

Report on the Recommendations of the Virginia Disability Commission 2014

Members

Legislative Members:

The Honorable Dave W. Marsden, Chair
The Honorable Robert D. Orrock, Sr.
The Honorable Brenda L. Pogge
The Honorable Linda T. Puller
The Honorable David J. Toscano
The Honorable Ronald A. Villanueva

Citizen Members:

Ms. Gayl Brunk
Dr. William Fuller
Mr. Michael K. Lewis
Mr. Frank Lombardi
Ms. Nancy Mercer

Staff:

Sarah E.B. Stanton, Staff Attorney, Division of Legislative Services
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Website:

<http://dls.virginia.gov/disability.htm>

BACKGROUND

The Virginia Disability Commission is the legislative body charged with identifying and recommending legislative priorities and policies for adoption or examination by the General Assembly in order to provide ongoing support in developing and reviewing services and funding related to Virginians with physical and sensory disabilities. The Disability Commission met one time during the 2014 interim to receive information and "identify and recommend legislative priorities and policies for adoption or examination by the General Assembly in order to provide ongoing support in developing and reviewing services and funding related to Virginians with physical and sensory disabilities," as required by § 30-232.

MEETING

Tuesday, November 25, 2014

PRESENTATION: Activities and Services of the Department for Aging and Rehabilitative Services

Ms. Kathy Hayfield, Director, Division of Rehabilitative Services, and Ms. Mary Margaret Cash, Director, Community Based Services, Department for Aging and Rehabilitative Services, provided an overview of programs and services for individuals with disabilities provided by the Department for Aging and Rehabilitative Services. The presentation included information about the Vocational Rehabilitation Program, Long Term Employment Support Services program, Extended Employment Services program, brain injury services, the Personal Assistance Services program, and the Independent Living program and Centers for Independent Living. A copy of the presentation can be found on the Disability Commission's website at: http://services.dlas.virginia.gov/User_db/frmView.aspx?ViewId=4258&s=15.

PRESENTATION: Activities and Services of the Department for the Blind and Vision Impaired

Mr. Raymond Hopkins, Commissioner, Department for the Blind and Vision Impaired, spoke about activities and services of the Department for the Blind and Vision Impaired. He described challenges affecting several programs including the Department's vocational rehabilitation program, a lack of sufficient staff for educational supports, challenges in providing transitional services to young adults transitioning from high school to higher education or employment, and budget cuts that have eliminated \$750,000 from the Department's budget.

PRESENTATION: Activities and Services of the Department for the Deaf and Hard of Hearing

Mr. Ron Lanier, Director, Department for the Deaf and Hard of Hearing, spoke about services provided by the Department for the Deaf and Hard of Hearing. He noted that recent budget cuts have resulted in cuts to various programs provided by the Department. Specifically, the Department will no longer be able to pay for sign language interpreters for 12-step (AA/NA) meetings, or for funerals and memorial services. The Department is working with stakeholders to find ways to meet community needs.

PRESENTATION: Strategies for Improving Access to Higher Education for Students with Developmental and Intellectual Disabilities

Dr. Joseph G. DeFilippo, Ph.D., Director of Academic Affairs, State Council of Higher Education for Virginia, spoke about efforts to develop strategies for improving access to higher education for students with developmental and intellectual disabilities in the Commonwealth. Senate Joint Resolution 10 (2014) (Marsden) requested that the State Council of Higher Education for Virginia (SCHEV) study strategies for improving access to higher education for students with developmental and intellectual disabilities. SCHEV was asked to report on the number and percentage of students with developmental and intellectual disabilities who were enrolled at each public institution of higher education based on the fall counts for the 2014-2015 academic year, identify strategies that public institutions of higher education in other states use to improve access to higher education for students with developmental and intellectual disabilities, recommend strategies that the institution could use to annually increase the percentage of enrolled students with developmental and intellectual disabilities, and estimate the fiscal impact to the institution of an annual increase in the percentage of enrolled students with developmental and intellectual disabilities. Dr. DeFilippo reported that SCHEV had been working together with the Partnership for People with Disabilities at Virginia Commonwealth University to conduct the study, and that the final report should be available at the end of December.

RECOMMENDATIONS

At the end of the meeting, the Disability Commission adopted the following recommendations:

1. The General Assembly should provide an additional \$300,000 in each year of the biennium to restore budget cuts to the Department for Aging and Rehabilitative Services' Personal Assistance Services program. (Patron: Senator Puller)

The Department for Aging and Rehabilitative Services' (the Department) Personal Assistance Services (PAS) program serves individuals who have the most severe physical disabilities and who require assistance from another person to perform nonmedical activities of daily living in order to continue to live independently in their homes and communities. These consumer-directed services include transferring, bathing, eating, dressing, and other activities that the individual could perform for himself if he did not have a physical disability. PAS helps individuals to avoid nursing home placement, allows some individuals to maintain employment, and in many cases enables another family member to continue to be employed. This program is designed for those who are not eligible for comparable benefits, such as Medicaid's Elderly or Disabled with Consumer Direction (EDCD) waiver. Participants in this program are individuals who would otherwise "fall through the cracks;" they are ineligible for Medicaid waiver, but they lack the resources to pay for their services out of pocket. PAS participants who are employed pay a cost share that is calculated based on their wages and takes into consideration expenses related to their disabilities.

The Department manages three PAS programs: (i) state-funded PAS, (ii) PAS for individuals with brain injury (also state funded, but not consumer directed), and (iii) VR PAS for individuals who receive vocational rehabilitation services for employment. VR PAS is paid for with federal

VR funds; when the individual becomes employed and the VR case is closed, he transfers to the state-funded PAS program if state funds are available. The average annual expenditure per consumer is between \$17,968 and \$23,261 (based on an average number of 39 hours per week).

The (PAS) program was funded at \$2,438,914 for FY 2014 and served up to 128 individuals. The PAS budget for FY 2015 is \$2,138,914 (reduced by \$300,000.00). With this reduction, PAS will be able to serve only 103-105 individuals.

2. The General Assembly should provide an additional \$427,000 in each year of the biennium to restore budget cuts to programs providing brain injury services through the Department for Aging and Rehabilitative Services. (Patron: Delegate Pogge)

State general funding for brain injury services is administered by the Department's Brain Injury Services Coordination Unit. There are 10 brain injury services organizations across the Commonwealth that contract with the Department to operate 13 community-based programs statewide for Virginians with brain injury. They served 3,840 individuals directly; 444 remain on their wait lists. The organizations reached another estimated 15,000 through education and outreach.

For FY 2014, Brain Injury Services was funded at \$4,159,981. The proposed budget reduction is \$427,000. Included in that cut is the complete elimination of the Brain Injury Direct Services (BIDS) Fund (\$155,343). BIDS is a fund of last resort that provides short-term specialized treatment; rehabilitation; and other forms of assistance that cannot be accessed otherwise, such as neurobehavioral treatment, neuropsychological assessment and counseling, cognitive rehabilitation, community support services, and specialized equipment and technology. In the past year, these specialized BIDS services helped 215 people with acquired brain injury move forward in their rehabilitation and live more independently.

3. The General Assembly should provide an additional \$230,250 in each year of the biennium to the Department for Aging and Rehabilitative Services to restore budget cuts to Centers for Independent Living. (Patron: Delegate Toscano)

The Department's Centers for Independent Living Program grants \$5,587,672 in state funds to Centers for Independent Living (CILs). In 2014, budget cuts reduced funding for CILs by \$230,250 in each year of the biennium. While the Department will be able to restore approximately \$82,000 to CILs, the total available funding will still be reduced by \$147,907, or 2.6 percent. In 2012, funding was cut by \$189,847.

The 16 CILs and 4 satellite CILs served 10,050 individuals with disabilities in FY 2013. The Department recently compiled the results of a 2013-2014 Center for Independent Living Consumer Satisfaction Survey which focused specifically on telling the story of CILs in Virginia, and the results were extremely positive. More than 600 consumers responded, with 84 percent indicating positive improvements in their lives as a result of services provided by CILs. Consumers most frequently mentioned housing and home modifications, personal care, and access to Medicaid Waivers as sought-after and necessary community services. Budget cuts will likely limit services and may cause a reduction in staffing in some areas of the state. This impact

will be most strongly felt in rural areas that have smaller budgets and less supplemental funding from local governments.

4. The General Assembly should provide an additional \$113,000 in each year of the biennium to restore budget cuts to the Department for Aging and Rehabilitative Services' Long Term Support Services program. (Patron: Delegate Villanueva)

The Department's Long Term Support Services program provides a full array of support services to help individuals with significant disabilities maintain employment. In FY 2015, the Long Term Support Services program received \$5.1 million in funding, which allowed the Department to serve 2,925 individuals. Recent budget cuts reduced funding for the Long Term Support Services program by \$112,257. As a result of the reduction, the Department will be able to serve 100 fewer people in FYs 2015 and 2016.

5. The General Assembly should provide an additional \$191,000 in each year of the biennium to restore budget cuts to the Department for Aging and Rehabilitative Services' Extended Employment Services program. (Patron: Senator Marsden)

The Department's Extended Employment Services program provides extended services and supports to help individuals maintain employment following closure of a vocational rehabilitation case, including training, mentoring, arranging for accommodations, providing transportation, and providing other services to meet individual needs.

In FY 2014, the Extended Employment Services program received \$2,658,198, which allowed the Department to provide services to 432 individuals. Recent budget cuts reduced funding for the Extended Employment Services program by \$190,409. As a result of the reduction, the Department will be able to serve approximately 30 fewer people in FYs 2015 and 2016.