

VIRGINIA DISABILITY COMMISSION
MAY 18, 2011 2:00 PM
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 first meeting of the Virginia Disability Commission for the 2011 interim was held Wednesday, May 18, 2011, at 2:00 pm in House Room D of the General Assembly Building in Richmond. Following introductions and opening remarks, staff reviewed the scope and purpose of the Disability Commission and provided a brief overview of legislation introduced during the 2011 Session of the General Assembly affecting persons with physical and sensory disabilities. Delegate Orrock then spoke of the need to work cooperatively with other agencies and entities to ensure that the Disability Commission is able to fulfill its statutory purpose of serving as the primary body for coordinating proposals and recommendations for legislation or budget action affecting persons with physical and sensory disabilities and requested that a letter be sent to other agencies and entities focused on issues affecting persons with physical and sensory disabilities requesting cooperation. The Disability Commission voted to send a letter to this effect. Senator Miller then stated that the Disability Commission should also recommend and ensure introduction of legislation to repeal the sunset provision that would end the work of the Disability Commission on July 1, 2012. Members of the Disability Commission voted to accept this recommendation. The Disability Commission then received several presentations.

2011 Budget Actions

Ms. Susan Massart, Legislative Fiscal Analyst, House Appropriations Committee Staff, presented information on 2011 budget actions affecting persons with physical and sensory disabilities. Ms. Massart noted that the 2010-2012 Appropriation Act allocated approximately \$9,128.4 million to Virginia's health and human resources agencies, with \$69.5 million allocated to the Commonwealth's disability services agencies (Department of Rehabilitative Services, Woodrow Wilson Rehabilitation center, Department for the Blind and Vision Impaired, Department for the Deaf and Hard-of-Hearing, and the Virginia Board for People with Disabilities). Totals for Virginia's health and human resources agencies included a net increase of \$173.9 million in state general funds and \$812.7 million in nongeneral funds. Additional funding was made available through a combination of reduced agency spending, new federal fund allocations and enhanced federal funding. Major spending initiatives for health and human resources agencies will include increased funding for Medicaid and FAMIS, funding to transition individuals with intellectual disabilities from training centers into the community, funding to restore or mitigate reductions to Medicaid provider rates, and funds to treat sexually violent predators. Reductions in health and human resources spending included adjustments to the Medicaid and FAMIS program spending and agency administrative budget reductions.

Funding changes affecting persons with physical and sensory disabilities included restoration of Medicaid funds to lift freezes on Medicaid waiver enrollments, reverse certain eligibility reductions for SSI recipients, address eligibility reductions for aged, blind and disabled individuals, provide optometry services, restore Medicaid waiver rates, and restore funds for Centers for Independent Living. Additional 2011 Session Medicaid restorations affecting individuals with disabilities include funds for partial restoration of Medicaid waiver rates, partial restoration of funds for respite care hours, funds for developmentally disabled waiver slots, and funds for podiatry services. The 2011 Session restorations and initiatives for the Department of Rehabilitative Services included restoration of some funds for brain injury services and Centers for Independent Living and restoration of funds for long-term employment support services, long-term rehabilitation case management services, and extended employment services. Funds were also allocated for disability determination services and Didlake vocational services.

Following Ms. Massart's presentation, Delegate Orrock requested additional information about actions related to transitioning individuals with intellectual disabilities from training centers to community settings. Ms. Massart stated that additional information about specific actions would be available later in the summer. Delegate Orrock inquired as to whether the Commonwealth had been able to maximize federal funds and secure all funding available. Ms. Massart responded that there may be some additional federal funds available for Vocational Rehabilitation programs that were not previously secured. Delegate Orrock noted that the Disability Commission will work with agencies to identify and advance proposals to address funding needs and ensure that all available federal funds are received.

Department of Rehabilitative Services Update

Commissioner Jim Rothrock, Department of Rehabilitative Services, provided an update on developments affecting the agency, focusing on the vocational rehabilitation program. Commissioner Rothrock noted the vocational rehabilitation program is funded through a combination of federal funds and state matching funds. Currently, the state match is 21.3%, so that the Commonwealth receives 3.69 federal dollars for every state matching dollar spent. For fiscal year 2011, \$70,577,523 was available to the Commonwealth. To collect these funds, the Department was required to provide \$17.1 million in matching funds. However, Commissioner Rothrock noted, while federal funding for the vocational rehabilitation program was increased substantially (142%) since 1991, state general fund matching dollars have been reduced substantially (70%). As a result, the Department has been forced to find creative ways to meet match requirements and obtain the maximum amount of federal funding available. In fiscal year 2011, the Department was able to meet its match requirement with some general fund dollars (\$2.4 million) and a combination of funds used for programs or services that support vocational rehabilitation clients including funds allocated for community-based programs for Virginians with disabilities, supported employment programs, individual and family support programs, brain injury programs, and Medicaid disability determination services. This year, the Department will begin to include capital funds in amounts identified for the matching requirement. Commissioner Rothrock noted that it is becoming more difficult to meet the match requirement and that failure to meet the match requirement will result in loss of federal funds.

Commissioner Rothrock also discussed the Department's increasing caseload. He noted that in fiscal year 2010 the Department served 32,340 individuals, the largest number of persons served in the agency's history. Much of the growth in demand for services is attributed to new younger clients who are under the age of 24. Many of these individuals are students who will

soon be entering the work force. As a result of the increased caseload, Commissioner Rothrock reported that the agency has had to stop taking new clients and that there is now a waiting list for services.

In closing, Commissioner Rothrock noted that the vocational rehabilitation program had 3,390 successful cases closed in fiscal year 2010, with approximately 93% of those cases resulting in competitive employment for the client. With regard to unsuccessful rehabilitation cases closed in fiscal year 2010, Commissioner Rothrock stated that transportation was often a serious problem limiting the success of the rehabilitation.

Following Commissioner Rothrock's presentation, Disability Commission members asked several questions. Mr. Orelove requested information about unsuccessful case closures. Commissioner Rothrock noted that unsuccessful closures were actually cases in which the client could not be located or the client refused services or failed to cooperate with services. Commissioner Rothrock also noted that a case was considered successful when the client was able to obtain employment in a fully integrated setting earning more than minimum wage. Senator Miller requested demographic information about the population served and asked if the Department could identify any specific issues or needs moving forward. Commissioner Rothrock stressed the need for funding for the vocational rehabilitation program to ensure that the Department could meet federal matching requirements, eliminate the waiting list for services, and avoid waiting lists in the future. Delegate Orrock asked about programs for students, specifically programs to transition students from school to work. Commissioner Rothrock reported that the Department was working with various employers to implement such programs, highlighting programs that the Department was operating in conjunction with hospitals around the state to provide work experience for students with disabilities. In closing, Delegate Orrock asked that the Commissioner provide information about those programs and also information about client outcomes, particularly the amount that successfully placed clients are earning and also information on what happens to individuals whose cases are unsuccessful. Commissioner Rothrock stated that the Department would provide that information.

Department for the Blind and Vision Impaired Update

Commissioner Raymond Hopkins provided an overview of policy and program activities and changes affecting the Department for the Blind and Vision Impaired. He noted that the Department also provides vocational rehabilitation services and is experiencing the same challenges in meeting federal matching requirements as the Department of Rehabilitative Services. As a result, the Department's blind and vision impaired vocational rehabilitation program is under an order of selection resulting in limited access to services for persons in need of assistance.

Commissioner Hopkins also spoke about programmatic and policy initiatives at the Department for the Blind and Vision Impaired including efforts to reach out to students in need of assistance, efforts to track opened cases to determine how many people receive services and follow up with those cases, relationships with employment services organizations to increase successful employment placements for persons receiving services from the Department, and programs for students to increase access to job training services. Commissioner Hopkins reported that the Department has been able to secure funding for two part-time job development staff positions to increase placements and strengthen relationships with the business community. He stated that the Department is also modernizing and improving its vending facility program to increase income. In closing, Commissioner Hopkins stressed the need to increase funding to

address salary reimbursements to localities for special education teachers for visually impaired students, one of the major issues that the Department would like the Disability Commission to remain aware of and address.

2011 Disability Commission Work Plan

At the end of the meeting, the members of the Disability Commission discussed the 2011 work plan. Delegate Orrock noted that the Disability Commission would meet at least three more times, with meetings in June, August, and September to prepare recommendations for submission to the General Assembly and the Governor by October 1. Delegate Orrock also announced that the Disability Commission would have three work groups focused on (1) housing and transportation, (2) education and employment, and (3) publicly funded services for persons with physical and sensory disabilities. The Disability Commission would like to receive recommendations for non-Commission members to participate in the work groups. Recommendations may be emailed to staff at sstanton@dls.virginia.gov. Information about meetings of the work groups will be made available as soon as possible.

Next Meeting

The next meeting of the Disability Commission will be held on June 20, 2011, at the General Assembly Building in Richmond.