

**ANNUAL REPORT OF
THE DISABILITY COMMISSION ON**

**DELIVERY OF SERVICES
TO FACILITATE THE
SELF-SUFFICIENCY AND
SUPPORT OF PERSONS
WITH PHYSICAL AND
SENSORY DISABILITIES**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 54

**COMMONWEALTH OF VIRGINIA
RICHMOND
1999**



COMMONWEALTH of VIRGINIA

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February 3, 1999

The Honorable James S. Gilmore, III
State Capitol Building, 3rd Floor
Richmond, VA 23219

and

Members, General Assembly of Virginia
General Assembly Building
Richmond, VA 23219

Dear Governor Gilmore and General Assembly Members:

In my capacity as Chairman of the Disability Commission, I am pleased to submit the 1998 Annual Report pursuant to House Joint Resolution 274, agreed to by the 1994 General Assembly. In 1998 the General Assembly passed SJR170 which requires that an evaluation occur and that recommendations be made to the 2000 Session of the General Assembly looking at the Commission's effectiveness in accomplishing its recommendations. This evaluation is underway.

This report conveys findings and recommendations resulting from the Commission's work during the 1998 interim. The Commission met four times during the second half of 1998. Currently, there are four vacancies in the public member category and the Commission urges the Governor to consider filling those positions.

Sincerely,

A handwritten signature in cursive script that reads "John Hager".

John H. Hager
Lieutenant Governor
Chairman, Disability Commission

Enclosure

1998 Annual Report of the Disability Commission

Introduction

The Commission on the Coordination of the Delivery of Services to Facilitate the Self-Sufficiency and Support of Persons with Physical and Sensory Disabilities, known as the Disability Commission, was established pursuant to House Joint Resolution 45 to assess the delivery of services to Virginia's citizens with physical and sensory disabilities. Since 1990, thousands of Virginians with disabilities have benefited from the legislation and funding initiatives that have been supported and put forward by the Commission. It is chaired traditionally by the Lieutenant Governor of the Commonwealth and is comprised 19 members.

The 1992 Report of the Commission established a ten year plan of action which formed a system of programs and services within an infrastructure designed to be consumer-focused and community-based. The General Assembly in 1994 passed House Joint Resolution 274 (HJR 274) which authorized the Commission to continue its work in developing and reviewing recommendations for service program changes and funding until the year 2000. HJR 274 also designated the Virginia Board for People with Disabilities as the agency to provide support to the Commission. Another House Joint Resolution passed in 1994 by the General Assembly (HJR 83) requested the Secretary of Health and Human Resources to evaluate the implementation of the recommendations made in the Commission's 1992 Report. This evaluation, completed in the summer of 1995, provided an overview of accomplishments to date, as well as identified the continuing gaps in services affecting individuals with physical and sensory disabilities.

As with other legislative commissions, the Disability Commission is time limited. It was requested in HJR 274 (1994) that an evaluation occur prior to the tenth year that would look at the Commission's effectiveness in accomplishing its recommendations, including consideration of its future. In 1998, the General Assembly passed SJR 170 which requires that the evaluation occur and that recommendations be made to the 2000 Session of the General Assembly.

Each year, the Commission continues to examine the progress made in regard to the legislative priorities it forwards to the General Assembly. These recommendations result in study resolutions, budget amendments, and bills patroned by members of the Commission. The report which follows presents the major outcomes that resulted from the 1998 Disability Commission proposals to the General Assembly and the Commission's legislative agenda to be presented to the 1999 Session.

MAJOR OUTCOMES OF THE 1998 DISABILITY COMMISSION PROPOSALS

The 1998 agenda of the Disability Commission targeted a number of legislative issues. In addition, there were 7 appropriation requests. The actions taken during the 1998 General Assembly Session are as follows.

Legislation

- **To re-enact the Virginia Assistive Technology Device Warranties Act with revisions.**

Although not directly sponsored by the Disability Commission, the Virginia Assistive Technology Device Warranties Act was re-introduced into the Senate (SB 402) and the House (HB 941). The Act, known as the Assistive Technology Lemon Law, was approved and signed into law with the revisions suggested during the Disability Commission's 1997 interim.

- **To support specialized transportation legislative initiatives in the following areas: liability relief of drivers; and coordination of agencies as a condition of receipt of state funds for specialized transportation.**

HJR 87 was passed by the 1998 General Assembly which requests all state agencies to promote coordination when funding projects that offer transportation services to Virginians who cannot drive. No legislation was approved which directly affects liability relief of drivers providing specialized transportation services.

- **To require that the fee for the reinstatement of drivers licenses be increased by \$30 to support the Commonwealth Neurotrauma Initiative and that these funds be matched by general fund dollars.**

A budget amendment was approved that appropriates funding for the Commonwealth Neurotrauma Initiative to support research on spinal cord and traumatic brain injuries, education and prevention of these injuries, and community-based rehabilitation for persons with these injuries, pursuant to SB 484. For FY 1999, \$375,000 in non general funds (NGF) was approved, and \$575,000 (NGF) was approved for FY 2000. SB 484, which was approved, authorizes DMV to collect an additional \$30 (\$25 to the fund, \$5 to DMV) to the license reinstatement fee from persons whose operators licenses were revoked or suspended upon conviction of specified dangerous driving offenses.

- **To recommend the amendment of the Assistive Technology Loan Fund Authority legislation to issue tax-free bonds.**

No action was taken on this recommendation for legislation during the 1998 General Assembly Session.

Legislative Studies

- **To propose that a joint resolution be introduced to the 1998 General Assembly which calls for a two-year study to include an evaluation of the implementation of the Disability Commission recommendations during the past ten years and which makes recommendations for future activities of the Commission.**

Senate Joint Resolution 170 (SJR 170) was introduced and approved by the 1998 General Assembly. This legislative initiative calls for the evaluation to be completed and recommendations made for consideration by the 2000 General Assembly.

Appropriation Act Amendments

- **To require the Housing Study Commission to hold a summit in 1998 for housing for people with disabilities.**

No formal action was taken on this recommendation made by the Disability Commission during the 1997 interim.

Appropriation Requests

Program	Additional Amount Requested	Additional Amount Allocated
Personal Assistance Services	\$3,162,857 (Biennium)	\$ 400,000

The new allocation of \$400,000 is being used to serve an additional 56 people. As of July, 1998, there were 202 people receiving services at an average annual cost per person of \$8,097. In FY 1998, for the first time since the inception of the program in 1989, personal assistant wages are now \$6.00/hour in all areas of the state except for Northern Virginia where the hourly wage is \$8.25.

Personal Assistance Services Pilot for Brain Injury	\$ 260,000	\$ 80,000
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The 1998 General Assembly appropriated \$80,000 to initiate a modified PAS pilot program to serve people who have brain injuries and who are not eligible for the Consumer Directed PAS. The pilot was designed to serve 6 people.

Disability Services Boards	\$ 300,000	\$ 0
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The Disability Services Boards (DSBs) continued to use their level funding in the amount of \$100,000 for the operating expenses and board member training for the 41 DSBS. This amount with an additional \$50,000 drawn from unencumbered state funds

was used to expand the DSB communication network, for 2 statewide training meetings and for multiple public awareness events to educate the public about the ADA, accessibility and inclusion of people with disabilities in the community. Funding is not sufficient to support local level staff for the DSBs.

Rehabilitative Services Incentive Fund \$ 470,000 \$ 162,500

All funds in this program are used to meet needs identified by the local DSBs, with no funds allocated to DRS to administer the RSIF. In FY 1998, the individual board allocations ranged from a low of \$1,500 to a high of \$108,085. This year, seventy one grants were awarded to 35 DSBs to meet needs such as housing, transportation, assistive technology, individual consumer needs, and public awareness.

New Centers for Independent Living \$ 460,000 \$ 200,000

The \$200,000 appropriation, combined with existing Satellite Center funds, provided funding to support the establishment of 2 new Centers for Independent Living (CILs) which were formerly satellite centers. The new CILs are in Lynchburg and the far Southwest (PD2).

**Transition Services for Youth
With Disabilities** \$ 250,000 \$ 125,000

During FY 1998, 534 youths with disabilities received advocacy and consumer intensive services such as peer counseling, skills training, housing assistance, career planning, ADA training and community involvement through this program operated through the CILs. With the additional allocation of \$125,000, 64% of the original funding request has been realized.

Specialized Transportation \$2,500,000 \$ 0

Although new funds have not been allocated for specialized transportation services since FY 1998, a study of coordination of transportation services (HJR 87) was passed by the 1998 General Assembly.

ISSUES CONSIDERED BY THE DISABILITY COMMISSION DURING THE 1998 INTERIM

During the 1998 interim, the Disability Commission met four times: July 22, 1998, September 15, 1998, November 12, 1998, and December 16, 1998. All meetings were held in Richmond. At the July 22nd meeting, the Commission reviewed its 1998 legislation and appropriations and spent considerable time hearing public comment. The Commission also heard public comment at its September meeting, and spent time reviewing additional information of issues presented at the July meeting. At the November meeting, the Commission heard public comment and continued to review requests for funding and issues for its legislative agenda. The December 16th meeting was held by the Disability Commission to specifically develop its 1999 legislative agenda. At all four meetings, the Commission received an update on the activities being undertaken in response to the evaluation activities identified in SJR 170.

Issues which were presented by individuals with disabilities, advocates for individuals with disabilities, and service providers covered topics that included:

- Progress is slow in the implementation of the Personal Assistance Medicaid Waiver.
- Federal funding for the Virginia Assistive Technology System runs out in the year 2000; the Commission should lobby for passage of the new federal AT legislation; endorsement is needed for changing the administrative placement of VATS from DRS to VCU in order to maximize public and private funding; the Virginia Council on Assistive Technology requests the Commission's endorsement in its efforts to develop a nonprofit organization.
- There is lack of resources in the community for individuals with disabilities leaving the school system.
- There is need for cross-disability services provision especially in rural areas for individuals such as those who are brain injured.
- More consumer input is needed on Community Services Boards.
- Longer term comprehensive service delivery planning is needed.
- More community based services and programs are needed; services should be based on function not category; licensure regulations need to be reviewed to allow people with multiple disabilities to be served in the same programs.
- Gasoline services stations should offer self-service prices for individuals driving cars with handicapped plates or tags who need assistance in pumping gas.
- State agencies or the courts should take over some of overload from the Justice Department in the enforcement of the ADA.
- Handicapped parking fines are not always posted on signs even though law is in effect; signs listing the amount of fines should be posted on highways upon entering localities.
- Age of a building should not be a criteria for enforcing accessibility requirements.

- There is need for adequate funding for people to move from facilities to community living; the Auxiliary Grant program should be funded at the same level as the state reimbursement for employee lodging and meals.
- People with autism fall through the cracks in the service delivery system; autism should be recognized as a sensory disability.
- An operational definition is needed for “physical and sensory disability”.
- The low wages paid to Personal Assistance Service caregivers and the lack of health insurance does not promote long-term employment.
- Transportation remains a problem especially in rural Virginia.
- Businesses which do not allow service animals to accompany individuals with disabilities on their premises should be fined; the law that is in effect should be enforced.
- There remains a lack of qualified sign language interpreters.
- There is a lack of funding for personal attendant care for children under the age of 18 years who are living at home and have severe physical disabilities; support is needed for a Medicaid Waiver.
- A legislated policy mandate is needed to require all hospitals when discharging infants and toddlers to ensure that they leave in vehicles with proper child safety seats.
- There is need for a Medicaid Congregate Living Waiver to allow the hours approved for each resident with disabilities in a small residential living program to be added together in order to provide 24 hour coverage.
- Colleges should offer scholarships to student athletes who compete competitively in sporting events for people with disabilities.
- DSBs have an un-funded mandate.
- All state buildings should be required to have automatic doors and/or automatic door assists.
- Distance learning is very costly for training sign language interpreter; there is need for an accessible Web Site and interagency cooperation for development of Web Site standards.
- Disability Commission meetings should be held earlier in the year to allow enough time for local advocates to help push the Commission’s legislative agenda with legislators before the General Assembly session in January.
- There was a federal bill to make changes in the Community Reinvestment Banking Act which would be favorable for people with disabilities, but it got tabled by Congress.
- The annual VATS Conference should be funded so that it can continue.
- There is need for independent, accessible, affordable housing for people with disabilities; a resolution from the General Assembly is needed charging State and local housing authorities to provide affordable, wheelchair accessible housing for mobility impaired citizens.
- Change regulations which prevent overnight hospital stays for nursing home patients covered by Medicaid/Medicare.

- Increased staff ratios are needed in nursing homes; caseloads of staff who monitor nursing homes should be reduced.
- More funding must be allocated at the state level in order to receive matched Medicaid Waiver federal funds in order to reduce the long waiting lists for community services.
- Community residents should be afforded the same opportunity to participate in available programs as are clients coming from institutions.
- Support is needed for Long-term Employment Support Services for people with disabilities.
- Support is needed for a budget amendment in the amount of \$1.5 million to enable increased outreach services and community education for people who are deaf, deafblind, hard of hearing, or speech impaired through Centers for the Deaf and Centers for Independent Living.
- Children need to be placed in community services and out of nursing homes.
- There is need for a Medicaid Waiver covering individuals with brain injury.

In addition to public comment, the Disability Commission was presented with information on the status of the initiatives from previous years, those in its 1998 legislative agenda, and other issues that were considered for inclusion in the Commission's 1998 legislative agenda.

Personal Assistance Services (PAS)

Even with the additional allocation of funds for FY 1999, there remain at least 156 individuals with disabilities on the waiting list for consumer directed personal assistance services through the Department of Rehabilitative Services (DRS). Another issue brought before the Disability Commission was the need for health care insurance coverage for personal care attendants who are directly employed by people with disabilities. It is felt that not being able to offer affordable health care coverage is a major barrier to finding and keeping personal care attendants by participants in the consumer directed PAS program.

Consumer Service Fund (CSF)

This fund of last resort for people of all ages with disabilities had 229 applications in FY 1998 and was able to assist 105 (46%) of the requests for assistance. Unmet requests totaled \$1,407,400.

Disability Services Boards

As previously noted, DSBs were created with legislation which places specific requirements on the 41 entities, yet only \$100,000 per year has been allocated from the general fund for their operational costs. In FY 1998, the DSBs used the entire amount of the allocation plus used an additional \$50,000 drawn from unencumbered state funds by

DRS. Funds are needed for local staff for the 41 DSBs as well as for incentive funding for matching local funds for operating expenses.

Rehabilitative Services Incentive Fund

In FY 1998 71 grants were awarded to 35 DSBs to meet local needs in such areas as housing, transportation, assistive technology, individual consumer needs, and public awareness.

Long-Term Rehabilitative Case Management Program

There remain at least 80 eligible individuals on the waiting list for Long-Term Rehabilitative Case Management Services offered through the Department of Rehabilitative Services. Not only do case managers serve over 205 individuals in this program, they also provide technical assistance to almost 600 individuals and their families each year. The expertise available through this program is sought by other professionals and families to address highly specialized and undermet services needs of people with neurological and other severe physical disabilities.

Centers for Independent Living (CILs)

With the additional appropriation in FY 1999, 2 former satellite Centers for Independent Living have become independent and fully operational. The Virginia Association of Centers for Independent Living and the Statewide Independent Living Council have requested continued support to change three other existing satellite CILs to independent status, thus moving toward the goal of having a Center accessible to every Planning District in the Commonwealth. Funds from the General Assembly have also been used by the CILs for their Youth Transition Project which provides services to, and advocacy for students and young adults with disabilities between the ages of 14 and 22. CILs also work with local school districts to enhance opportunities for students with disabilities.

Cognitive Rehabilitation

In FY 1998, 17 individuals were served in this program. These services focused more on community-based life skills training rather than on residentially-based services. This resulted in more individuals being served with fewer dollars.

Assistive Technology Loan Fund

In 1996, funds in the amount of \$500,000 were appropriated for the Assistive Technology Loan Fund. It is expected that at the rate that loans are being made currently, the fund will be used before the end of this year. The Assistive Technology Loan Fund Authority (ATLFA) has provided information and referral and financial counseling to over 362 people with disabilities leading to over 80 loan applications. Wachovia Bank,

which has been until now the lender, has required 100% guarantee of loans which do not meet the banks regular criteria. A lower interest rate buy-down has been strongly advocated by the disability community and would significantly increase activity in the loan program. For this reason, the ATLFA has sought out and obtained a new lender for its program, Crestar Bank, which will better meet the original intent of the loan fund legislation. The ATLFA is requesting that an appropriation request be put forward in the 1999 General Assembly Session for capitalization of the fund as well as for support for administrative expenses.

Supported Employment

There are at least 60-80 person on the waiting list at DRS for supported employment services at any given point in time. Endorsement has been requested for a \$5.7 million budget amendment which will significantly increase the availability of supported employment as well as other long-term employment support services for people with disabilities.

Disability Consortium

The Disability Consortium and the issues which led to the recommendation for its creation will be examined as part of SJR 170 during the next year.

Independent Living Services for the Blind Elderly

The appropriation made for FY 1999 for services for the blind elderly will increase the level of availability of these services statewide. The average cost per person has been \$77 with approximately 2500 individuals receiving services each year through the Department for the Visually Handicapped.

Sign Language Interpreter Training

The findings in House Document 89 support the recommendation that there is a significant need to enhance the skill of sign language interpreters for people who are deaf and hard of hearing and to enable the interpreters to achieve higher levels of expertise. Funding in the amount of \$50,000 has been available for the past 2 years to the Virginia Community College System for increasing the number and the quality of sign language interpreters who graduated from community colleges.

An issue remains concerning the differential in pay between interpreters employed in public school systems and those who are in private practice. Another problem that was presented to the Disability Commission is with the current state of distance learning technology that makes it very difficult for sign language interpreting classes to be taught at community college sites from a central location. The Disability Commission was presented with a request for \$135,000 in additional funding for expansion of sign language interpreter training activities.

Woodrow Wilson Brain Injury Services Program

With an average of 22 individuals awaiting services for this program throughout the year, there continues to be a demand for brain injury services that exceeds capacity at the Woodrow Wilson Rehabilitation Center (WWRC). Program resources have recently been reorganized to better meet the demand for services. In addition, DRS is working the Department of Mental Health, Mental Retardation and Substance Abuse Services and its Western State Hospital to share resources to more effectively serve people with brain injury.

Program for Emotionally Disturbed Students who are Deaf, Hard of Hearing, or Blind: SJR 193

The Virginia School for the Deaf and Blind in Staunton is requesting funds to create a program for emotionally disturbed students who are deaf, hard of hearing, or blind and who cannot be served by their local schools or within the current educational service system. Funds in the amount of \$900,000 are needed for building renovation and additional money is needed for programming costs for the initial 10 students who will be served.

Assistive Technology: Planning for the Future

As a result of its strategic planning efforts, the Virginia Council on Assistive Technology, the advisory committee for the Virginia Assistive Technology System (VATS), has recommended that consideration should be given to changing the administrative placement of VATS to increase the ability to attract public and private funding for the continuation of assistive technology initiatives. A coalition of programs at Virginia Commonwealth University (VCU) has offered VATS the opportunity to be housed and administered at the University and will support efforts to take advantage of funding opportunities. This will help to insure that assistive technology initiatives will continue in the Commonwealth after federal funds through the Tech Act and the new Assistive Technology Act are no longer available.

The Disability Commission endorsed the movement of the administrative placement of VATS from DRS to VCU at its November 12th meeting and a letter to this effect has been sent to the Governor.

Easy Access Voting Machines

A demonstration was made to the Disability Commission at its September meeting of an accessible voting kiosk that is available through a company housed in Virginia. At the time of the meeting, the Virginia State Board of Elections was unwilling to consider the use of this new technology, but has changed its position to one that is more positive after receiving a letter from the Chair of the Disability Commission.

Retailer Accessibility Initiative

An opportunity was presented by the Department for Rights of Virginians with Disabilities that would allow collaboration with the Virginia Lottery Commission in surveying 5,200 retailers across the Commonwealth regarding the physical access to these places of business for people with disabilities.

Enforcement of Handicapped Parking Fines

After receiving public comment regarding the need to enforce parking fines for illegal use of handicapped parking spaces, letters were sent from the Disability Commission to the Virginia Municipal League and VACO reminding them of the handicapped parking law. As a result of receiving a letter, the Virginia Municipal League has invited the Lt. Governor to help raise the awareness for the enforcement of handicapped parking regulations by writing an article for the “Virginia Town & City” magazine.

Specialized Transportation

Information was presented to the Disability Commission by the Commonwealth Transportation Association of Virginia (CATV) requesting support for long-term funding for operating expenses of specialized transportation services. The Disability Commission decided to send a strong letter to the Secretary of Rail and Public Transportation urging the use of T-21 funds available to the Commonwealth.

1999 DISABILITY COMMISSION PROPOSALS

After discussion at the third meeting of the Commission during the 1998 interim, it was decided to put forward the following recommendations as the Commission's legislative agenda for introduction to the 1999 General Assembly.

Resolutions

- Affordable accessible housing – resolution requesting Virginia Housing Development Authority to maximize federal funds that are available.
- Study by the Department of General Services reported back to Disability Commission of accessibility of buildings and features of Capitol Square Complex

Support/Endorsement

- Long-Term Employment Support Services – \$ 5,700,000
- Increased Outreach through CILS and Centers for the Deaf to persons who are deaf, deafblind, hard of hearing, or speech impaired - \$1,500,000
- Specialized Transportation (secure T-21 funds) - support letter
- Examine service delivery gaps for persons with autism
- Medicaid Waiver for families of children with physical disabilities
- Medicaid Waiver for People with Brain Injury

Other Recommendations

- Access for service animals – Department for Rights of Virginians with Disabilities to come back with a recommendation; letter from Chair of Disability Commission reminding local authorities of law
- Group health insurance for personal care attendants – Commission to request Department of Personnel and Training and the Bureau of Insurance to examine feasibility of permitting “by in” under the State health insurance plan
- Endorse the need for increasing the capacity of the Virginia School for the Deaf and the Blind to serve emotionally disturbed deaf students

To Be Considered for Further Action

- Medicaid Waiver for congregate living

Appropriation Requests

Program Priorities	Amount Requested
*Disability Services Boards	\$1,148,000
*Assistive Technology Loan Fund	\$1,000,000
Personal Assistance Services	\$ 400,000
Consumer Services Fund	\$ 75,000
Long Term Rehabilitative Case Management	\$ 50,000 + 1 MEL
New Centers for Independent Living (CILS)	\$ 450,000
Youth Transition Services for CILS	\$ 480,000
Sign Language Interpreter Training	\$ 135,000
Woodrow Wilson Brain Injury Services	\$ 25,000

* Prioritized by the Disability Commission

ATTACHMENTS

HJR 45

HJR 274

SJR 170

Members of the Disability Commission

ATTACHMENTS

Attachment 1	HJR 45
Attachment 2	HJR 274
Attachment 3	SJR 170
Attachment 4	Members of the Disability Commission

GENERAL ASSEMBLY OF VIRGINIA—1990 SESSION

HOUSE JOINT RESOLUTION NO. 45

Creating a Commission on the Coordination of the Delivery of Services to Facilitate the Self-Sufficiency and Support for Persons with Physical and Sensory Disabilities in the Commonwealth.

Agreed to by the House of Delegates, March 9, 1990

Agreed to by the Senate, March 7, 1990

WHEREAS, 350,961 citizens in the Commonwealth are affected by physically disabling conditions; and

WHEREAS, it is appropriate that the goals, responsibilities, and desired outcomes of the public and private sector regarding persons with disabilities receive legislative review to facilitate the availability, accessibility, and coordination of essential services and to ensure the participation of the consumers of such services in the review process; and

WHEREAS, categorical funding sources and current performance standards often circumscribe interagency coordination in meeting the needs of such persons for individualized services; and

WHEREAS, identification and implementation of a regionalized service continuum throughout the Commonwealth requires the development of a meaningful system for the coordination and delivery of services and consistent interpretation of the concept, "least restrictive environment"; and

WHEREAS, goals and processes are required to ensure persons with physical and sensory disabilities access to appropriate levels of care and opportunities for optimum self-sufficiency and employment; and

WHEREAS, the needs of persons with physical and sensory disabilities frequently exceed the program, services, and resources configuration of public agencies; and

WHEREAS, eligibility criteria, exclusions, waiting periods, and gaps in benefits and services in public and private third-party health insurance coverage leave many such persons without resources to pay for medical and rehabilitative services; and

WHEREAS, there is the need to better integrate the role and responsibilities of public education in providing special education as required under P. L. 94-142, as amended, and Article 2 (§ 22.1-213 et seq.) of Chapter 13 of Title 22.1 of the Code of Virginia, with human service and economic development agencies to enhance special education programs and to facilitate transition programs for handicapped and disabled children and youth; and

WHEREAS, fragmentation and perceived inadequacies in public programs and involvement of the private sector in selected service areas can result in competitive, duplicative, and expensive public services; and

WHEREAS, an accountable and integrated service delivery system for persons with physical and sensory disabilities should be established congruently with the development and enhancement of public and private rehabilitative agencies and programs, these issues requiring immediate attention; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a Commission on the Coordination of the Delivery of Services to Facilitate the Self-Sufficiency and Support for Persons with Physical and Sensory Disabilities in the Commonwealth be created. The Commission shall be composed of sixteen members to be appointed as follows: two members each of the House Committees on Health, Welfare and Institutions and on Appropriations, one member of the House Committee on Education, and one member of the House of Delegates at large to be appointed by the Speaker of the House; one member each of the Senate Committees on Education and Health, on Rehabilitation and Social Services, and on Finance to be appointed by the Senate Committee on Privileges and Elections; and one member each of the business community, the health insurance industry, and the health care industry, one educator certified in special education, one licensed practicing physician who shall have expertise in emergency medicine and trauma care or neurosurgery, the Lieutenant Governor, and one citizen at-large to be appointed by the Governor.

For the purposes of this study, physical and sensory disability shall include temporary and permanent motoric impairment sustained by disease of or injury to the central nervous system, traumatic brain injury, and disabilities resulting from disease or injury to the sensory system. The Commission shall review and consider the findings and recommendations referred to it for action in the report of the Joint Subcommittee Studying the Needs of Head and Spinal Cord Injured Citizens, the Need for Research and the Needs of All Physically Handicapped Persons. The Commission shall, among other activities: (i) review and determine the measures and incentives that provide for accountability and support coordinated services for persons with physical and sensory disabilities, (ii) develop

strategies for optimum use of public and private fiscal resources and insurance, (iii) determine methods to address the gaps in eligibility criteria for services and the service delivery system that inhibit access to needed services and employment opportunities, (iv) develop human resource models to facilitate rehabilitation-oriented case management and other professional support for persons with physical and sensory disabilities, (v) evaluate the need for and recommend strategies for research and a system to provide post-acute and long-term rehabilitation for traumatic injury and specified disability groups, (vi) identify and develop service delivery models to address the multifaceted and long-term needs for treatment, community support, transportation, housing, employment, job training, vocational and career counseling, and job placement services, and (vii) determine ways to promote coordination and cost-sharing of programs and services between public and private rehabilitative and educational entities.

The Secretary of Health and Human Resources shall ensure that the Commission is appropriately staffed. All agencies shall provide assistance upon request in the manner deemed appropriate by the Commission.

The Commission shall submit an interim report on the actions taken in 1990 to the 1991 Session of the General Assembly, and pursuant to procedures of the Division of Legislative Automated Systems for the processing of legislative documents, shall submit a final report by October 31, 1991, in order to provide data for the preparation of the Governor's 1992-94 budget recommendations to the General Assembly.

The direct costs of this study shall not exceed \$17,280.

GENERAL ASSEMBLY OF VIRGINIA -- 1994 SESSION

HOUSE JOINT RESOLUTION NO. 274

Continuing the Commission on the Coordination of the Delivery of Services to Facilitate the Self-Sufficiency and Support of Persons with Physical and Sensory Disabilities, hereafter to be known as the Disability Commission.

Agreed to by the House of Delegates, February 11, 1994

Agreed to by the Senate, February 28, 1994

WHEREAS, in 1990, the Commission on the Coordination of the Delivery of Services to Facilitate the Self-Sufficiency and Support for Persons with Physical and Sensory Disabilities, hereafter to be known as the Disability Commission, was established to assess the delivery of services to persons with physical and sensory disabilities; and

WHEREAS, the Disability Commission issued its final report to the Governor and the 1992 Session of the General Assembly, including its comprehensive 10-year plan for addressing the identified service needs, legislative initiatives and budget amendments in response to its findings and recommendations; and

WHEREAS, in its 1994 Report to the Governor and General Assembly, the Disability Commission continues to assess service needs and barriers to service delivery and has proposed a number of service initiatives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Disability Commission be continued to provide review and oversight of the implementation of its recommendations, including those that have not been funded, and any recommendations that may arise during the course of implementing its 10-year plan. In addition, the Disability Commission shall receive, evaluate and make recommendations based upon the report by the Consumer/Interagency Task Force on Individual and Family Support Services.

Disability Commission members appointed pursuant to House Joint Resolution No. 257 of 1992 shall continue to serve as members with full voting privileges. Vacancies in the membership of the Commission shall be filled in the manner provided in the original resolution. The membership of the Disability Commission shall be expanded by one member who shall be from the Senate to be appointed by the Senate Committee on Privileges and Elections.

The direct costs of this study shall not exceed \$7,350 each year. An estimated \$3,400 is allocated for the printing of documents and such expenses shall be funded from the operational budget of the Clerk of the House of Delegates.

The Virginia Board for People with Disabilities shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

The Disability Commission shall submit its findings and recommendations annually to the Governor and the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents. The Disability Commission shall complete its study and submit a comprehensive report on the status of services for persons with physical and sensory disabilities to the Governor and the 2000 Session of the General Assembly.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

SENATE JOINT RESOLUTION NO. 170

Requesting the Disability Commission to establish a legislative oversight task force to study past progress, present status, and future delivery of services to people with disabilities in the Commonwealth.

Agreed to by the Senate, February 13, 1998
Agreed to by the House of Delegates, March 12, 1998

WHEREAS, the Commission on the Coordination of the Delivery of Services to Facilitate the Self-Sufficiency and Support for Persons with Physical and Sensory Disabilities, known as the Disability Commission, was established in 1990 by the General Assembly to assess the delivery of services to persons with physical and sensory disabilities; and

WHEREAS, the Disability Commission issued its final report to the Governor and the 1992 General Assembly, including its comprehensive 10-year plan for addressing the identified services needs, legislative initiatives, and budget amendments in response to its findings and recommendations; and

WHEREAS, the 1992 report included the following recommendation: "A legislative oversight commission should be established in 1998 by resolution to review the progress of Disability Commission programs and funding recommendations and make recommendations for future direction for service delivery systems for persons with physical or sensory disabilities"; and

WHEREAS, the 1992 report also observed, "In 1998, a new Commission should evaluate the overall progress of the implementation of the Disability Commission recommendations. Additional needed services should be identified and appropriate funding recommended in order to address the unmet needs of persons with physical or sensory disabilities"; and

WHEREAS, House Joint Resolution No. 274, which in 1994 continued the Disability Commission, states that the Disability Commission "shall complete its study and submit a comprehensive report on the status of services for persons with physical and sensory disabilities to the Governor and the 2000 Session of the General Assembly"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Disability Commission establish a legislative oversight task force from its membership to study past progress, present status, and future delivery of services to people with disabilities in the Commonwealth. The task force shall evaluate the status of services for persons with physical and sensory disabilities and the implementation of the Disability Commission recommendations, and make recommendations for future activities of the Commission. The task force shall seek the advice and expertise of representatives of the Centers for Independent Living, local service providers, Disability Services Boards, and persons with sensory or physical disabilities or their family members.

The Virginia Board for People with Disabilities shall provide staff support for the study.

The task force's plan for the study shall be approved by the Disability Commission by November 1, 1998. The study plan shall specify the methodologies to be employed to assess (i) the impact of the accomplishments achieved as a direct result of recommendations made in the 1992 and other Disability Commission Reports; (ii) the impact of recommendations from Disability Commission reports which have not yet been met, such as establishing a disability consortium and meeting the health-related needs of people with disabilities; (iii) the unmet service needs of persons with physical and sensory disabilities, as well as prioritize unmet needs, and develop cost estimates associated with meeting these needs; and (iv) the effectiveness of the Disability Commission in accomplishing its recommendations, including consideration of the future of the Disability Commission itself.

The Disability Commission's task force shall complete its evaluation in time to make its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Disability Commission Membership
(7/2/98)

* = 1998 appointments

	Position	Appointed By	Authorization
● John H. Hager, Lt. Gov.	Chairman	N/A	HJR 257 (1992) SJR 276 (1997)
House Membership			
● Kenneth R. Melvin Portsmouth	HWI Committee Representative	House Speaker	HJR 45 (1990)
● Robert D. Orrock, Sr.* Spotsylvania	HWI Committee Representative	“ “	HJR 45 (1990)
● Marian VanLandingham Alexandria	Appropriations Committee	“ “	HJR 45 (1990)
● Robert S. Bloxom* Accomoc	Appropriations Committee	“ “	HJR 45 (1990)
● R. Steven Landes* Weyers Cave	Education Committee	“ “	HJR 45 (1990)
● John H. Tate, Jr.* Grayson	At-Large member of the House	“ “	HJR 45 (1990)
● Alan E. Mayer ¹ Lincolnia	Former member of the House	—	SJR 276 (1997)
Senate Membership			
● Stephen D. Newman* Lynchburg	Education & Health	Senate Privileges and Elections	HJR 45 (1990)
● Yvonne B. Miller Norfolk	Rehabilitation & SS	“ “	HJR 45 (1990)
● Joseph V. Gartlan, Jr. Mason Neck	Finance	“ “	HJR 45 (1990)
● Jane H. Woods Fairfax	Senator (at large)	Senate Privilege & Elections	HJR 274 (1994)
● Frank W. Nolen ¹ New Hope	Former member of the Senate	—	SJR 276 (1997)
Citizen Members			
● VACANT	Business/Community Rep.	Governor	HJR 45 (1990)
● VACANT	Health Insurance Industry Rep.	“ “	HJR 45 (1990)
● VACANT	Health Care Industry Rep.	“ “	HJR 45 (1990)
● VACANT	Licensed Physician-ER/Trauma Expertise	“ “	HJR 45 (1990)
● Brenda T. Williams Hampton	Educator-Certified in Special Education	“ “	HJR 45 (1990)
● Charles H. Bonner, MD Richmond	Citizen at Large	“ “	HJR 45 (1990)
Ex-Officio Member			
Claude A. Allen, Secretary of HHR	Ex-officio member	The designation of Secretary of HHR as ex-officio member of the commission came about at the request of Lt. Governor Beyer	

¹ HJR 257 (1992) specified the appointment of individuals from specific districts; SHR 276 (1997) contained language to broaden the categories of appointees to these positions beyond geographic representation.

Note: SJR 186 (1991) designated that the Chairman of the Disability Commission serve as ex-officio member of the Commission on Health Care for all Virginians and that the Chairman of the Health Care Commission serve as ex-officio member of the Disability Commission.

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