

VIRGINIA DISABILITY COMMISSION
NOVEMBER 3, 2010, 2:00 P.M.
GENERAL ASSEMBLY BUILDING
RICHMOND, VA

Members Present: Delegate Robert D. Orrock, Sr., Senator Linda T. Puller, Delegate Brenda Pogge, Delegate Ronald A. Villanueva, CDR Raymond F. Burmester, Ms. Sandra Cook, Mr. Bev Fleming, Dr. Fred Orelove, Mr. C.W. Van Valkenburgh.

Members Absent: Senator Yvonne Miller, Delegate David J. Toscano.

The third meeting of the Virginia Disability Commission for the 2010 interim was held on Wednesday, November 3, 2010, at the General Assembly Building in Richmond. Following opening remarks and introductions, the Commission undertook its scheduled work.

Work Group #1 (Purpose and Scope) Recommendations

The Commission reviewed a draft of legislation incorporating changes recommended by Work Group #1 (Scope and Purpose) at the September Commission meeting. Commission members will provide feedback and comments to staff, and a final draft of the legislation will be discussed at the next Commission meeting.

Virginia's Olmstead Initiative

Mr. Carter Harrison, Chairman of the Virginia Community Integration Advisory Commission, provided an update on the status of Virginia's Olmstead Initiative. Mr. Harrison identified legislative priorities from the 2010 General Assembly Session, including SB 194 (Northam), clarifying that nothing in Title 54.1 of the *Code of Virginia* shall prevent any person from performing state or federally funded health care tasks directed by a consumer, which are typically self-performed, for an individual consumer who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks, and SB 148 (Puller), which extended the sunset of the Community Integration Advisory Commission through July 1, 2014, and changed the responsibility for staff support from the Virginia Board for People with Disabilities to the Virginia Department of Rehabilitative Services. Mr. Harrison then identified several recommendations made by the Community Integration Advisory Commission to the Governor for consideration during the 2011 General Assembly Session, including recommendations that the Commonwealth:

- Phase out the Mental Retardation/Intellectual Disabilities (MR/ID) and Individuals and Families Developmental Disabilities Support (DD) Medicaid Waivers waiting lists;
- Restore budget cuts to respite services under the Home and Community-Based Medicaid Waivers scheduled for FY 2012, up to a maximum of 720 hours annually in FY 2010;
- Restore the 5% budget cuts to provider rates in the Home and Community-Based Medicaid Waivers scheduled for FY 2010; and

- Support an increase in the Livable Home Tax Credit from \$2,000 to \$5,000 and allow builders to access the tax credit.

In closing, Mr. Harrison identified topics of future work for the Community Integration Advisory Commission, including guardianship, housing, auxiliary grants, family members as caregivers, and the Money Follows the Person Initiative.

Following Mr. Harrison's presentation, the Disability Commission voted to support these recommendations, with a particular emphasis on reducing waiting lists for Medicaid waiver services. The Commission will draft a letter to the Governor stating its support.

Brain Injury Services

Ms. Ann McDonnell, Executive Director of the Brain Injury Association of Virginia, discussed brain injury services in the Commonwealth, noting that not all individuals who need services are able to access services. She particularly highlighted the lack of in-state, publicly funded neurobehavioral therapy treatment services. Ms. Ruth Anne Walker, Department of Behavioral Health and Developmental Services, stated that she would take Ms. McDonnell's comments to the Commissioner of the Department of Behavioral Health and Developmental Services. Commissioner Jim Rothrock, Department of Rehabilitative Services, described activities around improving brain injury services.

Work Group Recommendations

The Commission received and discussed recommendations developed by Work Groups #2 (Service Needs, Costs, and Funding) and #3 (Housing and Transportation).

Work Group #3 (Housing and Transportation) met on October 28, 2010, to discuss issues related to housing and transportation needs of people with physical and sensory disabilities. The work group reported the following recommendations:

- Legislation to (i) increase the cap of the Livable Home Tax Credit from \$2,000 to \$5,000 per credit, (ii) make the credit available to home builders, and (iii) reserve one-half of the \$1 million available annually for new construction and one-half for retrofits, except that if one category of funding is not exhausted at the end of a tax year, that money can be used to fund additional credits in the other category.

The work group noted that the Governor's Housing Policy Work Group is also considering this recommendation, as is the Community Integration Advisory Commission.

- A letter to the U.S. Department of Housing and Urban Development supporting recommended changes to the Housing Choice Voucher process that will be submitted by the Virginia Housing Development Authority.
- Legislation directing the Joint Legislative Audit and Review Commission or other state agency to study housing needs of persons with physical and sensory disabilities in the

Commonwealth, including the nature and scope of housing needs, the costs involved in meeting those needs, and any potential savings to the Commonwealth resulting from satisfaction of housing needs.

Following discussion of this recommendation, the Commission voted to request that the Office of Community Integration carry out this task, and to report to the Disability Commission no later than December 1, 2011. .

The work group also reported that it had discussed various options for establishing a group to evaluate existing accessibility standards and develop a standardized set of terms and a model standard for the Commonwealth, and concluded that the Disability Commission should wait to act on this issue until after the Governor's Housing Policy Work Group reports its findings and conclusions in late November, as the Governor's Work Group may have a recommendation on this issue. If the Governor's Work Group does not have a recommendation on this issue, the Disability Commission may want to consider establishing a work group to pursue development of uniform accessibility standards for the Commonwealth.

Finally, the work group recommended that the Commission receive information about changes to local housing policy resulting from enactment of the amendment to the Constitution of Virginia authorizing localities to provide tax relief for disabled homeowners.

Work Group 23 (Services) met immediately prior to the full Commission meeting on November 3, and reported the following recommendations:

- A budget amendment to provide \$2 million to the Department of Rehabilitative Services to provide personal assistance services to all individuals on the waiting list, eliminating the waiting list;
- A budget amendment to restore funding for independent living services through the Department of Rehabilitative Services to the previous funding level for FY 2011 (\$427,000);
- Legislation to increase the maximum amount of allowable earnings under the Medicaid Works program to the federally allowed maximum, \$60,000 per year;
- A budget amendment to restore funding for brain injury services through the Department of Rehabilitative Services to the previous funding level for FY 2011 (\$200,000);
- A budget amendment to provide \$500,000 to the Department of Medical Assistance Services to support in-state, publicly funded neurobehavioral therapy services to persons with brain injuries;
- A budget amendment reestablishing the Consumer Services Fund, and allocating \$500,000 for the Consumer Services Fund program.

The members of the Commission voted to support these recommendations and to draft a letter to the Governor describing their recommendations for the 2011 General Assembly Session.

Next Meeting

The next meeting of the Disability Commission will be held the first full week of December, date and time to be decided.