

2011 Legislation - Disability Commission Recommendations - Passed

HB 1514 (Orrock) **Virginia Disability Commission; clarifies that Commission shall serve as primary forum in State.**

Clarifies that the Virginia Disability Commission shall serve as the primary forum in the Commonwealth where the needs of and issues affecting people with physical and sensory disabilities are identified and addressed, and provides that the Commission shall serve as the primary body for coordinating proposals and recommendations of all commissions and agencies for legislation or budget actions affecting persons with physical and sensory disabilities, including receiving, reviewing, and responding to proposals and recommendations. The bill also provides that the Commission shall report its recommendations related to legislative priorities and policies for adoption or examination by the General Assembly to the General Assembly and the Governor by October 1 of each year.

HB 1950 (Villaneuva) **Livable home tax credit; increases maximum amount, real estate developers eligible to receive.**

Increases the maximum amount of credit that may be allowed from \$2,000 to \$5,000 and makes licensed contractors eligible to receive the credit. This bill incorporates HB 1753 (Plum).

HB 2384 (Orrock) **Medicaid Works program; DMAS to increase maximum allowable earnings for individuals.**

Medicaid Works program; maximum allowable earnings. Requires the Department of Medical Assistance Services to increase the maximum allowable gross earnings for individuals participating in the Medicaid Works program established pursuant to § 1902(a)(10)(A)(ii)(XV) of the Social Security Act to the maximum gross income amount allowed by the Ticket to Work and Work Incentives Improvement Act of 1999 that does not trigger collection of mandatory premiums.

Other 2011 Legislation - Passed

HB 1435 (Bell, R.P.) **American Sign Language; recognition for completed coursework.**

Provides that if a local school board offers an elective course in American Sign Language, it must grant academic credit for course completion on the same basis as the successful completion of a foreign language course and count course completion in American Sign Language toward the fulfillment of any foreign language requirement for graduation. Additionally, the bill requires public institutions of higher education to count academic credit received for successful completion of American Sign Language courses in a secondary school or higher education institution toward satisfaction of the foreign language entrance requirements.

HB 1705 (Lewis) **Workers' compensation; modifications to employee's home and automobile.**

Authorizes the Workers' Compensation Commission, in awards entered for incapacity for work, to require the employer to furnish and maintain modifications to or equipment for the injured employee's automobile. Such awards may be made upon the determination by the treating physician and the Commission that they are medically necessary. Such an award may be in addition to currently authorized awards for bedside lifts, adjustable beds, and home modifications. The measure also increases the maximum aggregate cost of all such items and modifications on account of any one accident from \$25,000 to \$42,000.

HB 1773 (Sherwood) **Veterans Affairs and Homeland Security, Secretary of; establishes position.**

Establishes the Office of the Secretary of Veterans Affairs and Homeland Security with responsibility to the Governor for veterans' services and homeland preparedness and security. The state entities reporting through the new Secretary's Office are the Department of Veterans Services, Secure Commonwealth Panel, Veterans Services Foundation, Virginia Military Advisory Council, and Virginia War Memorial Foundation. Powers and duties of the Secretary include a requirement that the Secretary "monitor and enhance efforts to provide assistance and support for veterans living in Virginia and members of the Virginia National Guard and Virginia residents in the Armed Forces reserves in active federal service in the areas of (medical care, (ii) mental health and rehabilitative services, (iii) housing, (iv) homelessness prevention, (v) job creation, and (vi) education" and "seek additional federal resources to support veterans services" in addition to numerous other security, emergency preparedness, and other veterans services activities. The bill has an emergency clause.

HB 1839 (Garrett) **Rehabilitative Services, Department of; powers and duties.**
SB 1148 (Quayle)

Eliminates the Statewide Independent Living Fund, eliminates obsolete language regarding the process by which the Department of Rehabilitative Services provides personal care assistance to persons with significant disabilities, and eliminates obsolete language related to the Department of Rehabilitative Services' role in efforts to eliminate environmental barriers affecting persons with disabilities.

HB 2034 (Peace) **Attorney General; investigation of complaints of abuse of person in care of SB 1214** (Smith) **others.**

Provides that the Attorney General shall investigate complaints of alleged abuse or neglect of persons in the care or custody of others who receive payments for medical assistance under the state plan for medical assistance, regardless of whether the patient is a recipient of medical assistance. The bill also exempts records or information provided to the Office of the Attorney General's Medicaid Fraud Control Unit from disclosure pursuant to the Freedom of Information Act.

HB 2159 (Iaquinto) **Electric utility service; termination of service of customers with a**
SB 1165 (Reynolds) **serious medical condition.**

Directs the State Corporation Commission to establish limitations on the authority of electric utilities to terminate electric service to the residence of a customer who has a serious medical condition or resides with a family member with a serious medical condition. The Commission is further directed to adopt regulations, by October 31, 2011, to implement the limitations. The regulations shall establish a cost recovery mechanism.

HB 2217 (Stolle) **Local disability services; agencies may convene local interagency**
SB 1276 (Ruff) **services teams.**

Eliminates the Disability Services Council and the State Rehabilitative Services Incentive Fund, the requirement that localities establish local disability services boards, and the authority of localities to establish local rehabilitative services incentive funds.

HB 2467 (Greason) **Health insurance; mandated coverage for autism spectrum disorder.**
SB 1062 (Howell, J.)

Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis of autism spectrum disorder (ASD) and treatment for ASD in individuals from age two to six, subject to an annual maximum benefit of \$35,000 of coverage for applied behavior analysis. Treatment for ASD includes applied behavior analysis when provided or supervised by a board certified behavior analyst, who shall be licensed by the Board of Medicine, and the prescribing practitioner is independent of the provider of the applied behavior analysis. The mandate to provide coverage will not apply to individual or small group policies, contracts, or plans. The mandate will apply to the state employees' health insurance plan and to the local choice health program. This measure will not apply to an insurer, corporation, or health maintenance organization, or to government employee programs, if the costs associated with coverage exceed one percent of premiums charged over the experience period. HB 2512 is incorporated.

SB 1269 (Houck) **Autism Advisory Council; created, report.**

Creates the Autism Advisory Council as an advisory council in the legislative branch of state government to promote coordination of services and resources among agencies involved in the delivery of services to Virginians with autism spectrum disorders and to increase public awareness of such services and resources. The Council will not be created unless funds are included in the appropriation act. The Council will expire on July 1, 2014.

HJ 648 (Plum) **Study; Amendments to the Uniform Statewide Building Code; report.**

Requests the Department of Housing and Community Development, in cooperation with the Department of Rehabilitative Services, to study the feasibility and appropriateness of amendments to the Uniform Statewide Building Code to provide accessible routes for persons with disabilities into public and private buildings and facilities and promote universal features in dwelling units. The Departments must submit their joint findings and recommendations to the 2013 Session of the General Assembly.

OTHER 2011 LEGISLATION - FAILED

HB 1606 (Loupassi) **Incapacitated adults; abuse and neglect.**

Narrows the definition of incapacitated adult and expands the definition of neglect in the criminal statute. The statute of limitations for a misdemeanor prosecution under the statute is lengthened to five years.

HB 1607 (Louipassi) **Crimes against adults 60 years of age or older; increases criminal penalties.**

Increases criminal penalties when the victim of the offense is 60 years of age or older and the offender knows or reasonably should know the victim of the offense is 60 years of age or older as follows: Any person who commits a grand larceny shall be punished by a term of imprisonment of not less than two nor more than 20 years. Any person who obtains money by false pretenses is guilty of a Class 3 felony. Any person who signs another's name to a writing is guilty of a Class 4 felony. Any person who commits an identity theft resulting in financial loss of greater than \$200 is guilty of a Class 5 felony. Any person who commits a second or subsequent offense shall be sentenced to a term of imprisonment of two years in addition to the punishment provided for such offense.

HB 1633 (Watts) **Financial exploitation of elderly or vulnerable adults; penalty.**

Provides that it is a Class 5 felony to knowingly, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an elderly or vulnerable adult's property or financial resources with the intent to temporarily or permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person with a fiduciary relationship it is a Class 3 felony. This bill incorporates HB 1512 (Scott, J.).

HB 1880 (Filler-Corn) **Disabled individuals; taxation of trusts established therefor.**
SB 1175 (Marsden)

Establishes an individual income tax deduction not to exceed \$2,000 for the fair market value of contributions made during the taxable year to certain supplemental needs trusts established for disabled individuals. The bill also would exempt from taxation the income earned by such trusts. The bill would become effective for taxable years beginning on or after January 1, 2011.

HB 2014 (Pogge) **Students; Disability Commission to study continued access to assistive technology devices.**

Directs the Disability Commission to establish a work group to study continued access to assistive technology devices customized for students throughout the education process and upon graduation from or aging out of secondary education.

HB 2086 (Herring) **Virginia Respite Care Registry and Fund; established.**

Directs the Department for the Aging to establish and maintain the Respite Care Registry to make information about adult day services providers, community respite care organizations, and other providers of respite care available to the public. The bill also establishes the Virginia Respite Care Fund, to consist of voluntary income tax contributions to support the Respite Care Registry.

HB 2265 (Morgan) **Local disability services boards; clarification of assistance to local governments.**

Clarifies the role of local disability services boards and provides that every county and city shall establish, either singly or in combination with another political subdivision, a local disability services board to provide information and resource referral to local governments regarding federal and state mandated programs such as the Americans with Disabilities Act; provide such other assistance and advice to local governments as may be requested, to better address the unmet and underserved needs of individuals with disabilities; and provide input to state agencies on service needs and priorities of persons with physical and sensory disabilities.

HB 2342 (Morrissey) **Income tax, state; tax credit for hiring employees with disabilities.**

Provides a tax credit for employers who hire qualified persons with disabilities for taxable years beginning on or after January 1, 2011, but before December 31, 2015. The amount of the credit is 20 percent of the first \$5,000 of wages paid annually to such employees during the first two years of employment.

HJ 633 (Morrissey) **Employment First initiative; Secretary of Health & Human Resources to develop & implement in State.**

Requests the Secretary of Health and Human Resources to develop and implement an Employment First initiative for the Commonwealth to increase opportunities for meaningful employment in integrated community settings for persons with intellectual and developmental disabilities.

SB 556 (Herring) **Crimes against incapacitated or elder adults; penalty.**

Provides that any person who commits an offense set forth in Chapter 4 (crimes against the person), Chapter 5 (crimes against property), or Chapter 6 (crimes involving fraud) of Title 18.2, knowing or having reason to know that the victim of the offense is an incapacitated or elder adult is guilty of a separate and distinct Class 1 misdemeanor if the underlying offense is a misdemeanor and a separate and distinct Class 6 felony if the underlying offense is a felony. The bill adds that if the offender is a person responsible for the care of the victim, punishment for a misdemeanor shall include a mandatory minimum term of confinement of 30 days, and punishment for a felony shall include a mandatory minimum term of confinement of six months.

SB 1324 (Herring) **Incapacitated or elder adults; person who commits crimes against is guilty of misdemeanor.**

Provides that any person who commits an offense set forth in Chapter 4 (crimes against the person), Chapter 5 (crimes against property), or Chapter 6 (crimes involving fraud) of Title 18.2, knowing or having reason to know that the victim of the offense is an incapacitated or elder adult is guilty of a separate and distinct Class 1 misdemeanor if the underlying offense is a misdemeanor and a separate and distinct Class 6 felony if the underlying offense is a felony. The bill also provides that if the offender is a person responsible for the care of the victim, punishment shall include a mandatory minimum term of confinement of 30 days if the underlying offense is a misdemeanor and a mandatory minimum term of confinement of six months if the underlying offense is a felony. This bill incorporated SB 919 (McDougle).

SB 1325 (Herring) **Financial exploitation of elderly or vulnerable adults; penalty.**

Provides that it is a Class 5 felony to knowingly, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an elderly or vulnerable adult's property or financial resources with the intent to temporarily or permanently deprive the adult of the use, benefit, or possession of the property or financial resources. If the violation is by a caregiver or person with a fiduciary relationship it is a Class 3 felony.