

**Disability Commission
Meeting Summary - June 16, 2004**

Background

The Disability Commission meeting was called to order by Lieutenant Governor Kaine at 2:15 P.M. on June 16, 2004 in House Room D of the General Assembly Building. This was the first meeting of the Commission after the 2004 legislative session and the last meeting of this membership configuration due to 2004 legislation HB817, which reorganized the Commission.

Meeting Attendees

Members present included: Lt. Governor Kaine, Delegate McQuigg and Senators Puller and Miller, and gubernatorial appointees, James McDonald, Dennis Horton, Karen Michalski-Karney, William Howell and Dr. Fred Orelove. Staff in attendance included Brian Shepard (Chief of Staff, Lt. Governor's Office), Heidi L. Lawyer, Director, Virginia Board for People with Disabilities, and Janet W. Hill (VCU/VBPD Research Consultant).

	Agenda Item	Discussion and Actions	Follow-up
1.	Welcome/ Overview of the Agenda/ Review of 2004 Legislative Actions	<p>Lt. Governor welcomed all and thanked current members for a productive year. A copy of the 2003 Annual Report was referenced and distributed to members. The Chairman reviewed 2004 Legislative Actions of the Commission including:</p> <ul style="list-style-type: none"> ◆ Delegate Van Landingham's HB817/Sentator's Puller's SB 381 allowing the Reauthorization of the Disability Commission passed. The Chairman clarified the changes in membership that will be forthcoming and introduced the new staff for the Commission to be provided by Legislative Services (Attorneys Jeff Gore and Amy Marschean). ◆ Senator Puller's SB380--The Commission's legislation to raise revenues to support growth of Brain Injury (BI) Programs was not passed; however, the chairman reported that the GA worked together to identify funds to continue critical BI program started within the Commonwealth Neurotrauma Initiative. The Chairman stated that the Commission's request to initiate a brain injury Medicaid waiver was not funded as requested, but hoped that would be a top priority for next year. ◆ The Resolutions commending Commissioners Bloxom and Broman were passed. <p>The Chairman also reminded the Commission that their recommendations for the Governor's Budget were accepted to: 1) Preserve existing community programs; and 2) Fund the Medicaid Buy-In Waiver pilot project.</p>	None

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2.	Commission's Support of U.S. Supreme Court decision in the case of State of Tennessee v. George Lane	Lt. Governor Tim Kaine reminded the Commission of their unanimous resolution last Fall to encourage the State to file an amicus curiae brief in the U.S. Supreme Court case regarding The Americans With Disabilities Act (ADA) and the Attorney General's decision not to follow that recommendation. He reported, however, that the Supreme Court ruled to uphold the rights of people with disabilities and described some implications for the Commonwealth. The Lt. Governor said that the U.S. Supreme Court decision in the case of State of Tennessee v. George Lane ruling is a victory for all Americans and that we are all potentially one accident, injury, or illness away from having a disability. He commended that Commission for its support on this important issue but said that it was a narrow decision (4:5) and that ADA advocates will need to be on guard to protect the Act in the future.	None
3.	Update from Commission's Housing Work Group Denise Goode, Chair Barbara Gilley, Housing advocate	<p>Ms. Goode reported that Commission's Housing work group has been very active during the last 6 months working on the administrative actions the Commission identified before the beginning of the 2004 Session (See appendix 9 in Annual Report). She reviewed all Commission recommended actions and provided draft letters to complete the administrative work outlined. She stated that one original administrative recommendation was revised to bring more attention to the federal government's current proposal to cut funding and replace the Section 8 program with a block grant voucher program. Ms. Goode presented a decision brief for the Commission's review to send a letter to the VA Congressional Delegation expressing the Commission's concerns regarding the elimination of Section 8 program and the many critical protections afforded to people with disabilities now under the program.</p> <p>Barbara Gilley, member of the Housing Work Group and a housing advocate, further described some of the potentially negative consequences for Virginians with disabilities if the proposed changes in the Section 8 program were approved by Congress. She shared with the Commission a nonpartisan letter from the U.S. Conference of Mayors to the Appropriations Subcommittee of Congress asking that the HUD fully fund the current Section 8/Housing Choice Voucher program to avoid tenant hardship, dislocation, and eviction. She urged the Commission to review and support the draft letter prepared by the Work Group to the Congressional Delegation expressing concerns and to send it under the Lt. Governor's signature.</p>	Chairman will finalize and send a letter to the State's Congressional Delegation re: issue. The Chairman asked the work group to work to develop authentic waiting lists of person's in need of vouchers.

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4.	Update on VA Medicaid Buy- In program through 1115 Research Wavier	<p>The Lt. Gov. Kaine and Commissioner Katherine McCary, Business Leadership Network (BLN), described their efforts throughout the Spring 2004 to education VA employers that the Commonwealth is working on a Medicaid Buy In Program and to get their input on a TOOLKIT for employers to better understand the SSA work incentives for their employees with disabilities. They stated that 3 Employer Forums have been held (Richmond, Roanoke and Northern VA) and one more will be conducted in the Hampton area.</p> <p>Dr. Joe Ashley, DRS, described Medicaid Infrastructure Grant (MIG) efforts to develop transition guidelines for the VA educational system on the Commonwealth's Medicaid Buy In waiver and the SSA work incentives for students.</p> <p>Jack Quigley, DMAS manager of the MIG, also described the recent revisions to the State's Buy-In Waiver application to make the proposed program a more rigorous research project. He said the State had to craft a program with a stronger research component (rather than build a demonstration project) because CMS sees no need for further demonstration with statewide Medicaid Buy-In programs established in 28 other states. They also thanked Michael Shank from the DMHMRSAS who assisted in the development of the revised proposal. Mr. Quigley also reiterated the inclusion of Personal Assistant Services in the coverage in the Buy-in model within the Waiver application, if approved, which was much requested by consumers.</p>	<p>Chairman asked the work group to keep him informed of the approval process and if any assistance was needed to encourage CMS to approve the proposal, he would be willing to communicate with the agency or the Congressional delegation as needed. The Commission agreed to continue to review the Medicaid Buy-In Wavier development process.</p>

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5.	Update on Specialized Transportation	<p>The Chairman reminded the Commission that last fall they heard testimony regarding the hardships that citizens experienced getting to the Dept. for the Blind and Vision Impaired (DVBI) and the state library for the Blind due to lack of public transportation to the Azalea Avenue complex in Henrico County. The Commission had appointed one of its members, James McDonald, to join with Joseph Bowman, the DBVI Commissioner, to work on the problem. Mr. McDonald and DBVI Commissioner reported on their efforts to secure an agreement of the Henrico Board of Supervisors to fund an extension of GRTC bus services to DBVI in August 2004 and they provided a copy of a news article reporting that success. The Chairman thanked all for their work on that important expansion.</p> <p>Neal Sherman, Dept. of Rail and Public Transit (DRPT), Alternative Transportation Director, and chair of the Interagency Transportation Council that works in unison with the Commission, also briefed the Commission. Mr. Sherman described the Federal government's new initiative called the "United We Ride" aimed at building a fully coordinated human service transportation system throughout the country as way of reducing costs and improving the quality of transportation services for special populations. He stated that State Coordination Grants would be forthcoming from the Federal Transportation Administration to assist states to address gaps and needs related to human services geographic regions.</p>	<p>None</p> <p>The Chairman asked the interagency transportation council to keep his office informed on the grant opportunities and let him know of anyway that he could assist.</p>
6.	Public Comment	<p>Four individuals provided public comment:</p> <ul style="list-style-type: none"> ◆ Leigh Wion, Director of the High Street Clubhouse for persons with Brain Injury (BI), spoke on behalf of several of the Brain Injury programs funded by the Commonwealth Neurotrauma Initiative. She thanked the Commission for its legislative efforts to raise revenues to support continuation of Brain Injury Programs (Senator Puller's SB380) and for its efforts to initiate a brain injury Medicaid waiver. She said that, while some immediate funding has been identified to save some basic programs, much more continued attention by the Commission would be needed in the future. ◆ Doris Ray, Centers for Independent Living (CIL) representative, also thanked the Commission for its help and commitment to programs for Virginians with disabilities. She asked the Commission to make sure that the Olmstead Task Force started to focus more on issues to help people in nursing facilities move out and stay in the community. She asked that the Commission look at the no cost 	None

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7.	Input from current membership on the Commission's 2004-05 work plan prioritization	<p>The Lt. Governor excused himself to depart for the Senate session at about 4:30 p.m.; the Chairman's Chief of Staff, Brian Shepard, was asked to chair the remainder of the meeting. Mr. Shepard asked Commission members present for their recommendations on priorities for the Commission's work plan for the upcoming year. All agreed that the Olmstead issues would be the greatest priority, and that the efforts of the Housing work group described above and the oversight of the Medicaid Buy-in development should be continued.</p> <p>Other recommendations from members were as follows:</p> <ul style="list-style-type: none"> ◆ Focus on the no-cost Olmstead recommendations especially changes in the Nurse Practices Act as mentioned in the CIL report (Commissioner Karen Michalski-Karney). ◆ Continue the collaboration with the VA Business Network that helped push for the Medicaid Buy-In program (Commissioner Katherine McCary). 	

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		<ul style="list-style-type: none"> ◆ Continue the focus on no cost changes that can be brought to bare in transportation and housing through the Commission’s emphasis on interagency collaboration (Commissioner James McDonald). ◆ Bring focus to end the dual system that exists in VA - “close institutions” that are draining the system of resources (Commissioner Fred Orelove). ◆ Continue pressure to develop affordable housing for Virginians with disabilities and the elderly, especially in No VA (Commissioner William Howell). ◆ Bring focus to assist in the growth of rural transportation opportunities for people with disabilities (Commissioner Dennis Horton). 	
8.	Adjourn	<p>Before the meeting was adjourned, Delegate McQuigg joined the meeting at the completion of the House Veto Session at 4:30 and expressed her dismay that the Commission meeting was held while the Delegates were in session. Mr. Shepard apologized saying that because the public was present at 2 pm and the Chairman decided to hold a brief meeting in order to close out the year’s work and to excuse the current Commission membership. Delegate McQuigg stated that she felt it was not appropriate to hold the meeting without the House members. The meeting was adjourned at 5:00 by Brian Shepard.</p>	