

**VIRGINIA DISABILITY COMMISSION**  
**AUGUST 17, 2011 2:00 PM**  
**GENERAL ASSEMBLY BUILDING**  
**RICHMOND, VA**

**Members Present:** Delegate Robert D. Orrock, Sr., Senator Yvonne B. Miller, Senator Linda T. Puller, Delegate David J. Toscano, Delegate Brenda Pogge, CDR Raymond F. Burmester, Ms. Sandra Cook, Mr. Bev Fleming

**Members Absent:** Delegate Ronald A. Villanueva, Mr. Woody Van Valkenburgh

The third meeting of the Virginia Disability Commission for the 2011 interim was held Wednesday, August 17, 2011, at 2:00 p.m. in House Room C of the General Assembly Building in Richmond. Following introductions and opening remarks, the Disability Commission received reports from the work groups, which met at the General Assembly Building from 12:00 p.m. to 2:00 p.m. that day.

**Work Group #1 - Housing and Transportation**

Senator Linda T. Puller reported that Work Group #1, the Housing and Transportation Work Group, had met to receive and discuss information related to options for increasing access to housing and transportation for people with physical and sensory disabilities in the Commonwealth. Senator Puller noted that the work group heard presentations from Ms. Jane Hardin, Coordinator of Senior Transit Programs, Community Transportation Association of America; Mr. Robert Werth, President of Diamond Transportation; Neil Sherman, Specialized Transportation Program Manager, Virginia Department of Rail and Public Transportation; and Lee Price, Director of Developmental Services, Virginia Department of Behavioral Health and Developmental Services. Senator Puller stated that the work group had decided to postpone recommendations related to housing, as additional work was needed on those topics. She then asked Ms. Hardin, Mr. Werth, and Mr. Sherman to provide brief statements regarding options for increasing access to transportation for persons with physical disabilities to the full Commission.

Ms. Hardin noted the need to support accessible transit options including feeder transportation systems and bike/walk trails, and the need for increased information sharing and coordination of information and activities among transportation providers. She recommended information clearing houses as one way that the Commonwealth could increase access to transportation for persons with physical and sensory disabilities. Ms. Hardin also noted the need for additional funding for transportation options.

Mr. Werth spoke about the need to coordinate and maximize transportation services, utilizing both public and private/for-profit service providers. He noted the need to make information about existing services available to the public, and the potential benefits that could result from better coordination, including better route and service planning and consolidation. Mr. Werth also stated that a dedicated source of funding for transportation services was needed.

Mr. Sherman briefly described some of the services that the Department of Rail and Public Transportation is involved with, including programs to purchase vehicles and extend transportation services for persons with disabilities. He said that 21 local transportation

coordination plans, covering every region of the Commonwealth, were available through the Department's website, and that the Department was working with localities to update plans, identify service needs and gaps in services, and develop strategies for addressing those needs and filling those gaps. Mr. Sherman also stated that the Department continued to work with both public/nonprofit and private/for-profit providers to maximize available transportation options. Among other things, the Department is working on developing a "how-to" on increasing volunteer participation in transportation programs, reducing barriers to transportation and increasing access. The Department is also in the process of competing for a federal grant that would provide transportation services for military veterans and their families. Mr. Sherman noted that if the grant was received, the program would fill another service gap.

Following statements from Ms. Hardin, Mr. Werth and Mr. Sherman, Delegate Orrock requested that the Disability Commission receive information about LogistiCare, the Medicaid transportation coordinator. He also requested information about requirements for public transportation providers imposed by the Americans with Disabilities Act.

Work Group #1 will meet at least once more during the 2011 interim, prior to the September meeting of the Disability Commission, to finalize recommendations related to increasing access to housing and transportation services for persons with physical and sensory disabilities in the Commonwealth.

## **Work Group #2 - Education and Employment**

Delegate Brenda Pogge reported that Work Group #2 had met and adopted several recommendations related to education and employment services for people with physical and sensory disabilities. She stated that Work Group #2 had voted to present the following recommendations to the Disability Commission:

- 1. The Disability Commission should request that legislation should be prepared to authorize local school divisions to transfer assistive technology that has been customized for students with disabilities to those students, their families, or other school divisions when the student graduates, ages out of public education, or transfers to another school division. The legislation should be modeled on the Texas assistive technology transfer statute.**

The Disability Commission voted to adopt this recommendation. A bill to implement this recommendation will be drafted and made available to the Disability Commission for review at the next meeting of the Disability Commission.

- 2. The Disability Commission should support inclusion of language in the appropriation act making an additional \$10.1 million available to the Department of Rehabilitative Services to ensure that the Department is able to meet federal matching requirements for the vocational rehabilitation program, eliminating the current waiting list for services. If the Governor does not include funding for the Department of Rehabilitative Services to meet federal matching requirements for the vocational rehabilitation program, the Disability Commission should request an amendment to the appropriation act to make such funding available to the Department.**

The Disability Commission voted to adopt this recommendation. The Disability Commission will send a letter to the Governor stating the Disability Commission's support for inclusion of such funding in the appropriation act and, if such funding is not included in the 2012 Appropriation Act, will request an amendment to the appropriation act making such funding available.

Delegate Pogge noted that Work Group #2 had also received information about the impact of including special education teachers for students who are blind or vision impaired in the Standards of Quality funding structure, the impact of recent changes in requirements for interpreters for the deaf and hard of hearing in public schools, and the rules governing education of students in nursing homes. Delegate Pogge stated that the work group was considering a recommendation related to including special education teachers for students who are blind or vision impaired in the Standards of Quality funding structure, but had not yet made a final decision.

Work Group #2 will meet at least once more during the 2011 interim, prior to the September meeting of the Disability Commission, to finalize recommendations related to education and employment services for people with physical and sensory disabilities in the Commonwealth.

### **Work Group #3 - Publicly Funded Services**

Delegate Toscano reported that Work Group #3 had met to receive information and consider recommendations related to publicly funded services for people with physical and sensory disabilities. He stated that Work Group #3 had voted to present the following recommendations to the Disability Commission:

- 1. The Disability Commission should support inclusion of language in the appropriation act providing funding to the Virginia Office for Protection and Advocacy (approximately \$200,000 to \$250,000) to add 2.5 FTEs for the Office's ombudsman program established pursuant to § 51.5-39.7 of the *Code of Virginia*. Such language should make clear that the Virginia Office for Protection and Advocacy must provide ombudsman services to the extent allowed by available funding, but that once appropriated resources have been exhausted, the Office is not obligated to operate the ombudsman service. The language should also include a requirement that the Office collect information about the number and type of cases handled, and the sufficiency or insufficiency of funding appropriated to meet the need for services.**

The Disability Commission voted to adopt this recommendation. The Disability Commission will send a letter to the Governor stating the Disability Commission's support for inclusion of such funding in the appropriation act and, if such funding is not included in the 2012 Appropriation Act, will request an amendment to the appropriation act making such funding available.

- 2. The Disability Commission should request legislation directing the Department of Medical Assistance Services to complete the process necessary to request approval for a Brain Injury Medicaid Services Waiver.**

The Disability Commission decided to request an update on the status of the Department of Medical Assistance Services' actions related to a request for approval to establish a Brain Injury Services Medicaid Waiver at its next meeting. At that time, the Disability Commission will determine whether legislation requiring the Department to complete the process necessary to obtain approval to establish a Brain Injury Services Medicaid Waiver is necessary.

- 3. The Disability Commission should support inclusion of language in the appropriation act providing funding to stabilize brain injury core services, to ensure ongoing service provision.**

Jason Young, Executive Director, Community Futures Foundation, reported that currently services are not adequately funded, resulting in waiting lists for services and gaps in services. He stated that the Virginia Alliance of Brain Injury Services Providers estimated that \$248,535 would be necessary to stabilize the existing service system and ensure ongoing provision of core brain injury services.

**The Disability Commission should support inclusion of language in the appropriation act providing funding to expand brain injury core services to include community support and residential services.**

Mr. Young also noted a need for an extension of the core services to include community support and residential services. He stated that the Virginia Alliance of Brain Injury Services Providers estimated that \$1,727,300 would be necessary to allow for expansion of core services to include community support and residential services.

After much discussion, the Disability Commission decided to ask Work Group #3 to develop additional information on the need to stabilize the current service system and the potential impact of expanding brain injury core services, and to present that information at the next Disability Commission meeting so that the Commission could finalize recommendations related to brain injury core services.

- 4. The Disability Commission should support inclusion of language in the appropriation act providing funding to restore funding to and eliminate waiting lists for services provided by the Department of Rehabilitative Services including (i) community rehabilitation case management services, (ii) personal assistance services program, and (iii) services provided by the brain injury service coordination unit.**

The Disability Commission decided to ask Work Group #3 to determine the amount of funding that would be required to meet service needs and eliminate waiting lists for these programs, and to present amounts at the next Disability Commission meeting, so that the Commission could finalize recommendations related to funding for services provided through those programs.

**5. The Disability Commission should support inclusion of language in the appropriation act providing funding to reestablish the Consumer Services Fund, the fund of last resort for people with disabilities in need of financial assistance with securing assistive technology and related services.**

Mr. Joey Wallace, Executive Director, NewWell Fund, stated that approximately \$400,000 would be needed to fund the Consumer Services Fund at a level sufficient to meet demand. This figure was based on data showing the amount of funding requested from the Consumer Services Fund and the amount of funding made available to people requesting assistance from the Consumer Services Fund during 2006 and 2007, the last two years that the Consumer Services Fund was funded by the General Assembly, as well as information about requests for funding submitted to the NewWell Fund after the Consumer Services Fund was defunded.

The Disability Commission voted to adopt this recommendation. The Disability Commission will send a letter to the Governor stating the Disability Commission's support for inclusion of such funding in the appropriation act and, if such funding is not included in the 2012 Appropriation Act, will request an amendment to the appropriation act making such funding available.

**6. The Disability Commission should support inclusion of language in the appropriation act providing funding to restore funding for independent living services provided by centers for independent living.**

Dr. Mary Lopez stated that the 2011 Appropriation Act reduced funding for centers for independent living by 7.5% for 2012, and stated a need for restoration of funding to ensure that centers for independent living continue to be able to provide peer mentoring, independent living skills training, information, and referral and advocacy services to people with disabilities.

**The Disability Commission should support inclusion of language in the appropriation act providing funding to establish two new centers for independent living in Petersburg and the New River Valley.**

Dr. Lopez stated that two additional centers for independent living are needed to ensure adequate service to people with disabilities in the Commonwealth. She stated that approximately \$250,000 would be required for each new center for independent living.

**The Disability Commission should support inclusion of language in the appropriation act providing funding to maintain two existing satellite centers for independent living offices in Loudoun County and the Middle Peninsula.**

Dr. Lopez stated that these centers provide core independent living services and work with the local community to establish the structure necessary for establishment of a center for independent living in the community at a future date. She stated that approximately \$80,000 would be required to support continued operation of each satellite office. The Disability Commission requested that Work Group #3 provide information about the amount of funding that would be necessary to restore funding for independent living services provided by centers

for independent living at the next Disability Commission meeting so that the Commission could finalize recommendations related to funding for centers for independent living.

### **Next Meeting**

Delegate Orrock announced that the Disability Commission will meet in September, date and time to be determined. Work groups will meet at least once prior to the September meeting of the Disability Commission to finalize recommendations.