Success Include the Completion of the Following Objectives:**

Identify a “downtown” or other defined area in Virginia and survey the businesses located in that area to determine if they are accessible to people with disabilities. Inform all businesses that are not accessible of the requirements of the law and provide technical assistance to encourage them to become accessible. If businesses refuse to become accessible, litigate to compel compliance with state and federal laws requiring accessibility.

**Collaborative Efforts**

Center for Independent Living (CIL)  
"Community Action Team" developed by the CIL

**Number of cases handled** - not individual case level services

**Case summary that demonstrates the impact of the priority.**

VOPA conducted accessibility surveys of the businesses in downtown Roanoke. VOPA's surveys focused on the accessibility of the entrances to the various businesses located in the "Circle in the Square" region. VOPA found that many businesses had entrances with steps or other barriers to accessibility. VOPA has sent technical assistance letters to 25 businesses to inform them of the requirements of the ADA. VOPA has made settlement offers to the business giving them the opportunity to comply voluntarily with the law. If the settlement offers are refused, VOPA will initiate appropriate legal action. Several businesses have contacted VOPA and agreed to make changes to ensure accessibility. Others have refused or not responded. VOPA is collaborating with the CIL to arrange for "testing" of businesses that have refused.

**Goal: People with Disabilities have Equal Access to Appropriate and Necessary Health Care**

**Focus Area: Medicaid Appeals for Waiver and EPSDT Issues**

**Needs/Issues/Barriers Addressed**

VOPA learned that the Appeals Process with the Department of Medical Assistance Services is difficult for Medicaid recipients to navigate and benefit from. This allows VOPA to address this on a systemic basis.

**Indicators for Success Include the Completion of the Following Objectives:**

Determine whether the Department of Medical Assistance Services, on a system-wide basis, provides appellants with a fair, impartial appeal process that protects due process rights. If not, obtain corrective action as appropriate.

Represent consumer choice, independence, and community integration at Medicaid Waiver Network meetings.

**Collaborative Efforts**

**Number of cases handled**

**Case summary that demonstrates the impact of the priority.**

VOPA discovered that DMAS denied fair and impartial hearings to Medicaid appellants in three separate cases. In each case, DMAS representatives engaged in unlawful ex parte communication with Hearing Officers – in two cases telling the Hearing Officers how to rule before trial was even held. In one case, VOPA moved for the recusal of the Hearing Officer after finding evidence that

DMAS had improperly influenced him. The Motion was granted and an impartial Hearing Officer was appointed. One case was settled before VOPA could move to recuse the Hearing Officer. In the third case, VOPA moved to recuse the Hearing Officer and asked to present evidence and testimony to support its Motion. When the request was denied, VOPA filed suit in the United States District Court seeking an Order requiring DMAS to allow VOPA to present evidence and testimony. The case is pending. VOPA expects that a successful resolution of this case would have a positive effect on all children using the Medicaid appeal process.

Participation in the Medicaid Waiver Network and MR Waiver Advisory Group meetings has been through collaboration with other entities and not through attending the convened meetings.

**Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services**

**Focus Area: Underserved Communities**

**Needs/Issues/Barriers Addressed**

VOPA will increase its visibility in the disability communities.

**Indicators for Success Include the Completion of the Following Objectives:**

Send 25 copies of sign language brochure to medical offices.

By December 1, 2005, identify two (2) additional underserved areas in the far Southwest Virginia.

Develop a plan for outreach to these areas by February 1, 2006.

Implement outreach activities beginning March 1, 2006.

By April 30, 2006, develop a plan for increasing cultural, geographical, and disability diversity on VOPA's Board of Directors and Advisory Councils.

**Collaborative Efforts**

Advisory Councils  
Governing Board of Directors  
Community Services Boards  
Centers for Independent Living  
Consumer groups

**Number of cases handled** - not individual case level services

**Case summary that demonstrates the impact of the priority.**

Outreach in the southwestern region of Virginia has included presentations to the following groups: Radford University on self-advocacy; Wytheville CSB on VOPA

services and how we can work together in serving clientele; The Appalachian Independence Centers in Galax and Bristol on VOPA services; and On Our Own – Drop in Center in Charlottesville on VOPA services. VOPA participated in a mental health walk in Emory, which included persons from Radford, Wytheville, Galax, Marion, Abington, Grundy, Tazewell, Richland, St. Paul, Big Stone Gap, and Clintwood as a part of the Southwest Virginia Consumer and Family Involvement Project. VOPA has also connected with the Valley Voice who read a VOPA Public Service Announcement (PSA) on their radio station. In addition, VOPA had an article published in the Girl Scout newsletter regarding inclusion of those with disabilities that was mailed to members in the southwest area. All of these organizations were very appreciative of the outreach and VOPA has received several requests for information and referral from these organizations as a result of the outreach efforts in this area.

The Advisory Councils have both developed and implemented a membership recruitment plan that we hope will increase the diversity of the Councils. There are roles for both Council members and VOPA staff in the plan. In addition, through the web-based survey for annual public input on priority planning, there was an opportunity to request more information about the Advisory Councils. Council members have taken a very active role in recruiting new applicants. VOPA staff are in the process of reviewing the applications we have received and responding to other Council related inquiries.

**Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services**

**Focus Area: Client Assistance Program (CAP) at Centers for Independent Living**

VOPA will increase its visibility in the disability communities.

**Needs/Issues/Barriers Addressed**

VOPA will increase its visibility in the disability communities.

**Indicators for Success Include the Completion of the Following Objectives:**

Continue "Office Hours" program at Centers for Independent Living and other advocacy organizations. One (1) "Office Hour" at each CIL will focus on VOPA's Client Assistance Program.

**Collaborative Efforts**

Centers for Independent Living

**Number of cases handled** - not individual case level services

**Case summary that demonstrates the impact of the priority.**

VOPA provides "Office Hours" at some of the local Centers for Independent Living. Individuals with disabilities are informed of their CAP rights and provided with other legal advice and services when appropriate.

VOPA began the "Office Hours" program in 2002 with the purpose being to provide outreach and education for people with disabilities, as well as to build collaborative relationships with consumers and staff from the agencies who participate in the program. VOPA staff visited 11 Centers for Independent Living (CILs), a state rehab provider, and a private provider.

In March of 2006, VOPA's Executive Director formed a committee of VOPA staff to review the "Office Hours" program. The committee members contacted all of the current Office hour "host" locations. Representatives of fourteen (14) organizations were interviewed; nearly all face-to-face at the host locations across the state.

The other key group surveyed was the VOPA staff who actually provided the "office hours." The committee decided that surveying the clients who come to the service providers would not be effective at this time. The committee decided to wait until both VOPA staff and the service providers are clearly communicating together about the program. Once the service providers have determined they understand the kinds of issues VOPA handles, VOPA can then survey the clients who come to the service providers to see if this is a program that is meeting their needs. The committee developed a written report that included the committee's observations and recommendations about the Office Hours program. VOPA management and key staff are reviewing and considering the recommendations in FY07.

This was completed under another funding stream however, there are individuals at CILs that meet PAIR criteria that will benefit from Office Hours and the evaluation.

**Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services**

**Focus Area: Outreach to Constituents of the Eastern Shore**

**Needs/Issues/Barriers Addressed**

VOPA will increase its visibility in the disability communities in the Eastern Shore area of Virginia.

**Indicators for Success Include the Completion of the Following Objectives:**

Develop and implement a plan for outreach to residents of the Eastern Shore using contacts with area service providers (CILs, DRS Offices, health departments, DSS, hospitals, CSBs and local advocacy organizations).

By April 1, 2006, evaluate and refine the Eastern Shore outreach plan.

**Collaborative Efforts**

Service providers

Media

**Number of cases handled** - not individual case level services

**Case summary that demonstrates the impact of the priority.**

VOPA has conducted outreach efforts on the Eastern Shore. Information about VOPA was provided for the following groups: the CIL, the CSB, the local newspaper (The Eastern Shore News), Shore Memorial Hospital, and the Eastern Shore Health Fair. Outreach has been provided to the Children's Hospital of the King's Daughters and Old Dominion University (both located in Tidewater, but serves the Eastern Shore). The local newspaper ran a public service announcement (PSA) for a week that provided information and contacts for VOPA. Also, WHRO TV and Radio which reaches the Eastern Shore read the PSA over the radio. These providers requested and received a large amount of VOPA publications that they are eager to share with consumers. In addition, VOPA had an article published in the Girl Scout newsletter regarding inclusion of those with disabilities that was mailed to members in this area. Outreach recipients have included both service providers and consumers.

The CSB and Children's Hospital of the King's Daughters requested and were greatly appreciative of receiving materials in Spanish. They also are eager to share these materials with local residents who speak Spanish.

VOPA participated in a Health Fair in Northampton County (Eastern Shore) and handed out VOPA materials to approximately 200 family members and service providers in the area. We also visited the CIL in Northampton County and passed out VOPA materials. VOPA is also in the process of visiting 40 DRS offices and 6 DBVI offices, which will include both the Eastern Shore and Southwest areas.

**Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services**

**Focus Area: Spanish-speaking Constituents**

**Needs/Issues/Barriers Addressed**

VOPA will increase its visibility in the disability communities with Spanish speaking residents.

**Indicators for Success Include the Completion of the Following Objectives:**

Develop outreach to Spanish-speaking communities in two (2) additional areas with the assistance of the Spanish-speaking Advisory Committee.

Inform Spanish-speaking constituents of their rights by translating all publications into Spanish and distributing a list of translated materials to ten (10) contact organizations.

**Collaborative Efforts**

Spanish Community Coalitions  
Translators  
Hispanic Chamber of Commerce

**Number of cases handled** - not individual case level services

**Case summary that demonstrates the impact of the priority.**

VOPA has formed alliances with the Refugee and Immigration Services and has participated in the Henrico Hispanic Coalition and the Richmond Coalition, which includes service providers and members from the Hispanic community. VOPA, through the Neighborhood Development Center, had 1,286 flyers delivered to families of Hispanic origin informing them of VOPA services.

VOPA has participated in the Henrico Hispanic Coalition and the City of Richmond Hispanic Coalition to strengthen our relationships with service providers to Spanish speakers. We attended a Neighborhood Watch meeting in the City of Richmond and handed out our VOPA flyer in Spanish to make the Spanish community aware of our presence. We have also arranged for a volunteer to look over our publications once they are translated into Spanish to ensure that the correct meaning is being conveyed.

Indicator #2 above was not met.

**Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services****Focus Area: Special Education for Children in Foster Care****Needs/Issues/Barriers Addressed**

Children in foster care settings seem to represent a higher proportion of special education students than children not in foster care settings.

**Indicators for Success Include the Completion of the Following Objectives:**

Obtain advice from the VOPA Disabilities Advisory Council (DAC) about outreach opportunities and linkages to organizations interested in foster care and about any specific publications developed for this outreach effort.

Develop a training program regarding the special education rights of foster children with disabilities and present to 30 foster parents, advocates, and employees of the Department of Social Services in three (3) trainings.

**Collaborative Efforts**

VOPA's Disability Advisory Council  
Foster care providers  
Legal Aid Justice Center

**Number of cases handled - not individual case level services**

**Case summary that demonstrates the impact of the priority.**

VOPA is developing a training program to inform parents and advocates of the rights of foster children to appropriate special education services. VOPA is contacting foster care providers to collaborate and participate in the program. VOPA has also sought collaboration with the Legal Aid Justice Center that has a program geared toward ensuring that foster children receive an appropriate education.

The Disabilities Advisory Council brainstormed with staff about this issue. Council members offered contact information on individuals they know who may be interested and available to talk with VOPA staff. The discussion revealed that this is a complicated and multi-faceted concern.

**Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services**

**Focus Area: Discharge Rights in Nursing Homes**

**Needs/Issues/Barriers Addressed**

VOPA has been advised that nursing home residents, family members, providers and policy makers are unclear about disability rights related to discharge from nursing homes.

**Indicators for Success Include the Completion of the Following Objectives:**

Inform consumers, family members, providers and policy-makers about the discharge planning rights of people with disabilities living in nursing homes by developing a brochure and sending to 100 individuals.

**Collaborative Efforts- - not applicable**

**Number of cases handled- - not individual case level services**

**Case summary that demonstrates the impact of the priority.**

Due to staff shortages, VOPA was unable to meet this objective.

**B. Priorities and Objectives for the Current Fiscal Year:**

**VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY  
Priorities and Objectives for FY07**

**Protection and Advocacy of Individual Rights (PAIR)**

It should be noted that VOPA plans its objectives based on the needs within the state; not by funding stream or specific disabilities. Some of the identified estimated cases may be addressed in conjunction with other funding streams, but the result will still be a positive impact on PAIR eligible individuals.

**Goal: People with Disabilities are Free from Abuse and Neglect**

**Focus Area: Deaths Where There is Probable Cause to Believe Abuse or Neglect Occurred**

**Needs/Issues/Barriers Addressed**

Individuals in these institutions may be subject to abuse or neglect that causes death.

**Indicators for Success Include the Completion of the Following Objectives**

Investigate all reports of death that occurred in a state mental health or mental retardation institution, psychiatric residential treatment facility, or community-based facility where VOPA suspects abuse or neglect occurred. Five (5) incidents will be selected for an in-depth investigation. Selection will be based on the strength of the evidence available, the possibility of systemic reform, geographic distribution of allegations, distribution across types of facilities, and available resources.

**Goal: People with Disabilities are Free from Abuse and Neglect**

**Focus Area: Abuse or Neglect in Community Settings**

**Needs/Issues/Barriers Addressed**

Individuals with disabilities living in the community are being subjected to abuse and neglect.

**Indicators for Success Include the Completion of the Following Objectives:**

Identify possible abuse and neglect by reviewing all reports of abuse, neglect or exploitation forwarded to VOPA by Adult Protective Services.

Prepare quarterly summaries of reports about facilities not covered by the Critical Incident Reporting statute using licensing inspections, investigations, complaints of abuse or neglect, APS reports, and other relevant information to identify patterns of abuse or neglect.

Investigate reports where there is an allegation of abuse or neglect as identified in patterns above. Six (6) allegations will be selected for in-depth investigation, with selection based on strength of evidence, potential for systemic impact, and available resources. Obtain corrective action as appropriate.

Investigate eight (8) additional allegations of abuse or neglect in licensed community residential settings, particularly concerning inappropriate medication, safety, and inappropriate use of seclusion or restraints, and obtain corrective action as

appropriate.

Represent consumer choice, independence, and community integration for people with disabilities on the mental Health Planning Council (MHPC) and ALF regulation workgroups.

Obtain full compliance by Brice's Villa with the consent decree, to the agreement expiration date of February 2007.

Increase Adult Protection Services referrals to VOPA of allegations of abuse or neglect through development of consistent and uniform reporting tools.

Inform residents about their rights by monitoring ten (10) assisted living facilities serving people with disabilities.

Inform policy-makers of the need to eliminate abuse and neglect in community settings in response to all relevant legislative proposals, proposed administrative regulations, and organizational policies.

Inform relevant policy-makers of the need to improve requirements for community providers to report abuse or neglect.

Represent the interests of persons with disabilities on the Guardianship Advisory Board of the Department for the Aging in an effort to promote alternatives to guardianship, consumer self-direction, and improved protections for persons with disabilities in substitute decision-making proceedings.

Inform policy-makers of the need for consumer self-direction, alternative decision making supports, and protection for persons with disabilities in substitute decision-making proceedings in response to all relevant legislative proposals, proposed administrative regulations, and organizational policies.

Collaborate with Virginia's Long-Term Care Ombudsmen through quarterly meetings and as needed.

**Goal: People with Disabilities are Free from Abuse and Neglect**  
**Focus Area: Abuse or Neglect in Institutional Settings**

**Needs/Issues/Barriers Addressed**

Individuals with disabilities living in institutional settings are being subjected to abuse and neglect.

**Indicators for Success Include the Completion of the Following Objective:**

Investigate disaster response plans of five (5) state-operated facilities for individuals with disabilities to ensure that rights of residents are protected.

**Goal: People with Disabilities are Free from Abuse and Neglect**  
**Focus Area: Physical Abuse in Juvenile Facilities**

**Needs/Issues/Barriers Addressed:**

VOPA has been advised that individuals with disabilities living in juvenile settings are being subjected to physical abuse.

**Indicators for Success Include Completion of the Following Objectives:**

Prepare quarterly summaries of licensing inspections, investigations, monitoring results, complaints, and other relevant formation about juvenile facilities to identify patterns of abuse or neglect and obtain corrective actions as appropriate.

Investigate complaints or reports of “serious occurrences” in juvenile facilities that result in serious bodily injury or loss of consciousness requiring medical treatment where VOPA suspects that abuse or neglect occurred. Eight (8) cases will be selected, focusing on seclusion and restraint or medical care, for in-depth investigation. Selection will be based on the strength of evidence available, the possibility of systemic reform, and available resources.

Inform juveniles and their families about their rights while in psychiatric residential treatment facilities, schools, or detention centers through technical assistance, short-term assistance, trainings for 25 individuals and monitoring of five juvenile detention facilities.

**Goal: People with Disabilities have Equal Access to Government Services**  
**Focus Area: Services and Supports to Enable Individuals to Move Into the Community**

**Needs/Issues/Barriers Addressed:**

This allows VOPA to advocate for adherence to the true intent of the Olmstead decision.

**Indicators for Success Include the Completion of the Following Objectives:**

Represent five (5) people who have been denied Medicaid or Medicaid Waiver

services due to a failure by DMAS to provide services with reasonable promptness.

Inform policy-makers of the need for increased accessible, affordable housing for people with disabilities in Virginia.

Represent two (2) individuals who have been discriminated against in housing based on disability.

Identify a county or city in Virginia and survey the government buildings or private business that contract to provide government services to determine if they are accessible to people with disabilities. Inform all that are not accessible of the requirements of the law and provide technical assistance to encourage them to become accessible. If any refuse to become accessible, litigate to compel compliance with state and federal laws requiring accessibility.

Investigate whether public transportation in the Tidewater region discriminates against people with disabilities. If so, litigate or advocate to ensure full compliance with state and federal law.

Inform policy-makers of the requirements of the Americans with Disabilities Act's (ADA) Integration Mandate as set forth in the Olmstead decision, in response to all relevant legislative proposals, proposed administrative regulations, and organizational policies.

Investigate disaster response plans of five (5) community based programs for individuals with disabilities to ensure that rights of individuals with disabilities are protected.

**Goal: People with Disabilities have Equal Access to Government Services**  
**Focus Area: Inaccessibility of Commercial Locations under Contract with the State.**

**Needs/Issues/Barriers Addressed**

This allows VOPA to enforce Title II and Title III of the Americans with Disabilities Act on a systemic basis.

**Indicators for Success Include the Completion of the Following Objectives:**

Litigate against the Lottery to obtain compliance with the requirement that the state not contract with private businesses that discriminate against people with disabilities.

Litigate or advocate to obtain compliance by the Department of Transportation with the requirement that the state does not contract with private businesses that discriminate against people with disabilities in its LOGO Program.

**Goal: People with Disabilities Live in the Most Integrated Environment Possible**

**Focus Area: Service Animals In Public Accommodations**

**Needs/Issues/Barriers Addressed**

This allows VOPA to enforce Title III of the Americans with Disabilities Act on a systemic basis.

**Indicators for Success Include the Completion of the Following Objectives:**

Represent three (3) people who have been denied access to public accommodations due to their use of a service animal.

Implement a testing program of taxi services in Northern Virginia to determine whether taxi companies deny rides to people who use service animals. If so, obtain corrective actions as appropriate.

**Goal: People with Disabilities Live in the Most Integrated Environment Possible**

**Focus Area: Alternative Decision-Making Methods**

**Needs/Issues/Barriers Addressed**

There is an increase in Guardianship over people with disabilities in Virginia.

**Indicators for Success Include with Completion of the Following Objectives:**

Create a fact sheet on alternatives to guardianship and distribute to 200 attorneys who are certified as guardians ad litem.

Publish one article on alternatives to guardianship.

By June 30, 2007, develop interactive learning center on the webpage concerning alternatives to guardianship. By September 30, 2007, produce learning center on DVD/CD ROM and distribute to 20 CILs, CSBs, or mental health consumer groups.

Represent four (4) persons who desire less restrictive guardianships or alternatives to guardianship.

Inform policy-makers of the need for consumer self-direction and protections for persons with disabilities in substitute decision-making proceedings in response to all relevant legislative proposals, proposed administrative regulations, and organizational policies.

**Goal: People with Disabilities Live in the Most Integrated Environment Possible**

**Focus Area: Inaccessibility of Retail Settings**

**Needs/Issues/Barriers Addressed**

This allows VOPA to enforce Title III of the Americans with Disabilities Act on a systemic basis.

**Indicators for Success Include the Completion of the Following Objectives:**

Advocate or litigate to ensure that businesses surveyed in downtown Roanoke comply with the requirements of the Americans with Disabilities Act.

**Goal: People with Disabilities have Equal Access to Appropriate and Necessary Health Care**

**Focus Area: Medicaid Appeals for Waiver and EPSDT Issues**

**Needs/Issues/Barriers Addressed**

VOPA learned that the Appeals Process with the Department of Medical Assistance Services is difficult for Medicaid recipients to navigate and benefit from. This allows VOPA to address this on a systemic basis.

**Indicators for Success Include the Completion of the Following Objectives:**

Litigate or advocate to obtain a fair, impartial hearing process for people with disabilities who appeal decisions of the Department of Medical Assistance Services. (DMAS)

Represent consumer choice, independence, and community integration at Medicaid Waiver Network meetings, Mental Retardation (MR) Waiver Advisory Group, and other public comment opportunities.

**Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services**

**Focus Area: Underserved Communities**

**Needs/Issues/Barriers Addressed**

VOPA will increase its visibility in the disability communities.

**Indicators for Success Include the Completion of the Following Objectives:**

Send 25 copies of sign language brochure to medical offices.

Implement and monitor the plan for increasing cultural, geographical, and disability diversity on VOPA's Board of Directors and Advisory Councils.

Review complaints forwarded by the Capital Area Immigrants' Rights Coalition and monitor five (5) Virginia facilities that have contracted with the federal government to

house detainees to determine whether immigrants with disabilities are receiving appropriate care and treatment.

**Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services**

**Focus Area: Client Assistance Program (CAP) at Centers for Independent Living**

VOPA will increase its visibility in the disability communities.

**Needs/Issues/Barriers Addressed**

**Indicators for Success Include the Completion of the Following Objectives:**

Continue "Office Hours" program at Centers for Independent Living (CIL) and other advocacy organizations.. The first "Office Hour" of the new fiscal year at each organization will focus VOPA's new objectives. Each "Office Hour" visit will advise CIL clients of the Client Assistant Program.

Conduct annual training at "Office Hours" programs providing information and assistance on alternative decision making supports.

**Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services**

**Focus Area: Outreach to Constituents of the Eastern Shore**

**Needs/Issues/Barriers Addressed**

VOPA will increase its visibility in the disability communities in the Eastern Shore area of Virginia.

**Indicators for Success Include the Completion of the Following Objectives:**

Send new publications to three (3) community organizations on the Eastern Shore.

**Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services**

**Focus Area: Spanish-speaking Constituents**

**Needs/Issues/Barriers Addressed**

VOPA will increase its visibility in the disability communities with Spanish speaking residents.

**Indicators for Success Include the Completion of the Following Objectives:**

Inform Spanish-speaking constituents of their rights by translating all publications into Spanish and distributing to 200 Spanish-speaking individuals.

Develop a VOPA PSA and run on one Spanish speaking radio station.

**Goal: People with Disabilities in the Commonwealth of Virginia are Aware of**

**VOPA's Services**

**Focus Area: Law Enforcement Agencies Recognize the Rights of Persons with Disabilities**

Develop a fact sheet on the rights of persons with disabilities and send to three (3) law enforcement agencies.

Inform two (2) law enforcement agencies about the rights of persons with disabilities through trainings and meetings.

**Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services**

**Focus Area: Special Education for Children in Foster Care**

**Needs/Issues/Barriers Addressed**

Children in foster care settings seem to represent a higher proportion of special education students than children not in foster care settings.

**Indicators for Success Include the Completion of the Following Objectives:**

Obtain advice from the VOPA Disabilities Advisory Council (DAC) about outreach opportunities and linkages to organizations interested in foster care and about any specific publications developed for this outreach effort.

Develop a training program regarding the special education rights of foster children with disabilities and present to 30 foster parents, advocates, and employees of the Department of Social Services in three (3) trainings.

**Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services**

**Focus Area: Discharge Rights in Nursing Homes**

**Needs/Issues/Barriers Addressed**

VOPA has been advised that nursing home residents, family members, providers and policy makers are unclear about disability rights related to discharge from nursing homes.

**Indicators for Success Include the Completion of the Following Objectives:**

Distribute fact sheet to residents at 25 nursing homes.

**PART VI. NARRATIVE:**

**A. Sources of funds received and expended:**

Source of Funding	Amount Received	Amount Spent
Federal (section 509)	346,681	345,267
State		
Program income		
Private		
All other funds	142,454 (05 PAIR carryover)	
Total (from all sources)	489,135	345,267

The "all other" category above is broad. It includes funds from local governments, earned income (i.e., legal fees), charitable contributions, and other grants or contracts. This category does not include in-kind donations. However, it is hoped that PAIRs will collect this information separately if appropriate

**B.**

Category	Prior Fiscal Year	Current Fiscal Year
Wages/salaries	196,808	199,149
Fringe benefits (FICA, unemployment, etc.)	66,506	64,119
Materials/supplies	1,727	1,586
Postage	770	903
Telephone	7,290	5,583
Rent	1,469	1,468
Travel	10,089	8,410
Copying	1,090	523
Equipment (rental/purchase)	2,214	1,921
Temporary Personnel Services	9,369	1,709

Indirect Costs	42,130	37,290
Miscellaneous	34,632	22,606
Total	374,094	345,267

C. Description of PAIR staff (duties and person-years)

Type of Position	FTE	% of year filled	Person-years
Professional			
Full-time	4.2	87%	5.7
Part-time			
Vacant			
Clerical			
Full-time	.8	81%	1.8
Part-time	.11	33%	.4
Vacant			

NOTE: All figures are based on a state fiscal year (July 1, 2005-June 30, 2006)

D. Involvement with advisory boards (if any)

- 1) VOPA has two Advisory Councils known as the Disabilities Advisory Council (DAC) and The Protection and Advocacy for Individuals with Mental Illnesses (PAIMI) Advisory Council. The Councils' primary responsibility is to advise the protection and advocacy system on policies and priorities to be carried out in protecting individuals with disabilities. This function helps VOPA to identify underserved and unserved Virginians.
  
- 2) VOPA participates in the Virginia Department of Education State Special Education Advisory Committee. This committee is required by the federal government as a first step in federal Continuous Improvement Monitoring Process. Discussions have included Personnel Licensure Issues, completion and submission of the federal Annual Performance Report, IDEA Reauthorization, State Assessment Update and a State Improvement Grant.
  
- 3) VOPA serves on the State Rehabilitation Council. The State Rehabilitation Council provides advice to the Department of Rehabilitative Services regarding vocational services provided pursuant to Title I and Title VI of the Federal Rehabilitation Act. Membership and duties are constructed according to federal provisions.

4) As noted previously VOPA also participates in the Public Guardianship Advisory Board.

E. Grievances filed under the grievance procedure

VOPA had only one (1) grievance filed under the PAIR grant in FY06. This grievance addressed the client's disagreement with the case being closed.. The Executive Director denied the appeal and it was further appealed to the Governing Board. The Governing Board upheld VOPA's decision to close the case.

F. Coordination with the Client Assistance Program (CAP) and the state long-term care program, if these programs are not part of the P&A agency

CAP is part of VOPA.

Coordination with the state Long-Term Care Program (Virginia Department of Aging) occurs on an as needed basis. However, VOPA does attend and participate in their Virginia Public Guardian and Conservator Advisory Board.

The Department of Medical Assistance Services (DMAS) is the primary source of funding for the long-term care system in Virginia. Again, VOPA coordinates with them on an as needed basis. Specific activities in the past year have included participation in the Medicaid Buy-In Workgroup.

It should be noted that VOPA plans its objectives based on the needs within the state; not by funding stream or specific disabilities. Some of the identified estimated cases may be addressed in conjunction with other funding streams, but the result will still be a positive impact on PAIR eligible individuals.

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Reports are to be submitted to RSA within 90 days after the end of the fiscal year covered by this report. Please be reminded that you can enter data directly into RSA's Management Information System (MIS) via the Internet. Information on transmittal of the form, including electronic transmission, is found on pages 18 and 19 of the reporting instructions.

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Signature of agency official

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Date