



COMMONWEALTH of VIRGINIA

Office of the Governor

William A. Hazel, Jr., MD
Secretary of Health and Human Resources

July 1, 2011

The Honorable Robert F. McDonnell
P.O. Box 1475
Richmond, Virginia 23218

The Honorable Charles J. Colgan, Sr.
10677 Aviation Lane
Manassas, Virginia 20110-2701

The Honorable Lacey E. Putney
P.O. Box 127
Bedford, Virginia 24523

Dear Governor McDonnell, Senator Colgan and Delegate Putney,

The 2011 General Assembly amended and reenacted §37.2-319 of the *Code of Virginia*, to change the administration of the Behavioral Health and Developmental Services Trust Fund. The Fund was changed to permit use to support individuals with mental illness, intellectual disabilities, and substance use disorders and to facilitate transition of individuals with intellectual disabilities from state training centers to community-based services. The Secretary of Health and Human Resources was also directed to develop a plan to transition individuals with intellectual disabilities from state training centers to community-based settings.

The plan must include provisions to reduce the number of individuals who are currently residing in state training centers and include provisions to (i) offer a broad array of community-based services including but not limited to Intellectual Disability Home and Community Based Waivers and (ii) address the availability of appropriate community housing. It must also include facility specific objectives and timeframes to implement changes and must be developed with input from individuals receiving training center services and their families, community services boards, private providers, and the Department of Medical Assistance Services. The plan is due November 1, 2011, with updates required on July 1 and December 1 of each year, with the first update due July 1, 2011. This letter serves as the first update regarding the Trust Fund plan.

The US Department of Justice (DOJ) notified Virginia in February 2011 of serious concerns with how it serves individuals in Virginia's training centers and Virginia's operation of its community-based system of services for individuals with developmental disabilities. The Trust Fund was amended and \$30 million dollars was appropriated to the Trust Fund during the 2011 General Assembly session to begin to respond to the concerns of the Department of Justice. These resources were appropriated in addition to the \$30 million down payment to enhance services for individuals with intellectual disabilities in the 2011 budget.

At this time, we are in active negotiations with the Department of Justice to improve Virginia's system of services for all individuals with intellectual disabilities. We anticipate negotiations will conclude this summer and will permit my office, in concert with the Department of Behavioral Health and Developmental Services (DBHDS) and the Department of Medical Assistance Services (DMAS), to develop specific plans for the Trust Fund and our training centers.

In the interim, we will be seeking public input from individuals receiving training center services and their families, community services boards, private providers, and other interested stakeholders. DBHDS will be conducting public hearings in August 2011 in each region of the Commonwealth. Information about the date, time, and location of these hearings will be posted on the Department's website in July, as well as the Commonwealth Calendar. Stakeholders will also be able to provide written comment electronically or in hard copy.

Our next update on November 1, 2011, will include specific plans for the use of the Trust Fund. In the interim, if pertinent information can be shared, I will communicate it to you. Should you have any questions about this letter or the Trust Fund plan, please contact Deputy Secretary of Health and Human Resources, Keith Hare, at 804.786.7765.

Sincerely,

A handwritten signature in black ink, appearing to read "William A. Hazel, Jr.", written in a cursive style.

William A. Hazel, Jr. , M.D.