**Virginia Board for People with Disabilities**

**Board Meeting Minutes**

***March 16, 2016***

The Virginia Board for People with Disabilities held its regular quarterly meeting on Wednesday, March 16, 2016 at the Four Points by Sheraton Hotel, 4700 S. Laburnum Avenue, Richmond, Virginia.

**BOARD MEMBERS PRESENT:**

Charles Meacham, Angela Sadsad, Curtis Andrews, Randy Burak, Michael Carrasco, Theresa Casselman, John Eiseberg, Carina Elgin, Melissa Gibson, Donna Gilles, John Kelly, Ronald King, Marisa Laios, Ronald Lanier, Donna Lockwood, Rachel Loughlin, Mary McAdam, Richard Mitchell, Alexis Nichols, Atima Omara, Deanna Parker, Ethel Paris Gainer, Jessica Philips, Cindy Rudy, Korinda Rusinyak, Summer Sage, Terry Smith, Jaime Snead, Ed Turner, Kathleen Vaughan, Travis Webb, Angela West,

**BOARD MEMBERS ABSENT**:

Vicki Beatty, Donna Bonessi, Stephan Joseph, Felicia Hamilton, Sari Leinonen-Farrell, Matthew Shapiro, Rose Williams.

**CALL TO ORDER, WELCOME AND INTRODUCTIONS:**

Board Chair Charles Meacham called the meeting to order at 11:50 am. The Chair welcomed existing Board, staff and Luncheon Presenters: Sarah Broughton, Senior Policy Analyst for Department of Medical Assistance Services (DMAS) and Tammy Driscoll, Senior Program Analyst for DMAS. Chair introduced the two new board members, Curtis Andrews, Transportation Representative and Jamie Snead, Parent/Guardian of Person with DD. Chair also introduced new Board staff members, Jason Withers, Grants, Contracts & Program Information Manager and Megan Campbell, Communications Assistant.

The Chair made general announcements: The Class of 2016 Baccalaureate Ceremony will be on April 8th, 2016 from 7 -9 pm at the Holiday Inn South Bells Road. The Graduation Ceremony takes place April 9th from 10-12pm at the VA State Capital in House Room 3. The Youth Leadership Forum application deadline is March 31st 2016 and Board members have approximately two more weeks to assist with increasing the applicant pool. YLF will be held at VSU from July 25th – July 28th, 2016. The Board is also collecting success stories from people with disabilities as part of story goal in current State Plan. The next board meeting is scheduled for June 15th, 2016.

**APPROVAL OF DECEMBER 2, 2015 BOARD MEETING MINUTES:**

The Chair asked if there were any changes to the Board Minutes. The Chair called for a **MOTION** to **APPROVE** the minutes. Cindy Rudy made a **MOTION** to **APPROVE**. Marisa Laios seconded the **MOTION**. The **MOTION** carried unanimously.

**REPORT OF THE NOMINATIONS COMMITTEE**:

Ron King provided a report on the Nominations Committee. The Nominations Committee (Ron King and Terry Smith) were responsible for recommending a board member for the Executive Committee. After careful consideration, At-Large Member Summer Sage has been recommended to join the Executive Committee.

The Chair called for additional nominations. There were none. The Chair called for a **VOTE** on the **nomination**. The **nomination** was approved unanimously.

The Chair advised that there needs to be nominations for officers and At-Large members to the Executive Committee. The Chair indicated that Ron King, Terry Smith and Marisa Laios will sit in on the committee.

**PUBLIC COMMENT:**

The Chair noted that there were no public comments.

**LUNCHEON PRESENTATION:**

Presentation on *Managed Long Term Care Services and Supports* by Sarah Broughton, Senior Policy Analyst for DMAS.

**STANDING COMMITTEE REPORTS**

**REPORT OF THE INVESTMENT & STATE PLAN OVERSIGHT COMMITTEE**

Committee Chair Michael Carrasco reported that:

* Only 20 stories of 40 have been collected. The staff will focus on ways to ensure the objective is met by the end of the year, including outreach to PIP and YLF alumni.
* Jason Withers, Board staff, provided the report of the Grant Review Committee. Eleven Letters of Interest for the Competitive Grants were received; 5 were responsive to the RFP. The committee selected 3 LOIs and invited those applicants to submit a full proposal. Proposals are due March 31st, 2016. Jason also participated in Technical Assistance calls with 2 grantees and the total amount available is $150,000.
* The second RFP is a solicited proposal with the Virginia Department of Education (DOE) to develop and implement a training program for Critical Decision Points for students with disabilities. That proposal is also due on March 31.
* The third initiative is a sole source contract with VACIL to expand the ABLE project. That contract will be signed soon and is slated to begin on April 15, 2016.
* The Committee reviewed public comments on new State Plan – it was noted that the new plan was overwhelming and that there should possibly be a better way for people to provide a response to the state plan. There is a possibility that perhaps the survey may need to be streamlined and allow for an easier way for people to provide comments. Ms. Lawyer clarified that there was no survey related to the state plan public comment submission. The only survey sent out was the consumer satisfaction survey.
* Recommendations for Board staff included building benchmarks into the State Plan at certain intervals and creating a Dashboard for committee members, as this will assist the committee in engaging with the oversight expected of them.

**REPORT OF THE POLICY, RESEARCH & EVALUATION COMMITTEE**

Committee Chair Angela Yong West reported:

* There was a review of the draft of FFY 2017-2021 Implementation Activities Related to Public Policy. Meeting adjourned at 11:30.
* The committee reviewed the purpose and functions of committee and discussed what members wanted committee to look like and what they wanted to accomplish.
* John Cimino, Board staff provided an update on the General Assembly. Main topics discussed included education and Medicaid waivers. John also updated and discussed Board Policy & Research activities and public comment submitted.
* John reviewed public comments on FFYR 2017-2021 State Plan Goals and Objectives as related to Public Policy Focus areas
* The committee reviewed the draft of FFY 2017-2021 Implementation Activities Related to Public Policy.
* The meeting adjourned at 11:30.

The Executive Director commented that, as board has been divided into these individual committees, there may be some benefit in having a bit more detail in the full board meetings so that all members can benefit from a more detailed view and asked that members consider throughout the meeting if they felt they’ve received enough information.

**REPORT OF THE ADVOCACY OUTREACH AND TRAINING COMMITTEE**

Committee Chair Randy Burak reported the meeting was well organized. The meeting began at 9:12 a.m.

* Mr. Burak noted changes to the Agenda and provided a report on the Executive Committee
* The committee reviewed the purpose and functions of committee and discussed what members wanted committee to look like and what they wanted to accomplish.
* Katherine Lawson, staff to the Committee, reviewed several liaison activities
* Ben Jarvela provided a report about significant communications developments.
* Penni Sweetenburg-Lee provided an overview of the Alumni Development Plan which is an ongoing Program of the Board. The Committee asked for Board staff to prepare a three year work plan for the June board meeting, including a three year budget. The Committee preferred the regional meeting formation and will approve the plan in June, 2016 if this direction is confirmed.
* Randy Burak reviewed public comments on FFYR 2017-2021 State Plan Goals and Objectives as related to Advocacy Outreach and Training.
* The committee reviewed the draft of FFY 2017-2021 Implementation Activities Related to Advocacy and Outreach.
* Katherine Lawson provided a survey so that the committee could document positive and constructive feedback.
* The meeting was adjourned at 11:15 a.m.

**QUESTIONS ON EXECUTIVE COMMITTEE**

The Chair asked if any additional detail was needed regarding the Executive Committee meeting. Board Member Marisa Liaos wanted to know if there was anything that could be done collectively by the Board regarding the 40 hour cap on personal care attendants outside of contacting elected officials and Governor. Executive Director indicated that as individuals, board members could advocate with the Governor’s office as the matter is now with him.

**GENERAL COMMENTS ON NEW STRUCTRE:**

The Chair opened floor for any general comments regarding the structure of the committees. Board Member Marisa Liaos indicated that for AOT, one of the comments was regarding the need for additional tables. Board Members Jessica Philips indicated that she worried that there may not be sufficient coordination between the committees.

Board Member Atima Omara indicated that she would like to have more information regarding events which happen between the committees and how they will fit into the larger picture. She also recommended an e-mail be sent prior to the start of legislative session with a list of all Bills on the docket, as well as additional e-mails providing a mid-Session update and an end-of-Session update rather than the more frequent updates that were sent.

The Executive Director advised that the Board staff provides updates on primary activities and that, if there is something particular a member wishes to be informed upon, specialized information can be sent. She also requested that, if Board Members have suggestions on what they’d like to see, to please advise her or the staff. Additionally, the Executive Director indicated that committee members would need to work out with their chair and committee staff what they would like to see as interim committee communications.

**DISCUSSION OF 2017-2021 STATE PLAN & PUBLIC COMMENTS:**

The Chair indicated that a **MOTION** was needed to either accept or reject Public Comments made in BD 3-2. The Chair indicated that the comments received did not specifically relate to the State Plan. Ms. Mary McAdam made a comment regarding the third Public Comment which addressed the need to have better access to information and noted that when she attempted to use Virginia Navigator, it was difficult to find information. She believes that this may be a place where the Board could assist in the future. Heidi Lawyer asked Board member Kathleen Vaughan to briefly address the work being done via the No Wrong Door initiative.

The Chair called for a **MOTION** to **APPROVE** the State Plan for 2017-2021 as submitted without any changes. Marisa Laios made a **MOTION** to **APPROVE.** Ed Turner seconded the **MOTION.** The **MOTION** carried unanimously.

**AGENCY REPORTS**

**Kathleen Vaughan, agency representative, Virginia Department for Aging and Rehabilitative Services (DARS):**

* The Wilson Workforce & Rehabilitation Center gained funding of $100,000 for equipment and training to prepare students for manufacturing careers.
* The Centers for Independent Living gained $200,000 in FY 2017 and FY 2018 each year to fund transition services.
* The General Assembly (GA) approved an additional $375,000 in funds in FY 2017 and $375,000 in FY 2018 for long term employment and support services.
* The GA also approved $375,000 in 2017 & $375,000 in 2018 for brain injury programs.
* $500,000 for FY 2017 & $975,000 in 2018 was allocated for public guardianship services for individuals transitioning from training centers to community settings.
* Traditional Funding for Elderly and Vulnerable adults was allocated $425,000; this will increase to $1.01 million in FY 2018 & is specific for public guardianship services to vulnerable adults.
* HB 676 directs DARS to look at adult exploitation & offer recommendations during next General Assembly Session. This is a workgroup which will also involve Adult Protective Services and local departments of social services representatives, will look into the cost of financial exploitation of adults in Virginia. It will develop recommendations for the abilities of financial institutions to identify financial exploitation, the process by which the institutions report instances of suspected exploitation & interactions between the institutions and local Adult Protective Services units. The recommendations will be given to the General Assembly by January 1st, 2017.
* In the Vocational Rehabilitation division at DARS as of March 1st, 2016, for individuals the most significant disabilities, Category 1 MDS has now been opened for employment services and development of career plans & in Significant Disability Category 2, there are people on the waitlist who applied on/before June 30th 2015. There are approximately 500 waiting for services and individuals on the waitlist now being served.
* Project Search sites in VA are increasing from 15 to 17, with Lynchburg City Schools and Loudoun County Schools being the two new programs. This is an opportunity for persons with disabilities who are qualified to gain education for employment in medical settings & assists with lack of staffing in hospital settings.
* No Wrong Door is a statewide, public-private partnership to assist individuals with disabilities access and coordinate services more efficiently. It is an informational use of technology that coordinates the way providers work together so individuals can stay in their home/community or return to their home/community. No Wrong Door is expanding via the use of CRIA. There are 76 private and public agencies currently partnering with No Wrong Door.

**Terry Smith, agency representative, Virginia Department of Medical Assistance Services (DMAS):**

Waiver Redesign – DMAS is currently reviewing public comments prior to submission of the waiver amendments to CMS. DMAS/DBHDS will need to summarize comments and recently received word from CMS that if the agency did not accept changes as a result of comments, DMAS will have to explain why no changes were made. The General Assembly did provide authority for many of services in the Waiver Redesign and also provided authority to delay four services: Community Guide & Peer Support Services, Community Coaching, Benefits Planning and Non-Medical Transportation. This delay may engender another 30 day comment period. DMAS waiting on response from CMS on whether another 30 day comment period will be required. DMAS will be submitting three amendments, which may lengthen the time required for approval. If submitted April 1st and everything cleared through, approval would be on July 1st. However, if another public comment period, questions from CMS or additional time needed to prepare, could push back the July 1st goal.

* There have been several rate increases, including private duty nursing, of 11.5 percent. Skilled nursing rates have increased 25 percent. Adult Day Health Services have gotten an increase and rates for Sponsored Residential in Northern Virginia will have a 24.5 percent increase.
* General Assembly provided 355 waiver slots for FY 2017 – 200 for those on the top of the DD waiting list, an additional 115 slots and 40 Emergency Reserve slots. The Emergency Reserve slots were part of the CMS amendments and will provide slots for individuals with disabilities in emergencies, individuals transferring between waivers and individuals that might transfer from Intermediate Care Facilities or State Nursing Facility to Home & Community Based.
* DMAS will conduct a study on brain injury – it is difficult to gather data on individuals who have had brain injuries and there will be a study required to look at data capture measures – will look at how to capture data, any out of state placements we have and how we may be able to transition individuals in out of state placements specific to brain injury back to Virginia.
* DMAS will be convening a workgroup as not certain that the Alzheimer’s Assisted Living Waiver will meet the 2014 CMS Home & Community Based Services Final Rule. That wavier, with approximately 55 people, is based in an Assisted Living setting. It has not been a waiver which has had significant growth and is up for renewal in 2 years. It is hoped that this study group, which will include stakeholders, DARS, dementia service providers & the Alzheimer’s Association, can work through: 1 – will the waiver comply and if it cannot, what is the plan to ensure that the current waiver individuals & others with dementia can be best served in their homes and communities.
* Overtime for Attendants – the budget provides that DMAS will amend the State Plan and Waivers so that there is no authority to pay overtime for Consumer Directed Personal Assistance, Respite and Companion Services. Terry Smith indicated she had been asked that morning if the attendant could work more than 40 hours & not be paid overtime. Under Department of Labor rules, if an individual works overtime, DMAS is obligated to pay overtime. The rule is a 1 to 1 relationship between 1 employer and 1 employee. Attendants can work for multiple individuals but cannot work over 40 hours with one. DMAS is still awaiting legal advice as to whether or not the state or fiscal employer agent or health plans might be considered “joint employers”. If that is the case, they would aggregate all of the time one attendant would work. Additionally, it currently appears that the 40 hour cap would also apply to those who care for family members.

**Ron Lanier, Director, Director, Virginia Department for the Deaf and Hard of Hearing (VDDHH):**

* VDDHH is collaborating with Library of Virginia to set up a pilot program to set up video phones in certain public libraries in parts of the state, beginning in Southwest Virginia and possibly Central Virginia. The Tidewater region is also being considered. Two companies, Sorenson and Purple Communications provide the necessary equipment and the libraries will only need to provide internet access and a space for the equipment. As such, this will not result in a cost for state agencies. Eventually, there is hope that these services will be available throughout the state. Video phones will allow deaf and hard of hearing persons to communicate in ASL.
* VDDHH has collaborated with Department of Blind and Vision Impaired (DBVI) on the “I Can Connect” Grant and has taken lead on this for the past 3 years. Responsibility has been transferred to DBVI, as the agency has the resources and technology to provide the training. “I Can Connect” is a grant the Federal Communications Commission and allows for the purchase of technology for persons who are deaf and blind. VDDHH will continue to assist DBVI as far as grant referrals, marketing and equipment repairs. In the past year, 70 individuals have been served.
* The Reel Abilities Film Festival took place in Richmond a few weeks ago. The films featured in the festival are award-winning films by and about people with disabilities. VDDHH had representatives there to participate in a panel for “No Ordinary Hero-The Superdeafy Movie”, which provided insight into life for a deaf person.
* Hopefully, the June 2016 Board Meeting will include the introduction of the new Deputy Director of VDDHH.

**Deanna Parker, agency representative, Department of Behavioral Health and Developmental Services (DBHDS):**

* **Individual Family Support (IFSP) Program –** Funds are still available for FY 2016. So far, program has supported 2,007 individuals and their families with total of $1,800,090 dollars.
* **DD/ID Waiver Waiting List -** As of end of February 2016 the combined waiting list = 10,507
* **Training Center Updates –** Since the last Board meeting, 1 training center has been closed (NVTC). The current combined census at the training centers is at 382 individuals.
* **Housing Vouchers –** The total number of people in target living in their own home as of July 2015 is 425. The number of housing vouchers set aside for this population is 200. The number of individuals in the Application Voucher Intake Housing Search Process is 71.
* **Waiver Redesign-** DBHDS received feedback from 99 entities and individuals on the amendments, which resulted in about 330 issues that are now being addressed.
* **CMS Final Rule -** The revised state wide transition plan on the CMS final rule is currently out for public comment and the public comment period will end on April 7th, 2016. Following April 7th, the public comments will be complied, the plan will be updated and it will be sent to CMS.

**John Eisenberg, agency representative, Virginia Department of Education (VDOE):**

* Last month, the first draft of the Restraint Seclusion Regulations governing public schools was presented to the Board of Education. This will apply to all students. The board received it for first review, and has heard public comments opposing the draft. At the end of the presentation was that the Board of Education has requested the Attorney General’s opinion on if there is a conflict between the statute that was approved around restraints and seclusion regulations and another state statute. Until there is resolution from the Attorney General, the Board will wait on doing public comment sessions. Those public forums will be conducted between the Board of Education’s first and second review, as the Board felt strongly about hearing from the public before creating the second draft. While the typical process takes about 18 months, it is believed this process will take much longer as there will difficulty in obtaining consensus between advocacy groups and school officials.

**General Assembly:**

* + A dyslexia specific training requirement passed both the Senate and the House and will require all teachers seeking initial and renewal of their teaching license to take an awareness course which will be offered online. This will be built over the course of the year and will probably be implemented for the next school year.
  + The Parent Education Savings account has passed both House and Senate and will allow parents of children with disabilities to take the state share of their allocation for special education, put this into a savings account managed by the Department of Education and allow them to use this attend any private or parochial school. This bill has a re-enactment clause, so the agency will need to examine the difficulties in implementation and the bill will go back through the General Assembly next year before it is finally approved. There issues related to this act, including ones of inequality and if this option is constitutionally allowed.
  + The Virtual School Bill proposes a new structure for full time virtual school, which will be run outside the Department of Education. Parents would be allowed to place children in this school without an IEP decision. There would be a Board which will be appointed by either the General Assembly or the Governor. The school divisions where the parents reside would cease any responsibility for FAPE or special education related services. This entity would be considered a Local Education Agency (LEA) and would become the 133 LEA in the Commonwealth and would be subject to the rules and regulations of a local education agency. Allowing the entity to be called a Local Education Agency will allow it to take away all from the local school division all local, state and federal funding that would have been received for that student. At this time, it is not known if complaints against the entity would be filed with VDOE. This bill will also include a Re-enactment clause.
  + Another bill was passed that requires DOE to conduct a study regarding how to effectively keep students in their home school divisions and reexamine the state funding formulas.
* I’m Determined Youth Summit – The Annual conference will be held in June and this will be the 10th anniversary. About 300 applications have been received for 100 slots. A number of prior Youth Leaders have gone to other states to teach those states how to run and create a project in their states – recently four students traveled to Rhode Island.

**Melissa Gibson, agency representative, Disability Law Center of Virginia (dLCV):**

* dLCV’s annual gala will be held Friday, April 29th, 2016. Tickets will be $45.00 before April 1st and $65.00 after April 1st.
* dLCV has added more self-advocacy tools on the agency website; they just finished filming a video for their Ask the Expert series on Transitions Services for Youth. They also recently released a report snapshot on state services for Virginians with traumatic brain injury.
* Seeking an applicant for the Governing Board, in particular, would like to find someone with financial experience. If anyone is interested or knows someone who would be interested, please contact Melissa or Colleen.

**OTHER BUSINESS:**

There was none.

**ADJOURNMENT:**

BoardChair Charles Meacham called for any other business. There being none, The Chair proceeded with closing comments and reminded board members to complete the evaluation forms, Committee Survey forms, and to ensure their directory information is accurate. The meeting was then adjourned.