

# **Annual Report of the Disability Commission for 2000**

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



## **HOUSE DOCUMENT NO. 60**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2001**





# COMMONWEALTH of VIRGINIA

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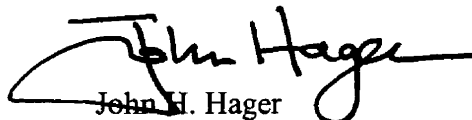
TO: The Honorable James S. Gilmore, III and Members of the General Assembly of Virginia

In my capacity as Chairman of the Disability Commission, I am pleased to submit the 2000 Annual Report of the Disability Commission pursuant to House Joint Resolution 34, agreed to by the 2000 General Assembly.

This report conveys findings and legislative recommendations resulting from the Commission's work during the 2000-2001 Commission calendar. The Commission met a total of three times during the season to hear public testimony, to review and prioritize strategic initiatives emerging from the SJR-170 (1999) Disability Commission evaluation study findings and the outcomes related to the 2000 Legislative Initiatives. The Commission considered progress made and improvements needed for people with disabilities in Virginia within its own on-going community-based service initiatives, but also agreed this year to strategically focus efforts in three priority areas: **Employment, Transportation and Housing**. Public comment and invited consumer input validated need for an action-oriented work plan in these three critical areas. The Commission studied the three areas in a systematic way, seeking balanced input, including the perspectives of national experts, state experts (agencies), and local consumers/providers on each area in a point/counter-point fashion. This approach allowed the Commission members to achieve broader understanding of issues from which they could advance positions that would best meet the needs of Virginians with disabilities.

As for action, the Commission adopted a comprehensive legislative agenda for the 2001 Session and communicated with the Director of DMAS, the Secretary of Transportation and the Commissioner of VEC concerning collaborative efforts and requesting progress reports during 2001.

Respectfully submitted,

  
John H. Hager

Attachment



## 2000 Annual Report of the Disability Commission

### Introduction

Virginia's Disability Commission was formed in 1990 under House Joint Resolution 45 (Appendix A). Throughout the last decade, the Commission has focused on developing a coordinated, community-based, and consumer-driven system of services for individuals with physical and sensory disabilities in the Commonwealth. During its tenure, the Commission has developed and strengthened many critical programs for people with disabilities, including local Disability Services Boards, Centers for Independent Living, Personal Assistance Services, the Assistive Technology Loan Fund, and the Developmental Disabilities Medicaid Waiver. Thousands of Virginians with disabilities have benefited from legislation and funding initiatives that have been introduced and endorsed by the Disability Commission.

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 (Appendix B), which authorized the Commission to continue its work in developing and reviewing recommendations for service program changes and funding until the 2000 Session. HJR 274 also designated the Virginia Board for People with Disabilities as the agency to provide staffing support to the Commission. In 1998, the General Assembly passed Senate Joint Resolution 170 (Appendix C), which required that a detailed evaluation occur and that recommendations based on the evaluation be made during the 2000 Session of the General Assembly. SJR 170 also required a review of the need to continue the Disability Commission beyond the 2000 Session

Given the positive impact documented in the findings of the SJR-170 study, the 2000 General Assembly passed House Joint Resolution 34 (Appendix D) that continued the Commission for an additional four year period and expanded it to include 12 legislators, and six business/consumer representatives. HJR-34 named the Lieutenant Governor as Chairman of the Commission and required that a legislator serve as the Vice-Chairman.

During calendar year 2000, the Commission considered progress made and improvements needed for people with disabilities in Virginia within its own on-going community-based services initiatives but also agreed to strategically focus its efforts on actionable items in three priority areas: **Employment, Transportation and Housing**. Public comment and invited consumer input validated the need for an action-oriented work plan in these three critical areas. The Commission studied these three critical areas in a systematic, balanced way including the perspectives of national experts, state experts (agencies), and local consumers/providers on each area in a point/counter-point fashion. This approach allowed the Commission members to achieve broader, more objective understanding of issues from which they could advance positions that would best meet the needs of Virginians with disabilities. The report that follows presents the major activities undertaken by the Disability Commission during the 2000-2001 schedule of meetings and lays out the Commission's legislative agenda for the 2001 General Assembly Session.

## **THE 2000-2001 CALENDAR: DISABILITY COMMISSION ISSUES AND ACTIVITIES**

During 2000-2001, the Disability Commission met three times between October 2000 and January 2001. The purpose of the first two meetings was to hear and discuss progress made and remaining unmet needs within its own on-going, community-based service initiatives and also to strategically focus limited time and resources to the highest priority areas. As mentioned above, it was moved and accepted that employment, transportation and housing be established as the Commission's top priorities for the 2000-2004 Commission timeline. The final meeting, held on January 4, 2001, was for the express purpose of establishing a legislative agenda for the 2001 General Assembly Session. The following is a summary of the information presented and the recommendations made during the three Disability Commission meetings.

### **October 17, 2000 Meeting**

The first meeting was convened by Lt. Governor Hager from 9:00 am to 12:30 pm on this date in House Room D of the General Assembly Building (75% of the legislative members were in attendance and 85% of the business/community representatives were present). As a first order of business, Delegate Van Landingham was nominated and elected as Vice-Chairman by acclamation in accordance with the HJR-34 requirements for a legislator to serve as vice-chairman.

A historical overview of Commission accomplishments was presented by Brian S. Parsons, Director, VA Board for People with Disabilities (VPBD), which is providing staff support to the Commission. The legislative outcomes from the 2000 General Assembly session were also reviewed (Appendix E). The members were reminded that the Commission was involved in several legislative changes and resolutions, and successfully patroned and/or supported six different budget amendments advancing critical services for people with disabilities throughout the State during the 2000 session.

Ms. Kathy Hayfield, Assistant Commissioner, Department of Rehabilitative Services (DRS) summarized the on-going initiatives with the Commission's detailed, regularly updated chart entitled the *Disability Commission Initiatives and Documented Need Information*. The following is a list of the primary Commission Initiatives developed over the past decade, showing recent legislative efforts and unmet need, if any:

- Personal Assistance Services- (51 people were added to the program in FY 2000, bringing the total population of persons being served to approximately 275 (state and federal funds). The current waiting list includes 53 people with severe physical disabilities).
- Consumer Service Fund- (83 individuals were served in FY 2000, expending all dollars (\$500,000) allocated to the fund. Unmet requests totaled \$1.4 million).
- Long Term Rehabilitative Case Management- (Approximately 340 people with severe disabilities received extensive services from the nine case managers of the LTRCM unit in

FY 2001, plus short-term technical assistance was provided to 461 individuals and families. There are 47 eligible individuals on the waiting list).

- Disability Services Boards- (Previous appropriations (\$450,000) for local governments made it possible to hire staff for their boards, also \$100,000 was provided to defray administrative and board member expenses and DRS administrative costs. DSB activities have significantly increased from this assistance).
- Rehabilitative Services Incentive Fund- (In FY 2000, 71 grants were awarded to 34 DSBs to meet needs in such areas as housing, transportation, interpreter training, assistive technology, individual consumer needs and public awareness).
- Centers for Independent Living- (To date, the Disability Commission has impacted the establishment of new centers for independent living in Fredericksburg, Manassas, Eastern Shore, Danville, Grundy, Lynchburg and most recently in Harrisonburg; however, only 16 out of 23 planning districts have a CIL).
- Cognitive Rehabilitation- (\$50,000 per year was previously appropriated for two years and combined with DRS vocational rehabilitation funds to "seed" the development of the first clubhouse model program for people with brain injuries in VA. The Mill House currently serves 24 people and has documented strong outcomes for consumers. On-going funding is needed).
- Supported Employment- (237 consumers were served in this supported employment program in FY 2000; hundreds more exist on waiting lists around the state).
- Assistive Technology Loan Fund (ATLFA)- DRS announced the receipt of a \$1 million/one year grant award from the federal government for expanded capitalization of the ATLFA.
- Disability Consortium- There has been no change to the status of this initiative recently.
- Independent Living Services- (DVH provides independent living services for approximately 2700 people who are blind and elderly per year. The current federal grant for "Independent Living Services for the Blind Elderly" is \$225,000. The General Fund appropriation of \$125,000 beginning in FY1999 increased the level of services available statewide. There have been no recent changes in this initiative).
- Interpreter Services and Captioning Equipment- (No new funding has been provided for this program since the 1992 Disability Commission report. There has been no recent activity).
- Sign Language Interpreter Training Funds- (Funds were previously appropriated to the VA Community College System for advancement of interpreter training. The Commission requested a status report from VCCS and will review the program in more detail next year).

- Woodrow Wilson Brain Injury Services- There has been no change in the status of this initiative.
- Specialized Transportation Fund- (An amendment for \$500,000 to provide funding to a Transportation Incentive Fund through the Specialized Transportation Council was not approved by the 2000 General Assembly; \$800,000 was appropriated to the DRPT for grants in the area of specialized transportation).
- Capital Square Access- (A budget amendment entered into the 2000 General Assembly to fund Priority 1 in GAB and the Capitol Building was not approved; DGS has indicated renovations will be attempted within the on-going renovation/ improvement cycle).
- Disability Commission Staff Support- (An amendment to provide needed staff resources was not funded in the 2000 Session; basic support continues to be provided by VBPD staff and VBPD federal funds are utilized for consultant support).

After extensive review of the above initiatives, the Commission accepted a motion to identify three primary priority areas for strategic planning and new business for this year. The majority of the work of the Commission for this season, therefore, involved targeted work in these three content areas:

- **Employment,**
- **Transportation; and**
- **Housing.**

### Employment Overview

Staff alerted the Commission that two highly visible, federal employment initiatives would require immediate attention this year: the *Workforce Investment Act (WIA) 1998* and the *Ticket to Work/Work Incentive Improvement Act (TWIIA) of 1999*.

The Workforce Investment Act (WIA) 1998 was described as a federal initiative that integrates all employment programs for all people under one system. The Commission was reminded that the Virginia Employment Commission (VEC) and the Governor's Workforce Development Council have been designated as lead entities. The Commission discussed the goal of close communication with the VEC and the Council in order to keep disability issues in focus as all employment programs are streamlined into one large system.

The Ticket to Work/Work Incentive Improvement Act (TWIIA) of 1999 was summarized as a national systems change initiative that has the potential to eliminate employment disincentives and increase opportunities for self-sufficiency for persons with disabilities. VBPD staff underscored that TWIIA addresses the single greatest barrier to employment, i.e., health care coverage loss due to earnings. The Commission learned that the Medicaid Buy-In is a state option, not a federal mandate.

The Department of Rehabilitative Services (DRS) presented an overview on Virginia's progress in the planning and implementation of both of these initiatives within the



Commonwealth. DRS also highlighted the positive planning and interactions that have occurred between that Department and the Department of Medical Assistance Services (DMAS) that has occurred to date regarding both federal initiatives.

### Transportation Overview

Staff briefed the Commission on a number of key issues and possible considerations to facilitate the development of the transportation agenda this year emanating from the 1999 Specialized Transportation Study. The Commission requested a review of the study findings and input from localities for the next meeting.

### Housing Overview

On housing, national data was referenced that showed only 10% of public housing authorities (PHAs) across the country are applying for Section 8 vouchers targeted for persons with disabilities. Delegate Tate requested more national information on this topic and referenced a JLARC study, which showed the Virginia's PHAs are also not maximizing Section 8 vouchers. Delegate Van Landingham asked that staff return at the next meeting with a summary of the track record of local PHAs on Section 8 Voucher applications.

The meeting closed with input from the Disability Services Council Chair and public comment, both of which also identified employment, transportation and housing as the primary need areas and thanked the Commission for its focus on these areas this year.

### **December 5, 2000 Meeting**

The second meeting was held at the same location and time schedule with 92% of the legislative members and 100% of business/community representatives in attendance. This meeting was an intense, highly focused meeting on the three priority areas of concern to the Commission this year: employment, transportation and housing. As mentioned, the Commission elected to study each area in a systematic way with perspectives from national, state, local/consumer experts in a point/counter-point fashion.

### Employment Issues

#### 1) Workforce Investment Act

National/State Input: Dr. Joseph Ashley, DRS, provided some national research perspectives on the WIA and its implementation in VA. He also reported that 1) DRS did not receive a Department of Labor grant that would have helped ensure accessibility at WIA One Stop Centers; 2) in lieu of the grant, the Commission needs to find a means to ensure that DOL Accessibility Guidelines be required for "chartering" of One Stop Centers; and 3) the role of the Commission on WIA implementation was suggested to be monitoring accessibility and ensuring the inclusion of people with disabilities in planning.

State Input: Dee Esser, Assistant Commissioner of Field Operations, Virginia Employment Commission (VEC) described her agency's work on various disability matters including:

- Board composition efforts, which included a requirement of a person with disabilities;
- Local plan development for each Board, which involved the disability community;
- The chartering of one-stop centers;
- VECs partnerships with DRS and others to do the training necessary for staff;
- The 25 of the 30 One-Stop Center sites that are VEC offices and the availability of technological aids, including assistive devices for visual and hearing-impaired individuals;
- Services last year to 10,000 people with disabilities, over half of which were veterans (VEC has a mandate to serve veterans) and achievement of a 25% placement rate; and
- Partnerships with an accessibility work group for the Mid-Atlantic region (PA & WV) to avoid duplicative efforts.

Ms. Esser summarized her points by stating that VEC wants to partner with all the other agencies and suggested that the Commission's role should be to oversee the One-Stop Centers to ensure that they are fully accessible.

Local/Consumer Input: Consumers represented by Jim Rothrock, from the Rothrock Group, advised the Commission to let VEC and the workforce councils know that the Commission is closely observing the WIA implementation and stands ready to assist in any way.

## 2) Ticket to Work/Work Incentive Improvement Act (TWIIA) of 1999

The second federal employment initiative that required much attention from the Disability Commission this session was the *Ticket to Work/Work Incentive Improvement Act (TWIIA) of 1999*. Staff informed the Commission that TWIIA addresses the single greatest barrier to employment, i.e., health care coverage loss due to earnings. The Commission members learned from staff and public comment that the TWIIA initiative, particularly the Medicaid Buy-In, is considered the most important piece of legislation in history in terms of encouraging competitive employment and increased self-sufficiency for people with disabilities. The Commission was also made aware that the Medicaid Buy-In is a state option, not a federal mandate. The Commission agreed that the Commonwealth must explore a Medicaid Buy-In and asked that DRS, VPBD, DMAS and consumer representatives form a Medicaid Buy-In Work Group and develop a work plan for the final meeting to set the Commission's agenda on these topics.

National Input: Susan O'Mara, from the VCU State Systems Change Initiative and a national consultant on the Medicaid Buy-In planning, reinforced that TWIIA provided a great opportunity to increase employment for people with disabilities by

allowing supportive health provisions for working people with disabilities through a Medicaid Buy-in. The Commission was also made aware that the Commonwealth needs to make better use of federal work incentives that are already available (Section 1619(b) of the Federal Social Security Act) for persons with earnings under \$19,000 annually and needs to plan for a Medicaid Buy-In if the State wants to eliminate health care employment disincentives for all people with disabilities.

The following specific recommendations were offered:

- Collaborative, interagency/stakeholder efforts will be needed for Buy-In development in Virginia;
- Specially dedicated staff or consultant resources will be needed to help state agencies complete Buy-In development analysis; and
- Attention to all planning steps found helpful in other states including education/coalition building, analyzing income/asset limits and premium costs, costing out financing for the program, and identifying other administration considerations.

In response to staffing concerns expressed by Delegate Van Landingham, Ms. O'Mara encouraged the state to apply for a HCFA Infrastructure Building grant in this year, assigning extra staff support if possible and ensuring interagency and key stakeholder involvement in the process.

State Input: The Department of Medical Assistance Services' (DMAS) perspectives on the Medicaid Buy-In in Virginia were presented by Senior DMAS staff. Extensive collaborative work already accomplished by DMAS in planning and studying the Buy-in and the efforts of DMAS and DRS to include consumers in these discussions (e.g., visitation of local CILS) were described. DMAS described the need for careful study of the process and the development of a plan that is in line with true needs in VA and to learn from the mistakes made in other states already. Staff stated the Commission's involvement in monitoring the Medicaid Buy-in development was welcomed and needed. DMAS advised the Commission on current meetings with a variety of stakeholders and stated a commitment to apply for a HCFA Infrastructure Grant in 2001. Delegate Bloxom asked for the Work Group to prepare a blueprint for the Commission for the upcoming General Assembly session regarding needed legislation and appropriations. Dr. Ashley (DRS) and Ms. Kotula (DMAS), however, informed the Commission that study would be needed to determine the needs (expected to take about 12 months). It was agreed that action would be taken in the 2002 General Assembly session.

The Work Group formed at the request of the Disability Commission on the Medicaid Buy-in analysis/implementation in VA was expanded to include more key stakeholder input. It was agreed that the work group would develop a framework for the development of a Medicaid Buy-in and expansion of use of the 1619b work incentives for the final Commission meeting. DRS also asked that the Commission consider its role one of representing this initiative to the Administration and state

leaders as, not just a Medicaid expansion, but also rather an *economic opportunity*--an opportunity that removes employment barriers and provides workforce solutions.

Local/Consumer Input: Extensive public comment was received encouraging the Commission to develop a Medicaid Buy-In in the Commonwealth. Advocates suggested during public comment that, like 12 other states, Virginia should begin the planning and implementation a Medicaid Buy-In for the state. Additional employment and day service issues included requests from consumers and advocates that the Commission consider further funding for the increased growth of new day and vocational programs for persons with brain injuries, supported employment and the LTESS program, and a major campaign to expand growth of the Centers for Independent Living (CILs).

### Transportation

Local/Consumer Input: The Community Transportation Association of Virginia (CTAV) representing transportation providers for persons with disabilities, cited the following areas for Commission attention in this year:

- Expanded funding needs,
- Encouragement of the Governor for immediate appointments of the Specialized Transportation Council members, and
- A review on DMAS' plans to fund a statewide broker of transportation services.

State Input: The Department of Rail and Public Transportation reiterated the findings from the State Study on Transportation Services for Elderly, Disabled and TANF Participants including:

- Expanded funding needs,
- Needed Specialized Transportation Council appointments,
- The need for one state agency to be responsible for transportation of persons with disabilities, and
- The lack of interagency communication, etc.

The Commission decided to communicate with the Secretary of Transportation directly to encourage the use of 1999 Transportation Study findings in upcoming biennium budget planning and to encourage the administration to appoint Council members as soon as possible. The Commission also wanted to learn more about the statewide Transportation Broker planning at the first meeting of the new session 2001-2002.

### Housing

The Commission was updated on national and state issues regarding housing for persons with disabilities, focusing this year on Section 8 vouchers, by a national consultant, the Deputy Director of VA Housing Development Authority (VHDA), and exemplary local providers.

National Input: The National Technical Assistance Collaborative, Inc. (Boston) reported that nationally only 10% of housing authorities have applied for Section 8 vouchers specifically designed for persons with disabilities over the last four years and that only 9 PHAs in VA (28% of all PHAs) have received these vouchers even though long waiting lists were cited. The Consultant, Emily Miller, advised the following actions, for states like VA, in order to help access millions of dollars in Section 8 funding now available to states:

- Develop an interagency office with joint disability and housing focus;
- Develop a pilot program to fund staff with experience in both Section 8 and disability issues to act as housing advocates/assertive case managers for people with disabilities;
- Make greater use of non-profit disability organizations as local Section 8 administering agencies; and
- Maximally exercise currently allowable PHA options to develop creative strategies to increase use of Sec 8 vouchers.

State Input: Robert Washington, State Deputy Director, Virginia Housing and Development Authority (VHDA) provided an update on the Virginia housing picture and key findings of recent studies now guiding work of VHDA. These findings included the problems of unmet needs of persons with disabilities, economic barriers, and very low incomes of recipients of vouchers. As a result of these factors, he reported that VHDA is committed to expanding more rental subsidies, better partnerships with disability providers, interagency coordination, and effective local provider models. VHDA acknowledged the need to do more in concert with the disability community in response to recent internal studies and the JLARC study about which Delegate Tate had expressed concerns. VHDA added that training programs of landlords and the housing/disability communities together were identified as critically needed. Mr. Washington also suggested that VHDA could likely be of consultant assistance to the Assistive Technology Loan Fund given its expertise on loans and marketing.

Delegate Van Lanningham asked for language for a budget amendment to enhance collaboration and needed training on an interagency and local level with disability/housing communities (Appendix F).

Local Input: The local housing perspective was presented by the Piedmont Housing Alliance: A Collaborative, Specialized Disability Housing Initiative of the Charlottesville Redevelopment & Housing Office and the Arc of the Piedmont. This program described a unique alternative housing approach in which a collaborative group has received a 5-year federal grant directly from HUD (i.e., without the conduit through VHDA or a local housing authority) for specialized housing for persons with disabilities. The presenters stressed the ease of administration through this process. They also stressed the collaborative partnerships needed between the housing and disability experts and equal power sharing that seemed to be needed in coordinating and directing the program.

### **January 4, 2001 Meeting**

The final meeting, held on January 4, 2001 from 12 p.m. to 2 p.m., also in House Room D of the General Assembly Building, was fully devoted to the adoption of the Disability Commission's legislative agenda for the upcoming 2001 General Assembly session (75% of the legislative members and 33% of the business representatives were in attendance at the third meeting).

**Virginia Disability Commission**  
**Summary of Legislative Priorities for 2001 General Assembly Session**  
**January 8, 2000**

**I. On-Going Commission Initiatives**

- Sponsor a budget amendment to expand Personal Assistance Services (PAS) Program (\$250,000) and provide 1 MEL to DRS to address documented need for 53 persons on the waiting list.  
**Patron: Delegate Van Landingham**
- Sponsor a budget amendment to expand Consumer Services Fund (\$400,000) to address documented needs for persons on the waiting list.  
**Patron: Delegate Van Landingham**
- Sponsor a budget amendment and provide 2 MEL to expand Long Term Rehabilitation Case Management Program (\$150,000) to address documented need for persons on the waiting list in Tidewater and Northern Virginia areas, in that priority order.  
**Patrons: Senators Miller and Puller**
- Sponsor a budget amendment to DRS (\$1,950,000) to strengthen and expand the network of Centers for Independent Living in Virginia.  
**Patron: Delegate Bloxom**
- Sponsor a budget amendment to the Virginia Board for People with Disabilities to provide research consultation and staff support to the Disability Commission (1 MEL and \$75,000).  
**Patron: Delegate Van Landingham**
- Sponsor a budget amendment to fund Capital Square Access Study Recommendations (\$500,000) to fund priority area 1 and restrooms in GAB and the Capital Building.  
**Patron: Delegate Bloxom**
- Endorse the budget amendment to expand day services and maintain the Mill House Clubhouse in Richmond for persons with Traumatic Brain Injury.
- Endorse the budget amendment to expand employment services for persons with disabilities through LTESS budget request (\$2,600,000).

## II. Employment

- Letter for Chairman's signature requesting the Virginia Employment Commission to identify strategies for ensuring the accessibility of One Stop Centers and establishing partnerships with the disability community and Health & Human Resources Agencies, to be reported to the Disability Commission prior to the 2002 General Assembly Session.
- Letter for Chairman's signature to the Director of the Department of Medical Assistance Services and the Commissioner of Department of Rehabilitative Services requesting a completion of a feasibility study, with collaboration from key stakeholders, for Medicaid Buy-in implementation in Virginia, to be reported to the Disability Commission prior to the 2002 General Assembly Session. The study should include 1) an examination of Personal Assistance Services (PAS) development under the State Plan Option Medicaid program; 2) an analysis of the economic opportunities presented by the Buy-in to address workforce issues for business; and 3) HFCA Infrastructure grant development progress; and 4) state resources needed.

## III. Transportation

- Sponsor a budget amendment to provide funding for the Transportation Incentive Fund through the Specialized Transportation Council (\$800,000) to purchase needed, accessible vehicles addressing documented needs in communities throughout the state.  
**Patron: Delegate Van Landingham**
- Support legislation regarding the Virginia Transit Liability Pool (VTLP) that would allow certain private non-profit transportation providers to join this pool and realize lower costs for vehicle insurance (Patroned by Senators Hall and Stosch).
- Letter for Chairman's signature urging the Secretary of Transportation to consider advancing the findings of 1999 Transportation and Disability Study within the Biennium Budget planning cycle.

## IV. Housing

- Sponsor a budget amendment to activate and support the *Interagency Coordinating Council on Housing for the Disabled* (Va. Code Section 2.1-703.1) and provide cross-training on local levels throughout state to bring about disability provider/housing partnerships aimed at maximizing use of HUD Section 8 vouchers for people with disabilities in need of housing (\$150,000).  
**Patron: Delegate Van Landingham**



- Letter for the Chairman's signature to state agencies encouraging greater interagency collaboration to make better use of available housing resources and informing them of the budget efforts this year.

**V. Other**

- Co-sponsor legislation to strengthen the composition of the Virginia Board for People with Disabilities to increase the number of individuals with disabilities and family members from 50% to 60% of membership as required by federal Developmental Disabilities Act of 2000.

**Patron:**                    **Delegate Bloxom**

- \* Adopted by Disability Commission at its meeting on January 4, 2001

## APPENDICES

Appendix A	HJR 45
Appendix B	HJR 274
Appendix C	SJR 170
Appendix D	HJR 34
Appendix E	Revised Disability Commission Legislative Outcomes
Appendix F	Proposed Budget Language for a Housing Budget Amendment
Appendix G	HB 2190 (BLOXOM), SB 1286 (RERRAS)
Appendix H	Disability Commission Membership (2000-2001)

# GENERAL ASSEMBLY OF VIRGINIA—1990 SESSION

## HOUSE JOINT RESOLUTION NO. 45

### Appendix A

*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.

## Appendix B

### 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.

#NS

**Appendix C**

**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.



**Appendix D**

**HOUSE JOINT RESOLUTION NO. 34**

*Continuing the work of the Disability Commission.*

Agreed to by the House of Delegates, March 10, 2000

Agreed to by the Senate, March 10, 2000

WHEREAS, in 1990 the Commission on the Coordination of the Delivery of Services to Facilitate the Self-Sufficiency and Support of Persons with Physical and Sensory Disabilities, now known formally as the Disability Commission, was established to assess the delivery of services to Virginia's citizens with physical and sensory disabilities; and

WHEREAS, the 1992 report of that Commission established a ten-year plan of action that formed a system of programs and services within an infrastructure designed to be consumer-focused and community-based; and

WHEREAS, the work of the Commission was continued by successive sessions of the General Assembly in order to provide ongoing support in developing and reviewing recommendations for service program changes and funding related to persons with physical and sensory disabilities until the year 2000 as well as designating the Virginia Board for People with Disabilities as the agency to provide staff support to the Commission; and

WHEREAS, today this Commission is comprised of 18 members and is chaired by the Lieutenant Governor; and

WHEREAS, in 1995 the Secretary of Health and Human Resources completed an evaluation of recommendations made by the Commission and provided an overview of accomplishments, as well as gaps in services, to date; and

WHEREAS, each year, the Commission continues to identify legislative priorities that need to be examined by the General Assembly and is viewed as a forum where the needs and issues of people with disabilities can be addressed through the joint cooperation of the legislature, the Lieutenant Governor, the Governor's appointees, and the agencies of the Executive branch; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Disability Commission be continued until the year 2004. Technical assistance and staff support, with additional funding, shall be provided to the Disability Commission by the Virginia Board for People with Disabilities. The first priority of the Commission shall be to develop a strategic plan in which priorities are set for subsequent Commission activities.

The membership of the Disability Commission shall consist of 18 persons to be comprised in the following manner: 6 members, in accordance with the principles of Rule 16 of the Rules of the House of Delegates, and 1 former member of the House of Delegates to be appointed by the Speaker of the House; 3 members and 1 former member of the Senate to be appointed by the Senate Committee on Privileges and Elections; the Lieutenant Governor; and 6 citizen members

to be appointed by the Governor, two of whom shall be consumers with disabilities. In appointing the remaining four citizen members, the Governor should consider persons representing the medical, insurance, and rehabilitation fields. The Lieutenant Governor shall serve as chairman, and a legislative member shall serve as vice-chairman.

All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall submit regular, periodic reports of its findings and recommendations 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.

**Appendix E**  
**Revised Disability Commission Legislative Outcomes 2000**

**Review of Legislative Actions**

Action	Intended Purpose	Status
HB 415	Code change to review and update DSB summary report to DRS every three years instead of biennially	Passed
HB 415	Code change mandates DRS to administer funding appropriated to DSBs and provide guidance and technical assistance	Passed
HB 1321	Specialized Transportation Council to be co-chaired by Lt. Governor and Secretary of HHR	Passed

**Appropriations**

Action	Intended Purpose	Status
C2#1h/C2#1s-\$500,000-Capital Square Access Study Recommendations <i>Del. Landes/Sen. Miller</i>	To fund priority area 1 and restrooms in GAB and Capitol	Item not funded, but DSG has indicated renovations will be addressed w/in the on-going renovation cycle.
374#3h/#5s-\$250,000/per yr – Continued CIL Development <i>Del. Landes/Sen. Miller</i>	To fund new Center for Independent Living in Harrisonburg	\$50K/yr.
374#2h-\$50K/per yr-Expand Long Term Case Management <i>I. Bloxom</i>	For greatest need area in support of Long-Term Rehabilitation Case Management	\$50K/yr.
374#7h-\$100K/per yr.-Expand Consumer Services Fund <i>Del. Van-Landingham</i>	To fund documented need for services for those on waiting list	\$100K/yr.
374#6h-\$500K/per yr.- Expand Personal Assistance Services <i>Del. Van-Landingham</i>	To fund documented need for services for those on waiting list	\$250K/yr.
374 #11h-\$1.0 million.- Maintain Assistive Technology Loan Fund Authority <i>Del. Bloxom</i>	Maintenance of ATLFA	\$400K/1 yr.
518#6h -\$500K to provide funding for Specialized Transportation Council - <i>Del. Van-Landingham</i>	To provide funding for Transportation Incentive Fund	Item not funded in that \$800,000 was appropriated to DRPT for specialized grants.
393#1h -\$150K for staff support for Commission - <i>Del. Bloxom</i>	For 2 FTE for policy/research and administrative support at VBPD	-0- →VBPD budget to support efforts.

**Resolutions**

Action	Intended Purpose	Status
SJ 146-Tax Incentives in High Technology Companies	To increase interest in the hiring of persons with disabilities	PBI due to related actions
HJ-219-Brain Injury Registry Study	To review adequacy of current Registry operated by DRS	Letter to JCHC
HJR-34 Resolutions	Continue Disability Commission	Passed

**Appendix F**  
**Revised Draft Based on Interagency Review**

Item \_\_\_\_ # \_\_\_\_

**Health and Human Resources**

**FY 00-01**

**FY 01-02**

Secretary of Health and Human Resources

\$0

\$ \_\_\_\_\_ GF

**Language:**

Page \_\_, line \_\_, strike "\$ \_\_\_\_\_" and insert " \_\_\_\_\_".

Page \_\_, after line \_\_, insert: " \_\_\_\_\_".

The Secretaries of Health and Human Resources and Commerce and Trade shall establish an ongoing interagency council (thereby, activating the Interagency Coordinating Council on Housing for the Disabled) including representatives of Virginia Housing Development Authority, Department of Housing and Community Development, Virginia Housing Study Commission, Department of Rehabilitative Services, Department for the Visually Handicapped, Department for the Deaf and Hard of Hearing, Virginia Board for People with Disabilities, the Department of Mental Health, Mental Retardation and Substance Abuse Services, Disability Services Boards, Centers for Independent Living, Community Services Boards, persons with disabilities, local governments, and local redevelopment and housing authorities. The Secretaries will appoint co-chairs for the Council from the representative agencies. The council shall be given the following specific charges:

1. Monitor use of appropriated funds to establish disability housing staff positions (2 FTE) specifically aimed at supporting the interagency housing council and the optimal Section 8 use for Virginians with disabilities;
2. Monitor and plan use of appropriated funds to provide cross-training directly with local housing providers/authorities on disability issues and with disability providers on housing issues to enhance local partnerships in conjunction with the VHDA funded state training for Section 8 agents and others and other HUD training opportunities;
3. Develop specific recommendations for new initiatives to address the housing needs of people with disabilities, including (i) plans to optimize Section 8 use in each region of the state; (ii) an identification of existing capital funds, subsidies and other resources available to be allocated to such initiatives; (iii) a review of the need for new funding requiring state appropriation, such as a supplement to SSI; and (iv) establishment of strategies to facilitate access by people with disabilities to HUD and/or VHDA-funded housing developments/other buildings earmarked for low-income housing;
4. Seek means for leveraging other resources to address housing needs (Other resources might be combined when appropriate with locally controlled Assistive Technology Loan Funds or Rehabilitative Services Incentive Funds);
5. Plan and provide start up grant program to promote collaborative partnerships between housing authorities/community development offices and disability providers and oversee their implementation;
6. Seek ways to coordinate the use of Section 8 tenant-based assistance to increase services to persons with disabilities and increase the involvement of Centers for Independent Living, Community Services Boards and other disability providers in the administration of subsidies and coordination of services to program participants through relationships directly with HUD, VHDA, or housing authorities or any combination; and
7. Prepare an annual report to the Governor and the General Assembly on progress made and legislative actions required.

**Explanation:**

This amendment directs the Secretary of Health and Human Resources and the Secretary of Commerce and Trade to establish and support an ongoing interagency council for the purpose of securing the commitment of state-level agencies to design and implement demonstration initiatives and targeted local training that addresses the housing needs of people with disabilities. This amendment includes \$\_\_\_\_\_ the second year from the general fund for the administration costs of the interagency council, disability housing staff positions needed, local cross training efforts, start up grant efforts to facilitate partnerships, and outcome accountability tracking).

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