



# COMMONWEALTH of VIRGINIA

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INTERIM COMMISSIONER

DEPARTMENT OF  
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

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October 21, 2016

TO: The Honorable Terence R. 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 as of September 30, 2016, the total number of approved claims to date was 27 review. Please refer to the table on page 2.

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

As of 09/30/16	FY 2016			FY 2017			
	Total Allocation	Paid Awards	Carry- forward FY2016 Funds	FY 2017 Allocation with Carryforward	Estimated FY 2017 Awards	Paid Awards	Remaining June 2017
	\$800,000	\$550,000	\$250,000	\$650,000		\$125,000	\$525,000
Completed Applications Deemed Eligible		22			38	5	
<b>Projected Need</b>					<b>\$950,000</b>		<b>\$300,000</b>

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.