



COMMONWEALTH of VIRGINIA

JACK BARBER, M.D.
INTERIM COMMISSIONER

DEPARTMENT OF
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

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July 1, 2016

TO: The Honorable Terry McAuliffe, Governor
The Honorable Thomas K. Norment, Jr., Co-Chair, Senate Finance Committee
The Honorable Emmett W. Hanger, Jr., Co-Chair, Senate Finance Committee
The Honorable S. Chris Jones, Chair, House Appropriations Committee

Fr: Jack Barber, MD
Interim Commissioner

Pursuant to Item 313.Q. of the 2016 *Appropriation Act*, the purpose of this letter is to report on the status of funds set aside to provide compensation to individuals who were involuntarily sterilized pursuant to the Virginia Eugenic Sterilization Act and who were living as of February 1, 2015. Specifically, the language requires:

5. Should the funding provided for compensation be exhausted prior to the end of fiscal year 2016, the department shall continue to collect applications. The department shall provide a report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on a quarterly basis on the number of additional individuals who have been applied.

Accordingly, I am writing to report that since the initial appropriation in FY 2016 for this purpose, the total number of approved claims is 22. For the quarter ending March 31, 2016, the department fully disbursed the \$400,000 initially allocated. As you are aware, two approved claims were held pending until the budget bills were passed; by the end of the 2016 Session, there were four waiting for payment. Since the second \$400,000 was allocated, the department processed an additional \$100,000 of payments in May and another \$50,000 in June. Please refer to the table on page 2.

Thank you for the additional appropriations for FY 2016 and FY 2017, and the new language to carry forward any unspent funds into the current fiscal year.

As of 06/06/16	FY 2016				FY 2017			
	Total Allocation	Paid Awards	Remaining FY2016 Funds	In Process: Pending Approval	Expected Carry Forward	FY 2017 Allocation	Estimated FY 2017	Estimated Remaining June 2017
FY2016	\$800,000	\$550,000	\$250,000		\$200,000	\$400,000		(\$375,000)
Completed Applications Deemed Eligible		22		2			39	
Projected Need				\$50,000			\$975,000	

Cc: The Honorable Riley E. Ingram
The Honorable William A. Hazel, Jr.
Dev Nair, Ph.D.
Marion Y. Greenfield
William Frank

Chapter 780 (2016, HB30)

Q.1. Out of this appropriation, \$400,000 the first year from the general fund is included to provide compensation to individuals who were involuntarily sterilized pursuant to the Virginia Eugenical Sterilization Act and who were living as of February 1, 2015. In addition, any funds carried over from House Bill 29 passed by the 2016 General Assembly from Item 307 T, shall also be used for this purpose.

2. A claim may be submitted on behalf of an individual by a person lawfully authorized to act on the individual's behalf. A claim may be submitted by the estate of or personal representative of, an individual who dies on or after February 1, 2015.

3. Reimbursement shall be contingent on the individual or their representative providing appropriate documentation and information to verify the claim under guidelines established by the department.

4. Reimbursement per verified claim shall be \$25,000 and shall be contingent on funding being available, with disbursements being prioritized based on the date at which sufficient documentation is provided.

5. Should the funding provided for compensation be exhausted prior to the end of fiscal year 2018, the department shall continue to collect applications. The department shall provide a report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on a quarterly basis on the number of additional individuals who have been applied.

Chapter 732 (2016, HB29)

T. 1. Out of this appropriation, ~~\$400,000~~ \$800,000 the second year from the general fund is included to provide compensation to individuals who were involuntarily sterilized pursuant to the Virginia Eugenical Sterilization Act and who were living as of February 1, 2015. *Any funds that are appropriated but remain unspent at the end of the fiscal year shall be carried forward into the subsequent fiscal year in order to provide compensation to individuals who qualify for compensation.*

2. A claim may be submitted on behalf of an individual by a person lawfully authorized to act on the individual's behalf. A claim may be submitted by the estate of or personal representative of, an individual who dies on or after February 1, 2015.

3. Reimbursement shall be contingent on the individual or their representative providing appropriate documentation and information to verify the claim under guidelines established by the department.

4. Reimbursement per verified claim shall be \$25,000 and shall be contingent on funding being available, with disbursements being prioritized based on the date at which sufficient documentation is provided.

5. Should the funding provided for compensation be exhausted prior to the end of fiscal year 2016, the department shall continue to collect applications. The department shall provide a report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on a quarterly basis on the number of additional individuals who have been applied.