

VIRGINIA DISABILITY COMMISSION
JULY 20, 2010 10:00 A.M.
GENERAL ASSEMBLY BUILDING
RICHMOND, VA

Members Present: Senator Linda T. Puller, Senator Yvonne B. Miller, Delegate Robert D. Orrock, Sr., Delegate Brenda Pogge, CDR Raymond F. Burmester, Ms. Sandra Cook, Dr. Fred P. Orelove, Mr. C.W. Van Valkenburgh

Members Absent: Delegate David J. Toscano, Delegate Ronald A. Villanueva, Mr. Bev Fleming

The first meeting of the Virginia Disability Commission for the 2010 interim was held Tuesday, July 20, 2010, at 10:00 am in House Room C of the General Assembly Building in Richmond.

Introductions, Election of New Chairman and Vice Chairman

Following introduction of the members present, Senator Linda Puller opened the floor for nominations for the new chairman of the Disability Commission for the 2010-2011 biennium. Senator Miller nominated Delegate Robert D. Orrock, Sr., and Delegate Orrock was unanimously elected to serve as the chairman for the 2010-2011 biennium. Senator Puller then nominated Senator Miller to serve as the vice chairwoman, and Senator Miller was unanimously elected to serve as the vice chairwoman for the 2010-2011 biennium.

Overview of the Purpose and Activities of the Disability Commission, Legislative and Budget Update

Disability Commission staff attorney Sarah Stanton provided an overview of the purpose and activities of the Disability Commission. The Disability Commission is a statutorily established commission. Section 30-232 of the *Code of Virginia* directs the Disability Commission "... to identify and recommend legislative priorities and policies for adoption or examination by the General Assembly in order to provide ongoing support in developing and reviewing services and funding related to Virginians with physical and sensory disabilities." Section 30-236 of the *Code* provides that the Disability Commission shall:

1. Serve as the primary forum in the Commonwealth where the needs and issues of people with disabilities are addressed through the collaboration of members of the legislative and executive branches of state government, and citizens of the Commonwealth;
2. Evaluate and advance budget proposals and policy issues oriented towards a service system that maximizes the self-sufficiency of Virginians with disabilities;
3. Develop and review recommendations for service program changes and funding related to services for persons with physical and sensory disabilities; and
4. Advise on local, state and federal policies and programs relevant to citizens with disabilities.

Meetings of the Disability Commission may be held at any time upon the call of the chairman, or whenever the majority of the members so request. House Joint Resolution 9 (2010) provides that "interim meetings of any standing committee, joint committee, joint subcommittee, legislative commission, or any other interim study subcommittee or study commission shall be held on Monday, Tuesday, or Wednesday during the first and third full weeks of the month, unless otherwise authorized by the Speaker of the House of Delegates or the Chairman of the Senate Committee on Rules, as may be appropriate for the house in which the chairman serves."

Staff also provided a very brief overview of budget actions adopted during the 2010 Session of the General Assembly which affect services for persons with disabilities, budget actions that were recommended by Governor McDonnell that were not adopted, and information on legislation considered by the General Assembly during the 2010 Session that may affect or be of interest to persons with disabilities.

Presentation - Health Reform: Issues for State Medicaid Agencies and People with Disabilities

Mr. Damon Terzaghi, Senior Policy Associate with the National Association of State Medicaid Directors/American Public Human Services Association, presented information on the Patient Protection and Affordable Health Care Act of 2010, including a summary of the major provisions of the legislation, potential impacts on services for persons with disabilities, and potential opportunities for states to maximize services for persons with disabilities included in the legislation. He discussed the impact of expansion of Medicaid to new eligibility groups, and the potential impact that such expansion may have on states' ability to provide services for persons with disabilities. He also mentioned that changes in income calculations may affect who is eligible for Medicaid and the composition of the population served by state Medicaid programs. Mr. Terzaghi also noted that Medicaid expansion is oriented more toward provision of acute care services, and that states will have to plan carefully to ensure that long-term services are provided for those who require ongoing assistance. Finally, Mr. Terzaghi identified several issues for states including aligning state eligibility systems with required health insurance exchanges, establishing benchmark packages of services that meet the needs of enrolled persons, prioritizing non-mandated activities, and succession planning for the future. In closing, Mr. Terzaghi stressed that eligibility is not necessarily the same as access, and that states will need to pay close attention to ensuring that services are available and accessible to persons who are or become eligible for Medicaid and other types of assistance.

Several members of the Disability Commission posed questions following Mr. Terzaghi's presentation. Delegate Orrock asked if any states reported concerns about a "balloon effect" that might result in reduced funding for some services as funds were shifted to pay for services mandated by the new federal legislation. Mr. Terzaghi noted that some additional federal funding is available to help states, and that some states are actually experiencing an increase in available funds as federal dollars are substituted for state dollars, but that other states are or may be required to shift funds as their budgets require. Mr. Van Valkenburgh asked if the terms "rehabilitation, habilitation, and mental health services" used in defining the required package of services under Medicaid have been defined. Mr. Terzaghi stated that these terms have not been defined at this time, that definitions are being developed by the Secretary of Health and Human Services, and that the specific definitions of these terms may significantly affect the types of services that states are required to provide. Dr. Orelove asked if any information about costs imposed by the new requirements, and the differences in cost of systems based on institutions

versus community-based services, had been collected. Mr. Terzaghi stated that while some estimates had been prepared, they were generally regarded as not sufficiently exact, and that the impacts are expected to differ widely between states. Finally, Senator Miller requested information on prenatal services and services for children included in the legislation. Mr. Terzaghi stated that he did not have detailed information on this topic with him at the time, but that he would provide information on these services to members of the Commission at a later time.

Presentation - Division of Rehabilitative Services: Overview of Commission Initiatives

Commissioner Jim Rothrock provided an overview of activities of the Department of Rehabilitative Services related to past Disability Commission initiatives. Commissioner Rothrock described the Department's community-based programs including brain injury services, community rehabilitation case management services, independent living services, and personal assistance services. He stated that funding for brain injury services had been reduced by the General Assembly in 2010, but that additional sources of funding may have been secured to make up the difference. Funding for independent living services had also been reduced, but that the 16 Centers for Independent Living and the four satellite centers continued to provide services. An infusion of federal funds in 2009 provided some assistance in meeting current needs. Funding for personal assistance services has remained essentially level over the years, but Commissioner Rothrock reported that increased demand has resulted in a waiting list of 94 persons.

Commissioner Rothrock also described changes at the federal level that will likely affect the Medicaid Works program. He noted that statutory changes may allow individuals enrolled in the program to earn more in wages while continuing to receive medical assistance. This change is expected to increase the number of persons who are interested in participating in the program.

In closing Commissioner Rothrock provided some information on AbilityOne employment programs and the impact these programs have in the Commonwealth. He highlighted several programs that provide services for the federal government and employment for a number of persons with disabilities. He encouraged the Commission to become aware of how these programs benefit people with disabilities and to look at ways to increase jobs for persons with disabilities through similar programs in Virginia.

Presentation - Virginia Housing Expansion Task Force: Update on Activities and Emerging Issues

The Virginia Housing Expansion Task Force presented an update on past activities and identified issues that the Task Force continued to track including the development of Easy Living Homes, efforts to secure additional HUD Non-Elderly Disability Housing Vouchers, activities of the Money Follows the Person project, implementation of the THA Toolkit Project that assists localities in planning housing and transportation services, expansion of sponsored residential services, development of VirginiaHousingSearch.com, and the impacts of the Southeastern Virginia Training Center rebuild and development of community housing for residents. The Task Force also identified several emerging issues that it will continue to follow, including development of accessibility standards and standardized nomenclature for housing developers, and the impacts of the loss of certain housing options for persons receiving services through the state Individual and Family Developmental Disabilities Support Waiver. The Task Force noted that a shortage of accessible, affordable housing continues to be a problem for

persons with disabilities, that lack of capacity to develop accessible affordable housing and serious financial limitations of many people who need accessible housing contribute to the problem, and that lack of community alternatives often lead to institutionalization even when individuals could remain in the community if sufficient housing were available. In closing the Task Force identified several strategies for meeting these challenges, including expanding the Livable Homes Tax Credit to allow developers to take advantage of the credit and increasing the amount of the credit; facilitating collaboration between agencies and stakeholders to capture data on housing needs and choices of persons with disabilities; continuing to promote aggressive pursuit of Housing Choice Vouchers for persons with disabilities; supporting efforts of the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services to increase community living options and decrease the institutional census; and participating in a work group to identify and enumerate housing accessibility standards and standard nomenclature.

Discussion of 2010 Work Plan

Following the presentations, members of the Disability Commission discussed a work plan for the 2010 interim. Chairman Delegate Orrock established three work groups to study specific issues in greater detail. These include:

- Work Group #1: (Delegate Orrock, Senator Puller, Mr. Burmester, Mr. Van Valkenburgh) to review the name and purpose of the Virginia Disability Commission, including option of expanding the scope of the Disability Commission to include policies affecting persons with disabilities of all types; determine, with input from stakeholders and citizens, if the name or the scope and purpose of the Disability Commission should be revised.
- Work Group #2: (Senator Miller, Delegate Pogge, Ms. Cook) to evaluate funding for current services; determine projected cost of needed services and identify potential sources of funding for such services; and perform cost-benefit analysis of various program options.
- Work Group #3: (Delegate Toscano, Delegate Villanueva, Mr. Fleming, Dr. Orelove) to work with stakeholders and citizens to determine needs related to housing and transportation for persons with physical and sensory disabilities and develop recommendations for change.

Work groups will meet as needed to carry out their assigned work. The full Disability Commission will meet once in September and once in October to receive reports from the work groups, receive additional information and presentations as requested, and develop recommendations for the 2011 Session. A fourth meeting of the Commission will be held during the first week of the 2011 General Assembly Session to receive information about the Governor's proposed budget and its impact on services for persons with disabilities, and to develop recommendations related to the proposed budget. A fifth meeting of the Disability Commission may be held in November if necessary to finalize the work of the commission.