

**Meeting Summary  
Disability Commission  
November 19, 2003**

**Background**

The Disability Commission meeting was called to order by Lieutenant Governor Kaine at 1:00 PM on November 19, 2003 in House Room D of the General Assembly Building. This was the fourth meeting of the 2003-2004 interim season. The last meeting of the interim is scheduled for January 15, 2004 beginning at 4 p.m. in order to finalize the Commission's Legislative Agenda for the 2004 General Assembly Session.

**Meeting Attendees**

Members present included: Lt. Governor Kaine, Delegates Bloxom, Van Landingham, McQuigg, Broman, and Mayer, Senators Nolen and Miller, and gubernatorial appointees, James McDonald, Dennis Horton, Karen Michalski-Karney, 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).

	<b>Agenda Item</b>	<b>Discussion and Actions</b>	<b>Follow-up</b>
1.	<b>Welcome and Overview of the Agenda</b>	<p>Lt. Governor Tim Kaine welcomed all and recognized again the upcoming retirement of the Commission's Vice Chair, the Honorable Robert Bloxom and another Commissioner the Honorable George Broman. He reminded the Commission that resolutions commending their outstanding services to the Commonwealth will be submitted during the upcoming session. He stated that they will be invited back for a celebration to receive those resolutions. He summarized the primary agenda items:</p> <ol style="list-style-type: none"> <li>1. Housing; and</li> <li>2. A work session to develop the legislative agenda.</li> </ol> <p>The Chairman then introduced the Housing presentations by reminding members that last year, housing was the Commission's top priority. He said he was pleased with the progress and collaboration he has seen across agencies. He recognized that other factors were also motivating this progress, including the Olmstead compliance and the House Bill 813<sup>1</sup> as well.</p>	<b>None</b>

<sup>1</sup> HB813 was 2002 legislation requiring Department of Housing and Community Development (DHCD) to develop a plan to improve housing opportunities and related services for Virginians with disabilities and the elderly).

**Meeting Summary  
Disability Commission  
November 19, 2003**

<b>2. Overview of Housing Work Group Efforts</b>	<p>Coordinating mandates from HB 813, Olmstead Task Force, and Disability Commission Action Plan <i>Basil Gooden, Department of Housing and Community Development (DHCD)</i></p> <p>Dr. Gooden described the convergence of the statewide planning efforts for HB 813, the Olmstead Housing Team, and Disability Commission Work Group. The cooperative efforts of the DHCD, VDHDA and DRS brought about the issuance of a request for applications (RFA) for national consultants and the selection of National Disability Institute, NCB Development Corporation, Washington, DC and Technical Assistance Collaborative, Inc., Boston, Mass. Dr. Gooden introduced the lead consultant and said the Consultants' final report was available on the Lt. Governor's website <a href="http://www.ltgov.virginia.gov/VADisabilityHousing9-15-03.pdf">http://www.ltgov.virginia.gov/VADisabilityHousing9-15-03.pdf</a>.</p> <p>Michael Morris, NCB then addressed the Commission with a report entitled, Review and Recommendations for State Housing Strategy (2003 study commissioned by DHCD, Department of Rehabilitative Services (DRS), VA Housing Development Authority (VHDA).</p> <p>Mr. Morris described the collaborative process of the review and stated that findings included:</p> <ol style="list-style-type: none"><li>1) There is no single simple solution;</li><li>2) Lack of affordable accessible housing choices statewide that separates the housing from supportive services;</li><li>3) Increasing housing costs statewide is great problem for people on SSI; and</li><li>4) Olmstead efforts create new opportunity to reexamine where funds are spent and to improve collaboration.</li></ol> <p>Mr. Morris gave five categories of recommendations for the Commonwealth:</p> <ol style="list-style-type: none"><li>1) Re-examine the allocation of resources /new funding initiatives (e.g., set aside a % of Sec 8 vouchers for people on the Medicaid Waivers);</li><li>2) Pursue Legislative Initiatives (Amend State fair housing laws to include source of income as a protected class from discrimination);</li></ol>	
--	--	--

**Meeting Summary  
Disability Commission  
November 19, 2003**

		<p>3) Improve compliance monitoring and oversight (accessibility requirements of FFH laws);</p> <p>4) Build capacity, education and training (Landlord outreach, self advocates leadership, PHA training and awareness campaign); and</p> <p>5) Build more collaboration (create lead housing specialists in CSB-DMHMRSAS, and DHCD/VHDA workgroup to develop a voucher homeownership program).</p> <p>The Chairman and Delegate Broman asked about the potential of reviewing requirements for landlords to better encourage more acceptance of Section 8 vouchers. The Consultant said that issue was being reviewed at the federal level and that the Commission could make their thoughts known to HUD. He said, "anything is possible." Mr. Morris agreed to send the Lt. Governor more information that may be helpful in considering this approach.</p>	<p><b>Mr. Morris was asked to provide:</b></p> <ul style="list-style-type: none"> <li>• <b>Fed program guidelines on extra tasks required of a landlord accepting a voucher<sup>2</sup></b></li> <li>• <b>Any litigation in other states on landlord refusal of vouchers</b></li> <li>• <b>Specific suggestions to communicate with HUD/Bush Admin to improve flexibility of landlord requirements with vouchers</b></li> <li>• <b>States linking HCB waiver and Section 8 programs.</b></li> </ul>
--	--	--	---

---

<sup>2</sup> Subsequently, the Housing Work Group asked TAC (the housing specialists) to review Mr. Morris recommendations on Landlord requirements in that the report used by Mr. Morris was considered to be dated. At the next meeting, Dr. Gooden will update the Chairman with information from TAC in Boston.

**Meeting Summary  
Disability Commission  
November 19, 2003**

3.	<b>Housing Status Report</b>	<p>Plans from State Agencies for Follow Up Actions to Address Olmstead Housing Team and Consultants' Recommendations: <i>Basil Gooden, DHCD</i> <i>Bill Fuller, VA Housing Development Authority (VHDA), and</i> <i>Nancy Ambler, Housing Study Commission</i></p> <p>DHCD: Dr. Gooden said the final consultant report will be used to craft a state response to HB813. Susan Dewey (VHDA) and Bill Shelton (DHCD) have begun that process. Dr. Gooden provided a summary of the recommendations in both the Olmstead Task Force &amp; NCB/TAC report and said that some recommendations will be prioritized for immediate implementation and while others will be pursued when the economy recovers.</p> <p>VHDA: Dr. Bill Fuller described the positive impact of last year's change in the Low Income Housing Tax Credit program to advance the development of more accessible housing units in VA. He said the this VHDA has also advanced the program again by giving builders extra points within their proposals if they participated in accessible housing design training. He also described VHDA's decision to reserve a Specialized Pool (3%) of Tax Credits for builders interested in accessible housing projects.</p> <p>Dr. Fuller described also: a recent positive collaboration between VHDA and the Assistive Technology Loan Fund Authority to provide loans to modify homes, efforts to fund demonstration programs so that the agency can show new developers how accessibility housing can be accomplished within budget, and use of Section 8 vouchers for home ownership. On Homeownership program, he stated that Commissioner McDonald and Orelove assisted in planning and networking. He was also able to provide outcome data re: VHDA efforts to advance accessible housing stock.</p> <p>He reported that the Commission's interest in an automated Housing Registry last year has been selected as one of the new VA Board for People with Disabilities grant awards and VHDA was selected to develop the program.</p>	<p><b>The Disability Housing Work Group will meet to identify the following for the Commission by January 15, 2004:</b></p> <ul style="list-style-type: none"> <li>• <b>Identify other no cost improvements such as the LIHTC;</b></li> <li>• <b>Identify other tangible outcomes that the housing agencies and stakeholders, work group can report (e.g., # of new accessible units, Increase in PHAs using Section 8)</b></li> </ul>
----	------------------------------	--	--

**Meeting Summary  
Disability Commission  
November 19, 2003**

	<p><b>Housing Continued</b></p>	<p>Commission members congratulated VHDA and all agencies on their collaborative efforts. Delegate Broman stated that as taxpayer he was greatly appreciative of this work and believed this type of collaboration is what is needed throughout state government.</p> <p>Housing Study Commission- Ms. Ambler thanked the Commission for its work and said Housing Study Commission has also been able to bring about additional accessible housing with no additional government dollars. She reported the HSC met on November 18, 2003 and determined that the 2004 legislative packet including a list of 30 recommendations. She briefly reviewed these recommendations and stated that four, in particular, are related to the work of the Disability Commission:</p> <ul style="list-style-type: none"> <li>• Amend VA Redevelopment and Housing Authorities Act to mandate compliance with Americans w/ Disabilities Act and Fair Housing Act</li> <li>• Mandatory continuing education courses for architects (linked to VA licensing)</li> <li>• Mandatory courses for VA architecture degree program students (linked to diploma)</li> <li>• Mandatory section on VA registration exam for architects.</li> </ul>	
<p><b>4.</b></p>	<p><b>Housing Continued</b></p>	<p>Housing Work Group to be Continued- The Chairman introduced Brian Shepard, Chief of Staff, Office of the Lt. Governor. He stated that due to budget cuts, his office can no longer allocate a staff member to chair the Housing Work Group as previously done by Carey Friedman. However, Mr. Shepard will act as a liaison with the Commission's Housing Work Group. The Chairman then introduced the new chair of the work group given Mr. Friedman's departure from the Lt. Governor's Office, Denise Goode, Special Assistant to DRS Commissioner. Ms. Goode briefly stated her commitment to strong collaboration across agencies and as liaison with the Commission.</p>	<p><b>Continue Disability Housing Work Group with new chair, Denise Goode and support from Brian Shepard, Chief of staff, Office of the Lt. Governor.</b></p>

**Meeting Summary  
Disability Commission  
November 19, 2003**

	<b>Housing Continued</b>	<p>The Chairman also introduced Barbara Gilley, DSB Representative on the Work Group and member of Olmstead Task Force's Housing Issues Team, who provided a consumer's perspective.</p> <p>Ms. Gilley said she was very pleased with the great collaboration she has seen from state housing and service agencies in both the work group and the Olmstead Task Force. She commended the HSC and Nancy Ambler also for their work on the visitability report and described how it could affect her life personally in being able to visit her own grandchildren in their home.</p> <p>Areas where she hoped the Work Group would focus in the future are to: maximize use of vouchers (e.g., She said "VA should never give back vouchers to the federal government"); monitor implementation of the visitability report; establish housing assessment fund, initiate effective training to help housing and disability communities work together more effectively.</p>	
--	--------------------------	---	--

**Meeting Summary  
Disability Commission  
November 19, 2003**

<p><b>5.</b></p>	<p><b>Legislative Agenda: Work Session</b></p>	<p>Legislative Resolutions</p> <p>The Chairman reminded the Commission that during earlier meetings, several items were identified for the 2004 legislative agenda. The Chair asked for patrons at this time for resolutions commending two of the Commissioners who are retiring, the Vice Chairman, the Honorable Robert Bloxom and a newer member, the Honorable George Broman. He said the Commission will be submitting the resolutions in conjunction with the VA Board of People with Disabilities.</p> <p>A resolution to continue the Disability Commission, which sunsets after 2004 General Assembly session, was discussed. The Chairman reminded the Commission of the public comment received asking for the continuation of the Disability Commission in its current form. He said the Commission continues to be the primary forum where issues of people with disabilities can be addressed through the joint cooperation of the legislature, the Lieutenant Governor, the Governor's appointees, and agencies of the Executive branch. There was discussion about the length of time needed for the continuation of the Commission and it was determined that during the 2003 session that the Code was amended to require that any Commission, either be, disbanded or made permanent, after 3 years. The Commission then agreed that the resolution should be submitted to establish the Disability Commission a permanent legislative Commission. Heidi Lawyer, Director of the Virginia Board for People with Disabilities, stated that if the Disability Commission is to be a permanent legislative commission, they needed to look into having the Commission staffed by Legislative Services rather than by the Virginia Board, an executive branch agency.</p> <p>The Chairman stated that there may be a need for other budget actions after December 17, 2003 when the Governor's Budget is released. He requested that the Commission reserve a date in early January 2004 to review the Governor's budget and identify changes from the current service levels. He asked that state agencies stand by to accomplish internal reviews of changes.</p>	<p><b>Senator Miller will be the primary patron the resolution commending Delegate Bloxom and Delegate Mc Quigg on Delegate Broman's.</b></p> <p><b>The Chairman will revise the draft resolution and members will seek bipartisan support and identify a primary patron serving on the Joint Rules Committee</b></p> <p><b>January 15, 2004 Beginning at 4:00 pm was reserved for the Commission's Budget review efforts.</b></p>
------------------	--	---	--

**Meeting Summary  
Disability Commission  
November 19, 2003**

<p><b>Legislative Agenda: Work Session Continued</b></p>	<p>The Chairman reminded members of the Commission's additional budget priorities:</p> <ul style="list-style-type: none"><li>• Medicaid Buy-In Waiver Pilot Program, and</li><li>• Medicaid Waiver for home and community services for Virginians with brain injuries.</li></ul> <p>The Chairman also stated that special attention is needed to sustain the Brain Injury programs losing funding this year. James Rothrock, DRS Commission, addressed the Commission, explaining that these programs were initiated through:</p> <ul style="list-style-type: none"><li>• Senate Bill 1132, which established the Commonwealth Neurotrauma Initiative (CNI) Trust Fund "for the purpose of...improving the treatment and care of Virginians with traumatic spinal cord or brain injuries" and established no funding mechanism.</li></ul> <p>He said the 1998 legislation then established special nonreverting fund in the state treasury and a \$30 reinstatement fee to restore driver's license revoked/ suspended for specified offenses (e.g., DUI, hit-and-run, reckless driving, habitual offenses). He said the Department of Motor Vehicles collects \$30 fee to reinstate operator's license with \$25 directed to the CNI Trust Fund, \$5 to DMV (if DUI-related, then \$5 to VASAP). The total revenue has been from SFY 1998 – SFY 2003: \$5,966,733.</p> <p>At that time, the legislation was passed, Mr. Rothrock said it was expected that exemplary programs would be selected for on going funding from the General Assembly in that were the first primary BI programs. The economic downturn, however, has not permitted extension of these programs and their original 3 to 5 year grants are coming to an end.</p> <p>Commission Rothrock confirmed that the CNI Trust Fund supports grants for Virginia-based organizations, institutions, researchers:</p> <ul style="list-style-type: none"><li>• 47.5% of the funds designated for research;</li><li>• 47.5% of the funds designated for community-based rehabilitative programs/services.</li></ul>	
--	---	--

**Meeting Summary  
Disability Commission  
November 19, 2003**

<p><b>Legislative Agenda: Work Session Continued</b></p>	<p>He said that since its inception 11/1/2001 through 7/31/2006, 28 of 49 grant requests funded (21 not funded) divided equally between research (14) and community based programs (14) at total cost of \$9,187,866 (\$4,251,796 for community based programs and \$4,936,070 for research grants).</p> <p>Commission Rothrock stated that the funds from fees are growing (about \$100,000 per month are collected), but that approximately \$900,000 is needed to continue the most outcome-oriented and evidenced-based programs.</p> <p>The Chairman asked the Commissioner for his recommendation for action. Commissioner Rothrock stated that he could see no alternative funding sources except some type of revenue enhancement strategy.</p> <p>Commissioner Mc Donald suggested that the Commission recommend that the fees be doubled to \$60. The Commission generally agreed to this proposal in that finding additional general fund dollars this year would be extremely unlikely. Commissioners agreed that raising the driver's license reinstatement fees for these Virginians, who often cause the traumatic brain injuries through reckless driving, may be the only option to save key programs. The Chairman asked the Commissioner Rothrock to work with his office to analyze funds needed more precisely for the most outcome-oriented programs.</p> <p>Consideration of an Administrative Action</p> <p>Commissioner Karen Michalski –Karney previously asked that the Commission support the recommendation that the Commonwealth adopt the “no-cost” Olmstead Recommendations as identified a recent report by the VA Centers for Independent Living (VACIL’s).</p> <p>Commission members gained consensus rapidly that more time would be needed to analyze each of the VACIL “no-cost” recommendations adequately.</p>	<p>♦ <b>Commission Rothrock will meet with staff to determine financial needs and the Chairman will prepare legislation to raise the fees for reinstating driver's licenses after a DWI or Reckless driving Citation. This will be shared at the next meeting.</b></p>
--	--	--

**Meeting Summary  
Disability Commission  
November 19, 2003**

<p><b>Legislative Agenda: Work Session Continued</b></p>	<p>Commissioner Michalski-Karney suggested that members minimally consider possible changes to the Nurse Practices Act in that the current nurse delegation requirement of the Act limits the implementation of consumer-directed services in Virginia. She said many consumers believe the requirement for nurse supervision of PAS is too stringent and the VA CIL recommends that Personal Assistants to be able to perform some health maintenance tasks, now prohibited. She said the VACIL recommends review of the legislative changes in Kansas and other states, which promote more consumer -direction and control of services.</p> <p>Dr. Orelove, Chairman of the Olmstead Waiver Issues Team, said this was one of the Olmstead Waiver Team's recommendations. Commissioner Broman, who is a physician, stated that he understood why this recommendation was being made; however, he advised the Commission to approach this suggestion very cautiously and with thoughtful deliberation, involving all parties affected. Full collaboration of the State Board of Nursing, DMAS, DRS and consumer advocates was recommended to study all issues, pro and con.</p> <p>Dr. Orelove agreed but said he did not think this item should be put on the "back burner" in that it represents a direct means of providing more consumer control to home-based/community-based service delivery. The Chairman suggested that a letter be prepared to the Secretary of HHR re: this issue.</p> <p>Other discussions included consideration of how to extend the GRTC bus route from City of Richmond to the VA Department for the Blind and Vision Impaired (DBVI) in Henrico County. Commissioner Joseph Bowman, DBVI, said that he had initiated communication with GRTC and County officials last summer again and it was planned that this effort would be included in the Henrico county budget beginning in July 2004.</p>	<ul style="list-style-type: none"> <li>• <b>Dr. Fred Orelove will provide info on Kansas model</b></li> <li>• <b>A letter for the Chair's signature to HHR Secretary will be developed asking her position on Kansas model re: nursing guidelines for people who use Personal Assistance Services (PAS) and suggesting a collaborative work group to carefully study all issues.</b></li> </ul>
--	--	---

**Meeting Summary  
Disability Commission  
November 19, 2003**

The Chairman asked for a volunteer to serve on a new interagency work group organized by the Department of Rail and Public Transit (DRPT) seeking to improve collaboration and the sharing of resources in transportation services for Virginians with disabilities.

**Commissioner James McDonald volunteered to serve as the Commission representative on the Interagency Transportation Council (first meeting December 3, 2003) and to report back to the Commission at the next meeting.**

**Meeting Summary  
Disability Commission  
November 19, 2003**

<p><b>6.</b></p>	<p><b>Public Comment</b></p>	<p>Public comment was received on the following topics:</p> <ul style="list-style-type: none"> <li>• Brain Injury community spoke regarding the serious need for a Brain Injury Community Services Waiver and for funding to continue several programs funded by the Commonwealth Neurotrauma Initiative Trust Fund. Speakers included: <ul style="list-style-type: none"> <li>o A father of a young man who has been able to live in an age-appropriate residential situation after living in a nursing home with elderly residents for some years;</li> <li>o A pediatric inter, spoke of the outstanding results from a pediatric program in No. VA. funded by the CNIT fund;</li> <li>o Consumers with serious brain injuries and staff of a day program in the remote Eastern Shore area of the state, all spoke of the scarcity of local services and service providers and need to continue one of the few programs; and</li> <li>o The manager of the company providing Eastern Shore services, based in VA Beach, spoke of the positive outcomes of the program, helping 7 persons enter employment opportunities.</li> </ul> </li> <li>• Problematic “eVA” (automated VA procurement system) issues for sign language interpreters (the Virginia Registry of Interpreters for the Deaf (VRID) were discussed with its possible negative impact and the potential for reducing the availability of interpreters;</li> <li>• Parent described efforts of Facquier County residents to build a group home and stated that she is now seeking funding for home modifications;</li> <li>• A leader of the Centers for Independent Living described a major funding request that will be patroned and submitted during the session to support the CILS;</li> <li>• Another CIL leader spoke of the great need to continue the Disability Commission this year as evidenced by the progress achieved in the Housing area.</li> </ul>	<p><b>Staff will communicate with VRID group on ideas for a letter to Sec. of Admin.</b></p> <p><b>Staff will share info on ATLFA with parent.</b></p>
<p><b>7.</b></p>	<p><b>Adjourn</b></p>	<p>The Lt. Governor excused himself to depart for a meeting at about 4:45 p.m. and the meeting was adjourned upon completion of public comment by the Vice Chairman Bloxom at 5:00 p.m.</p>	