

**VIRGINIA DISABILITY COMMISSION**  
**JUNE 20, 2011 10:00 AM**  
**GENERAL ASSEMBLY BUILDING**  
**RICHMOND, VA**

**Members Present:** Senator Yvonne B. Miller, Delegate Robert D. Orrock, Sr., Delegate Brenda Pogge, CDR Raymond F. Burmester, Ms. Sandra Cook, Dr. Fred P. Orelove

**Members Absent:** Senator Linda T. Puller, Delegate David J. Toscano, Delegate Ronald A. Villanueva, Mr. Bev Fleming, Mr. Woody Van Valkenburgh

The second meeting of the Virginia Disability Commission for the 2011 interim was held Monday, June 20, 2011, at 10:00 am in House Room D of the General Assembly Building in Richmond.

Staff reported that a draft of a letter requesting the cooperation of various commissions, councils, boards and agencies providing services to persons with physical and sensory disabilities would be made available to the members of the Disability Commission for review the following day, and that once the members had approved the letter, the letter would be mailed to the commissions, councils, boards and agencies identified.

**Department of Rehabilitative Services - Vocational Rehabilitation Program Information**

Mr. James Rothrock, Commissioner of the Department of Rehabilitative Services, provided additional information about the Department's vocational rehabilitation program requested by Commission members at the previous meeting. Commissioner Rothrock provided information on program demographics and disability groups served, noting that for FY 2010, individuals with cognitive or other mental impairments composed the largest group of service recipients. Commissioner Rothrock reported that the Department had seen substantial increases in the number of individuals with autism and substance abuse disorders, as well as deaf and hard-of-hearing individuals. Special challenges for the vocational rehabilitation program for FY 2010 included a substantial increase in the number of individuals with limited English proficiency and in the number of veterans seeking services.

Commissioner Rothrock also noted that an Order of Selection had been imposed on March 1, 2011, with all service categories closed at that time. As a result, individuals in need of services were being placed on waiting lists, with 1,010 consumers waiting for services at the time of the meeting. For individuals already engaged in the vocational rehabilitation program, Commissioner Rothrock reported average hourly wages of successful cases at \$9.40 per hour, and \$8.46 per hour for transition clients aged 24 and under. Ninety-three percent of program clients were earning at or above minimum wage. In response to questions posed at the May meeting of the Disability Commission, Commissioner Rothrock stated that studies of the return on investment for vocational rehabilitation programs had estimated returns of \$2.58 to \$3.88 for every dollar invested.

In closing, Commissioner Rothrock stated that funding for the vocational rehabilitation program was insufficient, and that additional funds were necessary for the program to meet

matching requirements to access federal funds and continue to serve individuals in need of assistance.

### **Department of Taxation Report on HB 1880/SB 1175 and HB 2342**

Ms. Kristin Collins, Policy Analyst, Virginia Department of Taxation, provided information about House Bill 1880/Senate Bill 1175, establishing an individual income tax deduction for contributions to supplemental needs trusts for individuals with disabilities, and House Bill 2342, providing a tax credit for employers who hire qualified disabled individuals.

House Bill 1880/Senate Bill 1175 sought to create individual income tax deductions for contributions of up to \$2,000 per year to qualified trusts, including disabled individuals' special needs trusts, nonprofit pooled income special needs trusts, and third-party supplemental needs trusts. The bills would have also established an exclusion from Virginia income taxes for any income earned by a qualified trust. Ms. Collins stated that the Department had been able to estimate the fiscal impact of a single trust at up to \$115 in lost tax income for the Commonwealth. However, the Department could not calculate the overall fiscal impact of the proposed legislation due to the fact that the Department could not estimate the number of trusts that might be established if the legislation had been enacted. Ms. Collins did note that the Department of Medical Assistance Services reported 189,536 blind or disabled persons enrolled in the Medicaid program in FY 2009, and that a qualifying trust could have been established for each person.

House Bill 2342 sought to create a tax credit for employers who hired a qualified employee with a disability. The legislation would have allowed an employer to claim a credit equal to 20% of the first \$5,000 of annual wages paid to a qualifying employee during the first two years of employment. A qualifying employee would be any person with a disability who had completed or was in the process of completing a rehabilitative program administered by the Department of Rehabilitative Services, the Department for the Blind and Vision Impaired, or the U.S. Department of Veterans Affairs. Ms. Collins reported that the Department of Taxation had not been able to calculate the exact fiscal impact of the proposed tax credit, as the number of qualifying employees for whom employers might claim the tax credit was unknown. Ms. Collins did state that a similar tax credit had been in place in Virginia between 1999 and 2002, and that during that period the total amount of tax credits claimed was less than \$4,000. One reason for the limited utilization of the previous tax credit might have been the availability of a similar federal tax credit.

### **Department of Rehabilitative Services Report on HB 2265**

Mr. James Rothrock, Commissioner of the Department of Rehabilitative Services, provided information about the impact of House Bill 2265. Commissioner Rothrock noted that House Bill 2265 amended existing language in the *Code of Virginia* to clarify the role of local disability services boards. Commissioner Rothrock noted that this bill was in direct conflict with another piece of legislation enacted by the General Assembly during the 2011 Session of the General Assembly. House Bill 2217 (Stolle) eliminated the requirement that localities establish and maintain disability services boards. Commissioner Rothrock reported that House Bill 2217 had been requested by the administration, and that the Department of Rehabilitative Services had supported the legislation because funding for local disability services boards had been eliminated

in previous years. As a result, House Bill 2217 merely eliminated language imposing an unfunded mandate for localities. Nothing in House Bill 2217 would prevent localities from continuing to operate local disability services boards if the locality provided funding for such boards.

## **Work Group Reports**

Following a two-hour recess during which the work groups met to identify issues and preliminary recommendations for action and to establish work plans for the remainder of the interim, the Disability Commission received reports from the work groups.

Work Group #1, the Housing and Transportation Work Group, reported two recommendations:

1. The Disability Commission should support legislation to establish the Disability Commission's work groups in statute. The new language should specifically require work groups focused on Housing and Transportation, Education and Employment, and Publicly Funded Services, as well as other work groups as may be needed, and should require the work groups to solicit input from stakeholders regarding problems and potential solutions. The work group noted that this would provide a "home" for specific topics related to services for persons with physical and sensory disabilities.
2. The Disability Commission should introduce and support legislation increasing the amount available for tax credits under the Livable Home Tax Credit for housing that is directly accessible to a transportation system that would meet the transportation needs of individuals with physical and sensory disabilities. This change would clearly link housing and transportation for individuals with physical and sensory disabilities.

Work Group #1 also identified five items for further study, to be placed on the work groups work plan for following meetings. These included:

1. Identifying specific regional/local transit systems within or outside of the Commonwealth that could serve as model systems for services to persons with physical and sensory disabilities.
2. Identifying options for incentives for establishment of "feeder" public transportation systems that would link residential areas with existing public transportation systems.
3. Evaluating how other states administer housing subsidies.
4. Evaluating options for modifying the existing Auxiliary Grant program to better address current needs, including options for better utilizing existing housing assistance resources to streamline the process, ways to ensure that people are linked with services for them, and ways to make the system more user friendly.
5. Identifying examples of promising public/private/faith-based housing assistance or transportation assistance initiatives.

Work Group #2, the Education and Employment Work Group, identified eight items for further study, including:

1. Options for ensuring that students are able to have continued access to assistive technology that has been customized for them upon graduating or aging out of public education.
2. Options for including teachers of the visually impaired in the Standards of Quality funding formula, options for ensuring appropriate caseloads for teachers of the visually impaired, and options for ensuring adequate funding for teachers of the visually impaired.
3. Options for establishment of a brain injury waiver.
4. Requirements for education of students in nursing homes and other residential settings, including the checks and balances that are currently in place to ensure that students receive appropriate education and support in transitioning to their home district.
5. Need for funding for the Department of Rehabilitative Services' vocational rehabilitation program, including funding necessary to eliminate the waiting list for services.
6. Standards for interpreters for the deaf and hard of hearing in public schools.
7. Changes in the Commonwealth's policies related to services for the disabled and the aging/elderly.
8. Activities of the recently established Autism Advisory Council, including activities related to education and employment of persons with autism.

Work Group #3, the Publicly Funded Services Work Group, identified seven items for further study, including:

1. Options for establishing publicly funded in-state neurobehavioral therapy options in Virginia.
2. Options for better facilitation of Medicaid waiver services for persons with disabilities, including options for ensuring that private and nonprofit service providers have access to information to support effective provision of services and options for ensuring that public providers are able to meet service needs when private and nonprofit providers are not able to do so.
3. Funding for service programs including the Personal Assistance Services Program, Community Rehabilitation Case Management Program, and brain injury services provided by the Department of Rehabilitative Services, and funding for Centers for Independent Living.
4. Re-establishment of the Consumer Service Fund.
5. Options for ensuring access to prosthetic devices including hearing aids and other devices.
6. Options for ensuring that the Commonwealth is able to meet all state match requirements for federal funds and that the Commonwealth continues to access all available federal funds to support services for persons with physical and sensory disabilities.
7. Options for increasing the number of health care professionals providing services for persons with physical and sensory disabilities, including issues around qualification, provider pay, and the use of technology to increase access to health care professionals.

### **Next Meeting**

The next meeting of the Disability Commission will be held on August 17<sup>th</sup> at 2:00 p.m. The work groups will meet at least once before that meeting. The Disability Commission will also poll for a meeting in September.