

# *Virginia's Olmstead Initiative: Priorities and Proposed Legislation*

*Presentation to  
The Virginia Disability Commission  
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# Timeline of Events

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- 1999: *Olmstead v. L.C.*
- 2002: Virginia's *Olmstead* Task Force
- 2003: *Olmstead* Task Force Report
- 2004: Executive Order 61
- 2005: Executive Order 84
- 2006 on: ????????

## Executive Order 61 (January 6, 2004)

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- *Community Integration Implementation Team: 18 state agencies and four Secretariats*
- *Community Integration Oversight Advisory Committee: individuals with disabilities, family members, advocates, and providers*
- *Director of Community Integration for People With Disabilities*

## Executive Order 84 (January 14, 2005)

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- Oversight Advisory Committee, Implementation Team and Director responsibilities continue
- New directives:
  - Team/Committee to update and prioritize collaboratively
  - Team and Committee reports to include six specific recommendations
- Expires January 14, 2006

## How are we doing so far?

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- 34 Task Force Report recommendations already fully implemented, including:
  - Creation of Governor's *Olmstead* designee, stakeholder group and interagency team
  - Newborn Screening
  - Housing Registry
  - Home Accessibility Modifications Programs
  - Education of architects, contractors and others in accessibility and universal design
  - Waiver Choices Brochure
  - Targeting of grants to fund *Olmstead* solutions

## How are we doing so far?, cont'd

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- Substantial progress on many recommendations, including:
  - PACT programs, discharge assistance plans, crisis stabilization units and community inpatient bed purchases for people with mental illness
  - 860 new Waiver slots and two Regional Community Support Centers for people with mental retardation
  - 105 new Waiver slots for people with developmental disabilities
  - New Waivers: day support and Alzheimer's and dementia
  - Rate increases for mental retardation waiver, personal care providers

## How are we doing so far?, cont'd

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- Latest Initiatives:
  - VBPD Nursing Home Transition grant awarded to VACIL
  - VBPD Community Inclusion grant awarded to DMHMRSAS
  - DMAS working to add transition benefits to Waivers

## **COMMITTEE'S REPORT: OCTOBER 3, 2005**

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- **Six (6) top priorities**
- **Eight (8) additional priorities**
- **Housing priorities**

## Six Top Priorities

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- **#1:** Medicaid reimbursement rates
- **#2:** Personal maintenance allowance (PMA)
- **#3:** Waiver slots; nursing facilities and ICFs/MR waiting lists; no wait longer than 90 days for discharge
- **#4:** State mental health facility discharge waiting lists
- **#5:** Incentives to attract/retain qualified candidates to disability fields of care
- **#6:** Medicaid financial eligibility increase

## Eight Additional Priorities

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- Funding/incentives for providers of new services
- Employment as issue in discharge planning protocols
- Recovery-oriented services for adults with SMI; mental health consumer mentoring group
- Funding for people in institutions to use for upfront household expenses
- Exclusion of consumer-directed personal assistants, respite workers/companion aides from requirements “Nurse Practices Act”
- Brain Injury Waiver
- Alzheimer’s and Dementia Waiver
- People with disabilities as a high priority housing need population

# Housing is Vital to Community Integration

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# Housing Priorities

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- Heed HHR Housing Study Report recommendations
- Lead entity to coordinate housing for people with disabilities
- State housing supplement program
- Housing Choice Vouchers/other public benefits as income
- Advance notice of availability of fully accessible housing
- People with disabilities as high priority housing population
- Best practices training; determining local capacity for delivering affordable/accessibile housing
- Alternatives to Auxiliary Grant program
- Education of decision makers re: negative impacts of many local land use regulations/practices on affordable/accessibile housing

## Six Specific EO 84 Recommendations

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- Appointments/membership
- Nursing home/ALF discharge wait lists
- Incident reporting
- Rights notification system
- Quality monitoring system; complaint process
- Cross-agency reporting system

## Committee's Recommended Next Steps

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- "Phase One" of Olmstead Plan
- Legislation to establish permanent advisory board, Team and Director
- New Executive Order in January
- Continuity through transition to new administration
- Educational campaign
- Continue to assure a multi-disability focus that excludes no one

# Legislative Proposal for 2006 Session

- Why Legislation?
  - The Olmstead decision remains the law of the land.
  - The structure provided under EOs 61 and 84 has worked.
  - Community integration is the responsibility of all agencies of state government.
  - People with disabilities are the real experts and must continue to have a strong voice in future directions.
  - Despite movement toward community services, Virginia continues to invest heavily in institutions.
  - Although steady progress is being made, there is *much* more to be done, and it will take several more years to get where we need to go as a state.

## Legislative Proposal for 2006 Session, cont'd

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- Cornerstones:
  - Statewide strategic plan for community integration of people with disabilities
  - Housing policy for people with disabilities
  - Multi-state agency team to implement community integration initiatives
  - Director to coordinate, monitor effectiveness of community integration efforts, and report annually to Governor
  - Stakeholder Advisory Board to advise, make recommendations to team, director and Governor

## Legislative Proposal for 2006 Session, cont'd

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- Community Integration Advisory Board
  - 21 members, appointed by Governor
    - 11 people with disabilities
    - 4 family members
    - 6 providers and advocates
  - Powers and duties
    - Monitor state's administration of community integration laws
    - Study successes and barriers
    - Advise/make recommendations to Director and Team on a statewide community integration strategic plan
    - Report recommendations to Governor

## Legislative Proposal for 2006 Session, cont'd

### ■ Implementation Team

#### ■ 25 members:

- Secretaries of Commerce and Trade, Education, HHR, Transportation, *ex officio*
- 19 state agencies
- Director chairs

#### ■ Powers and duties:

- Develop and update strategic plan for community integration
- Seek Advisory Board's input and advice on strategic plan
- Develop budget/legislative proposals in support of plan
- Report annually to Advisory Board on implementation status

## Legislative Proposal for 2006 Session, cont'd

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- Director of Community Integration
  - Appointed by Governor
  - Responsibilities:
    - Review agency strategic plans/funding allocations
    - Work to develop/implement statewide housing policy for people with disabilities
    - Create system to monitor/evaluate Commonwealth's performance
    - Assist agencies to make changes that support community integration
    - Monitor federal legislation/policy to access funds/resources to support state's efforts
    - Report annually to Governor
    - Chair Implementation Team