

**Meeting Summary  
Disability Commission  
August 11, 2003**

**Background**

Lt. Governor Kaine convened the first meeting of the 2003-2004 season at 1:15 PM on August 11, 2003 in House Room D of the General Assembly Building. Two to three additional meetings are planned in order to set the Commission's Legislative Agenda for the 2004 General Assembly Session.

**Meeting Attendees**

Members present included: Lt. Governor Kaine, Delegates Bloxom, Broman, Van Landingham, McQuigg, and Mayer, Senators Puller and Nolen, and gubernatorial appointees, James McDonald, Katherine McCary, Dennis Horton, Karen Michalski-Karney and Dr. Fred Orelve. Staff in attendance included Carey Friedman (Director of Policy, Lt. Governor's Office), Heidi L. Lawyer, Director, Virginia Board for People with Disabilities, and Janet W. Hill (VCU/VBPD Research Consultant).

	<b>Agenda Item</b>	<b>Discussion and Actions</b>	<b>Follow-up</b>
<b>1.</b>	<b>Call to order/ Welcome/ Preliminary business</b>	<p>The Commission meeting was called to order, following a pre-meeting ceremony of the 2003 Disability Friendly Business Awards hosted by Lieutenant Governor Tim Kaine, The Honorable John H. Hager, and Katherine McCary, Vice President SunTrust, Chair of Virginia Business Leadership Network (BLN), and Disability Commission member.</p> <p>The Lt. Gov. reported that his office is also now working with the VA BLN on a strategic plan to hold four regional meetings with businesses and employers throughout VA regarding changes in the law that reduce most work disincentives for people w/ disabilities. The Lt. Gov. stated these forums are needed include employers as active participants in marketing the advantages of maximizing the employment of people w/ disabilities for both employers and the employees.</p>	<b>None</b>

**Meeting Summary  
Disability Commission  
August 11, 2003**

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		<p>The Chair welcomed all members to the initiation of the 2003-04 Interim Commission activities, with a special welcome to the Honorable Marian Van Landingham after her absence due to illness.</p> <p>Heidi L. Lawyer, the new Director of the VA Board for People with Disabilities, was introduced. As SJR 170 prescribes, Ms. Lawyer, as the VBPD designee, serves as staff to the Commission. The VBPD contracts with VCU for additional research assistance and staff support for the Commission (i.e., Janet W. Hill, VCU Commonwealth Institute is again serving in that role).</p> <p>The Chair also congratulated the Vice Chair, the Honorable Robert Bloxom and Commission Member, the Honorable George Broman on their pending retirements from the VA House of Delegates following the 2004 session. Their individual contributions and dedicated efforts of each within the disability arena were described. The Lt. Gov. stated that these retirements would be a great loss to the Disability Commission and the disability community as a whole.</p> <p><b>Note: The resolutions commending the work of both individuals from the VBPD were available in the Commission member's packets.</b></p>	<p><i>Resolutions of commendation on Delegates Bloxom and Broman will sponsored or co-sponsored by legislative members of the Disability Commission to be submitted during the 2004 General Assembly Session.</i></p>

**Meeting Summary  
Disability Commission  
August 11, 2003**

2.	Review of legislative Accomplishments	<p>Lieutenant Governor Tim Kaine summarized two 2003 legislative items were passed with on the Buy-In legislation and other key achievements last year:</p> <ol style="list-style-type: none"> <li>1. VBPD- Sponsored legislation to modify §51.5-31 to specify that at least one member of the Virginia Board for People with Disabilities be a representative of a service provider organization by replacing the term, agency <u>concerned</u> with services, with the term, agency <u>that provides</u> services in the listing of the Board's composition. Patron: Bloxom.</li> <li>2. Medicaid Buy-In-Legislation was passed to require the Department of Medical Assistance Services to apply for a Section 1115 Waiver from the federal Centers for Medicare and Medicaid Services to implement a Medicaid buy-in for those working persons with disabilities whose earnings are too high to qualify for traditional Medicaid comprehensive health care services. Eligible individuals would include those who have (i) income not in excess of 175 percent of the federal poverty level, (ii) minimum gross monthly earnings of at least \$400; and (iii) maximum unearned income per month not exceeding 80 percent of the federal poverty level. Original Patrons: Puller and Van Landingham with final legislation patroned by Morgan.</li> <li>3. Low Income Housing Tax Credits (LIHTC) - It was reported that the Chair, Carey Friedman and the Commission's Disability housing work group recently worked in collaboration with VA Housing Development Authority (VHDA) to make a minor change in a Virginia housing policy – this minor was said to cost zero dollars, yet will change much for Virginians who need accessible apartments. The Chair reported that effort will lead to the development of needed accessible housing for hundreds of Virginians who are aging or have disabilities. The change involves a simple modification of the competitive LIHTC bid, scoring system, which gives provides every developer of LIHTC housing with a strong incentive to include accessible units in their development plan. (The more accessible units, the more points given to the builder's proposal). The Chair reported that VA builders have already informed him that this change will likely be a <i>win-win situation</i> in that</li> </ol>	None
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**Meeting Summary  
Disability Commission  
August 11, 2003**

		<p>accessible apartments are easier to rent given the high percentage of people aging and hundreds of people w/ disabilities who want housing that is more accessible.</p> <p>4. Renovations of Capitol Square- The Chair reported that his office is monitoring the plans and he was able to accelerate the schedule to make the restrooms in GAB fully accessible due to the public's and Disability Commission's concerns expressed last year.</p>	
3.	<b>Meeting Plan for 2003 –2004 Interim</b>	<p>A Draft Meeting Plan was presented to cover all issues previously identified within the Commission's priority areas. A work session was initiated to review the sequencing of topics and dates of meetings and to allow members the opportunity to identify other interest areas.</p> <p>Given the upcoming budget deadlines and economic constraints, Delegate Bloxom recommended that the Commission should review of budget needs across all established and new programs, including any Olmstead initiatives, by September 2003. Further, he advised that financial <i>benchmarks</i> be established on all Commission initiatives and disability programs that may have suffered budget reductions over the last two biennia. In this way, the Commission could document baselines for programs before the budget crisis and to avoid "erosion." Delegates Van Landingham and Mayer agreed that establishing financial needs should occur as soon as possible.</p> <p>The full Commission agreed and the Chair asked agency representatives to established budget information within approximately one month with the stipulation that only preliminary figures would be available on the Medicaid buy-in wavier until October 1, 2003 when the waiver application would be completed. The Chair asked staff to assist agencies in researching benchmark budget information and to reorganize the Commission meeting plan to include a September meeting with a financial focus. The Commissioner Horton suggested transportation funding needs to also be explored in early fall. The Commission agreed.</p>	<p><b>Staff will organize meeting w/ agencies leaders to establish benchmarks and budget planning for 2004. A revised meeting plan will be developed.</b></p> <p><b>Staff will contact DRPT re transportation funding issues.</b></p>

**Meeting Summary  
Disability Commission  
August 11, 2003**

	<b>Agenda Item</b>	<b>Discussion and Actions</b>	<b>Follow-up</b>
4.	<b>Analysis of Disability Commission Continuation after 2004</b>	<p>The Chair reminded the Commission that the 2000 General Assembly passed the House Joint Resolution 34 that continued the Commission for an additional four (4) year period to <u>sunset in 2004</u>. The Chair described the Commission as the primary forum where the needs and issues of people with disabilities can be addressed through the joint cooperation of the legislature, the Lieutenant Governor, the Governor's appointees and the agencies of the Executive branch.</p> <p>Given its positive impact as documented by the consumer outcomes and critical systems change efforts described on a FACT SHEET, the Chair asked for input of members regarding continue the Commission for an additional years.</p> <p>Senator Nolen asked the Chair if the public could provide the Commission with input on continuing the Commission. The Chair agreed and reorganized the agenda to immediately allow input from the public comment on continuing the Commission:</p> <ul style="list-style-type: none"> <li>• Harry Weinstock, VA Brain Injury Association, stated that the Brain Injury community has most benefited from the Commission in that no BI services existed before the Commission's BI efforts.</li> <li>• A BI survivor agreed that the Commission has been the only forum for hearing the issues of people with BI and that he felt dissatisfied with the consumer input process in the recent Olmstead planning process.</li> <li>• Ken Norr, VA Assistive Technology Services, validated great support of the Commission in advancing AT in VA.</li> <li>• Steve Waldron, VaACCSES Benefits Planner, agreed the Commission is still strongly needed and has greatly benefited people with developmental disabilities in employment and other areas.</li> <li>• Doris Ray, No. VA. CIL, commended the Commission for all that has been accomplished over the last 13 years and added "but you've only just begun." She believes it is the Commission that needs to help make sure that the VA focuses on the "real intent of the Olmstead Decision," that is, people who wish to transition from facilities to community life. She said the Disability Commission was the entity to make sure that happens.</li> </ul> <p>Bill Ward, CIL, stated that he agreed with the previous speakers and told the Commission, he views the Commission as a "unifying" force within the disability community—He stated that generally people ask, "where does the Disability Commission stand on this issue?"</p>	

**Meeting Summary  
Disability Commission  
August 11, 2003**

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<p><b>Analysis of Commission Continuation after 2004 Cont'd</b></p>	<ul style="list-style-type: none"> <li>• Karen Brown, Brain Injury Services, stated that the Commission intervened last year when BI services suffered a devastating budget cut. She agreed that until Delegate Mayer's early work on the Commission in 1990, no brain injury services existed in the state of VA. She believes the Commission has been the primary catalyst of services and needs to be continued.</li> <li>• Linda Harris, XXXXX, validated other speakers and said the Commission represents the perspectives of Virginians w/ disabilities.</li> <li>• Elin Doval, mother of son with autism, agreed that the Commission is needed and that even if there is no funding available to start new programs that the Commission's opinions and philosophy is respected and has brought about much improved interagency cooperation on autism.</li> <li>• The Commission also received written comments from Barbara Gilley, Disability Services Board Member and housing advocate describing her perceptions on the needs for the Commission.</li> </ul> <p>Delegate Van Landingham stated that, given the recent actions of the Rules Committees eliminating Committees and study groups, advocates of the Commission would need to make their interests in the Commission continuation known to their own representatives and will likely have to start that process early. Delegate McQuigg and Senator Puller reiterated that the advocacy of those present will be needed.</p> <p>The Chair asked if there was consensus from the Members that a Resolution for the continuation of the Commission should be submitted. Commissioner Horton asked if the Commission could be made permanent and be expanded to include the Olmstead Commission responsibilities. Members stated that permanency would require a Constitutional change. The Chair also stated that the Olmstead task force has a particular mandate related to a Supreme Court decision and has a more narrow focus than the work of the Commission. There was unanimous agreement by members to submit a resolution to the General Assembly to continue the Commission.</p>	<p><b>Staff will prepare a draft resolution for Member input and review.</b></p>

**Meeting Summary  
Disability Commission  
August 11, 2003**

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5.	<b>Interface with Olmstead Plan Development</b>	<p>Lt. Gov. asked staff to provide an overview of the interface with Olmstead Task Force. Janet Hill reported that the Task Force is interested in the types of services that the Disability Commission has developed over the last 13 years (e.g., Personal Assistance, AT services, etc.) and the Task Force efforts can benefit from strong collaboration with the Commission. Formal interface efforts arranged to enhance collaboration between the Commission and the Task Force by the Chair and his office have included:</p> <ul style="list-style-type: none"> <li>• Dr. Orelove, Commission member, has served as the Chairman the Waiver Issues Olmstead team and Carey Friedman is also a member of that team.</li> <li>• Janet Hill worked on Employment Services Olmstead team and shared information across groups. She also shared Commission transportation information with the Olmstead Transportation Issues Team.</li> <li>• Carey Friedman and other members of the Commission's Housing Work Group worked on the Olmstead Housing Issues team.</li> <li>• Heidi Lawyer and the VA Board spent many hours carefully reviewing the report and commenting in an attempt to coordinate information.</li> </ul>	<b>Staff will ask Julie Stanley, Staff to the Olmstead Task Force, to attend the next meeting and provide a status report on the Olmstead state plan to the Commission.</b>

**Meeting Summary  
Disability Commission  
August 11, 2003**

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6.	<b>Established Initiatives</b>	<p>Informing the Upcoming Budget Process regarding the Commission’s Community Program Initiatives (Matrix on 16 services developed by the Commission since 1990)</p> <p>James A. Rothrock, Commissioner, Department of Rehabilitative Services, reviewed the matrix of community service initiatives developed or reinforced by the Disability Commission since 1990. Mr. Rothrock’s report shows the last funding available within each program as well as the waiting list needs. Several other salient points were made:</p> <ul style="list-style-type: none"> <li>• These programs have placed a focus on those population groups that traditionally have been underserved in VA by state agencies;</li> <li>• The Commission’s “consumer-directed emphasis” has now been emulated in many other establish state agency programs. Thus, the early effort of the Commission have served as model demonstrations and are now considered best practices for disability services by other state agencies;</li> <li>• Assistive Technology Loan Fund and AT in general is considered the financial investment in that the federal return on state dollars is 1 to 3 or 1 to 4.</li> <li>• DRS is now in negotiations with Children’s Hospital to collaborate on a project to _____ through federal funds available from the President’s New Freedom Initiative</li> </ul> <p>Delegate Bloxom asked how the Commission should prioritize the needs presented and again asked if it was possible to identify the <i>benchmarks</i> for each funding levels of each service before the budget crisis. Commission Rothrock stated that a formula is used to avoid the supplanting of federal funds and that he will attempt to provide best estimate benchmarks in September 2003. Mr. Rothrock also agreed to examine if there are other opportunities to maximize federal funding on some programs per Dr. Orelove’s request.</p>	<p><b>Commissioner will provide benchmark estimates for key services and review other federal funding opportunities.</b></p>

**Meeting Summary  
Disability Commission  
August 11, 2003**

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7.	<b>Review of New Initiatives</b>	<p><b>Medicaid Buy-In 1115 Waiver Application for 2004</b> Cindi B. Jones, Chief Deputy Director, Department of Medical Assistance Services</p> <ul style="list-style-type: none"> <li>• Status- Ms. Jones spoke for partnering agencies, DMAS, DRS, and VOPA. Ms. Jones stated that DMAS has been working throughout the summer on the 1115 Waiver application. She reported there has been a recent stakeholder meeting on the technical design of the project, during which much input from consumers, providers and other agencies was received.</li> <li>• CMS input received - Ms. Jones and DMAS &amp; DRS Buy-In staff have already met in detail with CMS project officers, by phone, to establish the parameters for the Research Project involving VA's Buy-In model in advance of finalizing the research protocol.</li> </ul> <p>In order to satisfy the Section 1115 federal waiver requirements, DMAS reported that several research concepts have been developed that are of interest to CMS:</p> <ul style="list-style-type: none"> <li>• CMS key interest is in the questions that will further define what is employment. They are interested in what is an appropriate work threshold, development of a tiered employment requirement for those not at the threshold, and building in protections for those who are experiencing loss of work or medical conditions that affect the ability to earn.</li> <li>• The waiver will also test the hypothesis that gainful employment can lead to improvement in physical and/or mental health, which we would do both by analyzing claims data and through direct feedback from waiver participants.</li> <li>• In addition to these research elements, we also propose offering comprehensive employment supports, possibly with a case management model, to further enhance participant ability to gain, retain, and grow on the job.</li> <li>• Finally, in order to enable <u>all</u> individuals with disabilities the opportunity to work, including Personal Assistance Services (PAS) with the regular package of Medicaid services, so that everybody can participate in work.</li> <li>• Ms. Jones reported budget projections will be reported at the next meeting. DMAS will place research questions on the DMAS website for public input after presenting final document to the Commission in October.</li> </ul>	<p><b>Ms. Jones agreed to forward preliminary funding needs to the Lt. Governor's office in September and at the next meeting and to communicate with the Lt. Governor's office regarding issues or meetings with CMS, if needed, as soon as possible.</b></p>

**Meeting Summary  
Disability Commission  
August 11, 2003**

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8.	<b>New Initiatives</b> Con't	<p><b>Brain Injury Waiver and Update on the VA Road Map to Services</b> Diana Thorpe, Director of Long Term Services and Quality Assurance</p> <p>1) Brain Injury Waiver</p> <ul style="list-style-type: none"> <li>• Ms. Thorpe described the comprehensive stakeholder involvement process used to gain input on the Brain Injury waiver program in development. Some of the issues still to be determined are age limits, definition of Brain Injury, alternative placement factors, etc.</li> <li>• A draft application is being prepared to be circulated in September and October.</li> <li>• In November –December, Ms. Thorpe anticipated further efforts to finalize the application if legislation and budgetary recommendations will be forwarded to the General Assembly.</li> </ul> <p>2) Road Map to Services – Ms. Thorpe shared a new product DMAS has completed using its federal Real Choice grant. This often-requested product will greatly enhance the understanding of all stakeholders in the VA human services system in that it provides a overview of services for people with disabilities and others in need in VA. Ms. Thorpe the showed manual on-line and published in print. Braille copies were available at the meeting and she reported that disks and taped copies are available from DMAS.</p>	<p><b>Needed funding estimates will be required at the next Commission meeting.</b></p> <p><b>The Commission thanked DMAS and Ms. Thorpe for these efforts.</b></p>

**Meeting Summary  
Disability Commission  
August 11, 2003**

<p><b>9.</b></p>	<p><b>Public Comment</b></p>	<p>The Commission received comments from members of the public which included the following topics:</p> <ul style="list-style-type: none"> <li>• A parent (and Graduate of the Commission’s Partners in Policy Program), stated that due to the Individuals with Disabilities Act (IDEA) implementation and due process issues, schools are more committed to careful compliance with the law rather than to the strength of learning outcomes for children with special needs.</li> <li>• The Brain Injury Community urged review of all pilot programs to be sure they are included in budget funding base and described the under-service of persons with Brain Injury in VA.</li> <li>• The hearing impaired community asked for more attention to captioning and making all public information accessible for persons with hearing impairments (the Lt. Gov’s work with the Visor program for cars was described which shows police officers when a driver is hearing impaired). Also, the Commission was asked to support for the Hearing Aide Bill for Children in the upcoming General Assembly Session.</li> <li>• More commitment to the Centers for Independent Living as a resource for persons with disabilities in the community and to the Olmstead Initiative was requested.</li> <li>• More commitment to American’s with Disabilities Act and Fair Housing Act compliance and more commitment for persons with sensory disabilities in general was requested.</li> <li>• Better accessibility in all polling places was requested. (Alexandria was described as a great model for accessible voting).</li> <li>• New innovations in better accessibility for public transportation were described, at the request of the Commission.</li> </ul> <p>Althea Pittman, from the Eastern Shore Center for Independent Living, also presented a framed commendation to Delegate Robert Bloxom for his outstanding work on behalf of people with disabilities in the Eastern Shore area over his 27 years (Mr. Bloxom received a standing ovation from the Commission and the public).</p>	
<p><b>10.</b></p>	<p><b>Wrap up/ Adjournment</b></p>	<p>Lt. Governor adjourned the meeting at 3:45 p.m.</p>	

**Meeting Summary  
Disability Commission  
August 11, 2003**

**Revised Draft Disability Commission Meeting Plan \*  
2003-2004 Interim Session**

Meeting 1: Aug. 11, 2003 1 to 4 pm	Meeting 2: Sept. 19, 2003 1 to 4 pm	Meeting 3 October 24, 2003 1 to 4 pm	Meeting 4: November 19, 2003 1 to 4 pm
<b>Pre-meeting: BLN Disability Friendly Business Awards Ceremony</b>	<b>Olmstead state plan Status Report And budget planning information (Julie Stanley)</b>	<b>VA's Medicaid Buy-In:</b> <ul style="list-style-type: none"> <li>• Review wavier application,</li> <li>• Report on CMS meeting</li> </ul>	<b>Transportation</b> <ul style="list-style-type: none"> <li>• Overview of issues</li> <li>• Specialized Transportation Fund</li> <li>• DRPT Director</li> <li>• DRS Commissioner</li> </ul>
<ul style="list-style-type: none"> <li>• Updates on Members</li> <li>• Interim session Meeting Plan review,</li> <li>• 2003 Legislative review</li> </ul>	<b>Legislative topics -- Olmstead Plan Implementation and Continuation of Commission</b>  <b>Overview of Financial Planning work session: (Carey Friedman)</b>	<b>Preliminary PAS report</b> <ul style="list-style-type: none"> <li>• Commission requested that DMAS work with agencies/stakeholders to examine options and submit an update for the future provision of employment-related Personal Assistance Services (PAS) for Buy-In participants by November 30, 2003.</li> </ul>	<b>Medicaid transportation issues</b> Possible topics <ul style="list-style-type: none"> <li>• Improvements DMAS</li> <li>• Providers/agencies</li> <li>• Stakeholders wish to speak on transportation</li> </ul>
<ul style="list-style-type: none"> <li>• Review of Disability Commission Continuation after 2004 sunset,</li> <li>• Interface with Olmstead Plan Development and Implementation</li> </ul>	<b>Benchmarks for Commission Community Program initiatives and needed growth –(Jim Rothrock DRS and Diana Thorpe, DMAS)</b>  <b>John Toscano— TAP-VA and State Autism Planning Council report</b>	<b>Continue planning for broader Buy-In implementation-</b> Possible topics <ul style="list-style-type: none"> <li>• National experts</li> <li>• State experts</li> <li>• Decision support software developed</li> </ul>	<b>Examination of transportation models of interest</b>  Possible topics <ul style="list-style-type: none"> <li>• National experts</li> <li>• State experts</li> </ul>

\* In addition, two ad hoc work groups meet and report to the Disability Commission on housing and employment issues: Housing Work Group and Medicaid Buy-in Management Group

**Meeting Summary  
Disability Commission  
August 11, 2003**

<ul style="list-style-type: none"> <li>• Review of Commission Community Program initiatives (waiting lists/needs)</li> <li>• Plans to inform budget work</li> </ul>	<p><b>DMAS budget estimates (Medicaid Buy –in and Brain Injury waivers)</b> Cindi Jones</p>	<p><b>Buy-In Education/Training plan this year</b></p> <ul style="list-style-type: none"> <li>• Regional Employer Forums (Lt Gov, BLN, and MIG)</li> <li>• Employer Toolkit</li> <li>• Training of high school teachers/students re: changes in law reducing work disincentives</li> </ul>	<p><b>State Autism Council Report</b></p> <ul style="list-style-type: none"> <li>• Teacher training</li> <li>• DD waiver provider training</li> </ul>
<p>Update and prepare for New Commission Initiatives this year</p> <ul style="list-style-type: none"> <li>• Medicaid Buy-In 1115 Waiver Application,</li> <li>• Brain Injury Waiver and Update on the VA Road Map to Services</li> </ul>	<p><b>Transportation budget issues</b></p> <p><b>Transportation Sec., DRPT, DMAS, Private Transportation providers???</b> <b>Where do we want to go here—to me the Commission needs to have control of Transportation incentive fund \$800K</b></p>	<p><b>Housing State Strategy</b> <i>Possible topics</i></p> <ul style="list-style-type: none"> <li>• National Consultants,</li> <li>• Revised Action Plan for Commission’s Housing work group</li> </ul>	<p><b>Public Comment on Transportation—</b> <b>One hour</b></p>
<p><b>Public Comment—One hour</b></p> <ul style="list-style-type: none"> <li>• Commission continuation,</li> <li>• Stakeholder input on programs discussed</li> </ul>	<ul style="list-style-type: none"> <li>• Public comment</li> </ul>	<ul style="list-style-type: none"> <li>• More advancements on Low Income Housing Tax Credit</li> <li>• Governor’s Housing Conference</li> </ul>	<p><b>Establish Legislative Agenda for 2004 Session or hold fourth meeting</b></p>
		<p><b>Public Comment—half hour</b></p>	