

# Report on the Interim Activity of the Virginia Disability Commission 2025

## Members

### **Legislative Members:**

Delegate Amy J. Laufer, Chair  
Senator Barbara A. Favola, Vice Chair  
Senator Ghazala F. Hashmi  
Delegate Laura Jane Cohen  
Delegate Patrick A. Hope  
Delegate Phillip A. Scott

### **Citizen Members:**

Gayl Brunk  
Conner Cummings  
Ann Flippin  
John Tolleris  
Tom Vandever

## Staff

Lucas Childers, Attorney, Division of Legislative Services  
Trevor Merrion, Senior Associate, Division of Legislative Services

Website:

<http://dls.virginia.gov/commissions/vdc.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 disabilities.

## **OVERVIEW**

The Virginia Disability Commission (the Commission) met four times during the 2025 study year.

The first meeting was held on May 8, 2025, and included (i) a vote to adopt the Commission's electronic meeting policy, (ii) a presentation on legislation affecting the disability community from the 2025 Session of the General Assembly, (iii) a presentation on recent amendments to Medicaid waivers, and (iv) a discussion of the work plan for the 2025 study year, as well as public comment.

The second meeting was held on June 5, 2025, and included a review of the 2025 work plan and presentations on (a) the current status of Medicaid and the Children's Health Insurance Program in Virginia, (b) the current status of Virginia's developmental disability waiver services and the waiver waitlist, (c) accessibility in Virginia State Parks, (d) the current status of the Virginia Individualized Education Program and dispute resolution process, and (e) the Commission's online materials and public comment accessibility and the Speaker of the House of Delegates' Interim Legislative Meeting Policy, along with member discussion and public comment. At the June 5, 2025, meeting, a motion was put forth that the chair of the Commission send a letter to Virginia State Parks expressing the Commission's support for the creation of an external task force that would guide future accessibility recommendations. There was also a motion put forth that the chair of the Commission send a letter to the United States Congressional delegation of the Commonwealth expressing the Commission's concerns about potential changes to Medicaid waivers. Both motions passed unanimously.

The third meeting was held on September 4, 2025, and included presentations on (1) the Department of Motor Vehicles' Blue Envelope Program, (2) transition coordination for people in nursing facilities and Medicaid's environmental modification services, (3) proposed policy reforms to assist individuals with intellectual and developmental disabilities in the justice system, (4) crisis services in Virginia's community services boards system, (5) the findings of the State Council of Higher Education for Virginia's work group mandated by HB 1805 (Cohen, 2025), and (6) ABLEnow savings and investment accounts, as well as member discussion and public comment.

The fourth meeting was held on November 6, 2025, and included (A) a presentation on the developmental disabilities waiver rate study, (B) public comment, and (C) a review of recommendations from the 2025 Study Year.

The legislative and letter recommendations considered at the November 6, 2025, meeting are listed in the tables below. Full summaries of the Commission's meetings, including member discussion and public comment, are also available below.

Website:

<http://dls.virginia.gov/commissions/vdc.htm>

## LEGISLATIVE RECOMMENDATIONS

#	Source	Description of Recommendation	Vote
1	Del. Hernandez	Introduce a bill to amend § 51.5-44 to require all movie theaters, including outdoor theaters such as drive-in theaters, that have four or more screens and are open to the general public to provide open captioning at least twice per week on any film that is regularly shown, provided that open captioning is available for such film. See <a href="#">HB 407 (Watts, 2022)</a> .	Adopted
2	Department of Motor Vehicles	Introduce a bill to establish required training for police officers and first responders on the Blue Envelope Program. Include an enactment clause directing the Department of Motor Vehicles to make information about the Blue Envelope Program more prevalent on the agency's website and to partner with schools to expand and encourage the use of the Blue Envelope Program.	Adopted
3	Virginia Association of Centers for Independent Living	Introduce a bill to direct the Department of Medical Assistance Services to amend Medicaid regulations to require managed care organizations to contract with consumer-controlled organizations to provide transition coordination for people who want to transition from nursing facilities to the community.	Adopted
4	Virginia Association of Centers for Independent Living	Require public guardians of people in nursing facilities to participate in quarterly resident review meetings, including both budgetary and direct meetings, pursuant to 12VAC30-60-40.	Removed
5	Decriminalize Developmental Disabilities	Introduce a bill to amend § 19.2-303.6 to allow a defendant with autism spectrum disorder or an intellectual disability to request a hearing to determine the appropriateness of a deferred disposition at any time before or after any plea. Amend § 19.2-303.6 so that a charge dismissed pursuant to this section may be considered as otherwise dismissed for the purposes of expungement of police and court records.	No action taken

Website:

<http://dls.virginia.gov/commissions/vdc.htm>

#	Source	Description of Recommendation	Vote
6	Prior proposed legislation	Introduce a bill to amend § 18.2-57 to provide an affirmative defense to prosecution of a person for assault or assault and battery against certain specified persons for which the enhanced Class 6 felony and six-month mandatory minimum apply if such person proves, by a preponderance of the evidence, that at the time of the assault or assault and battery (i) the person's behaviors were a result of (a) mental illness or (b) a neurocognitive disorder, including dementia, or an intellectual disability or a developmental disability such as autism spectrum disorder, or (ii) the person met the criteria for issuance of an emergency custody order. See <a href="#">SB 1013 (Boysko, 2025)</a> .	Adopted
7	Decriminalize Developmental Disabilities	Introduce a bill to amend §§ 16.1-247.1 and 19.2-390.04 to require that any minor or person with a developmental disability must speak with a qualified attorney before custodial interrogation and require that the consultation cannot be waived by anyone, including the individual or his parent/guardian.	No action taken
8	Decriminalize Developmental Disabilities	Introduce a bill to prohibit a law-enforcement officer from knowingly and intentionally making false statements about any known material fact, including by use of inauthentic replica documents, prior to or during a custodial interrogation of an individual with a developmental disability in order to secure the cooperation, confession, or conviction of such individual.	No action taken
9	Decriminalize Developmental Disabilities	Introduce a bill to amend § 19.2-390.04 to require all custodial interrogations of protected individuals to be electronically recorded and preserved and provide that recordings may only be accessed by a defendant's attorney or law enforcement.	No action taken
10	Decriminalize Developmental Disabilities	Introduce a bill to amend §§ 9.1-102 and 22.1-298.3 to establish required annual training for police officers and school employees on the topics of disability rights, trauma-informed practices, and effective communication.	No action taken
11	Decriminalize Developmental Disabilities	Introduce a budget amendment directing the Behavioral Health Commission to study alternatives to prosecution for individuals with developmental disabilities following emergency incidents.	No action taken
12	Decriminalize Developmental Disabilities	Introduce a Section 1 bill to require the expungement of criminal records after five years for individuals with developmental disabilities.	No action taken

Website:

<http://dls.virginia.gov/commissions/vdc.htm>

#	Source	Description of Recommendation	Vote
13	VA Association of Community Services Boards	Introduce a Section 1 bill that (i) directs state agencies to collaborate and submit an application for participation in the Certified Community Behavioral Health Clinic ( <a href="#">CCBHC</a> ) Demonstration Program administered by the Substance Abuse and Mental Health Services Administration and (ii) authorizes agencies to prepare for the changes necessary to participate in the CCBHC model pending a successful application.	Adopted
14	State Council of Higher Education for Virginia (GEAR UP Virginia)	Introduce a budget amendment to create a full-time staff member at the State Council of Higher Education for Virginia (SCHEV) dedicated to coordinating transition services between secondary schools and institutions of higher education and to implementing the recommendations in SCHEV's 2025 Report, <i>Postsecondary Education Transition and Planning Services: Barriers and Recommendations</i> .	Adopted
15	State Council of Higher Education for Virginia (GEAR UP Virginia)	Introduce a bill to direct SCHEV to establish a state-sponsored, transition counselor certificate program at public institutions of higher education in the Commonwealth that is accredited by the Division on Career Development and Transition.	Adopted
16	State Council of Higher Education for Virginia (GEAR UP Virginia)	Introduce a bill to amend § 23.1-401.3 to include the word "academic" in "provisional or temporary <u>academic</u> accommodations."	No action taken
17	Del. Laufer	Introduce a bill to establish full-time staff for the Virginia Disability Commission to 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 or sensory disabilities.	Adopted with recommendation of 1 full-time equivalent position

Website:

<http://dls.virginia.gov/commissions/vdc.htm>

#	Source	Description of Recommendation	Vote
18	Del. Laufer	Introduce a bill to establish an autism and developmental disability-related commission with full-time staff to 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 autism spectrum disorder or developmental disabilities	Endorsed in concept
19	Del. Laufer	Introduce a bill to amend § 18.2-254.3 to require the establishment of behavioral health/disability courts in all localities.	Removed
20	Del. Hope	Introduce a budget amendment to adjust reimbursement rates for residential services utilized by individuals with developmental disability waivers.	Adopted
21	Del. Cohen	Introduce a bill to expand eligibility for state tuition assistance grant programs to include students who are enrolled in comprehensive transition and inclusive postsecondary programs at institutions of higher education in the Commonwealth.	Endorsed in concept

Website:

<http://dls.virginia.gov/commissions/vdc.htm>

## LETTER RECOMMENDATIONS

#	Source	Description of Recommendation	Vote
1	Virginia Association of Centers for Independent Living	Send a letter to the Department of Medical Assistance Services (DMAS) requesting the establishment of a Minimum Data Set–Local Contact Agency process that ensures individuals receive information about community living from community-based organizations.	Adopted
2	Virginia Association of Centers for Independent Living	Send a letter to DMAS requesting a study of the Medicaid environmental modification process to determine ways to improve access to this service.	Adopted
3	State Council of Higher Education for Virginia (GEAR UP Virginia)	<p>Send a letter requesting the State Council of Higher Education for Virginia (SCHEV) continue to foster collaboration between secondary school staff and higher education staff on the "My Summary of Performance" document (Appendix C of SCHEV’s 2025 Report) in order to reach a consensus on a document that may be used widely.</p> <p>According to SCHEV, the purpose of the "My Summary of Performance” document “is to capture the necessary data from the student and the school in order to promote better access to higher education. This summary of performance should include information from both the student and the school. Disability evaluation information should be included to the best extent possible to promote the timely provision of accommodations in higher education."</p>	Adopted

Website:

<http://dls.virginia.gov/commissions/vdc.htm>

#	Source	Description of Recommendation	Vote
4	State Council of Higher Education for Virginia (GEAR UP Virginia)	<p>Send a letter to SCHEV supporting the incorporation of the information provided on the Documentation and Process FAQ document (Appendix B of SCHEV’s 2025 Report) into transition IEP meetings or other appropriate events with students and parents/caregivers.</p> <p>The Documentation and Process FAQ document lists a number of questions about what higher education institutions want secondary school students to know about various aspects of transition, including documentation, accommodations, and services.</p> <p>The letter to SCHEV should also request a review of ways to create and expand higher education programs for students with developmental or intellectual disabilities and request a report to the Commission on Youth by a certain date.</p>	<p>Removed</p> <p>Motion to incorporate language from the recommendation into legislation adopted</p>
5	The Arc of Northern Virginia	Send a letter to the Department of Conservation and Recreation requesting the installation of adult-size changing tables within public restrooms at Virginia State Parks.	Adopted
6	John Tolleris	Send a letter to the Virginia Department of Education requesting information about how the Commonwealth will be impacted by cuts to federal funding for special education and how the Department is planning to navigate such cuts.	Adopted
7	Del. Laufer	Send a letter to DMAS requesting additional information about the Guidehouse rate study conducted in 2025, including information about why certain rate categories were excluded.	Removed
8	Del. Laufer	Send a letter to the House Committee on Appropriations and Senate Committee on Finance and Appropriations supporting revised reimbursement rates for the utilized rates not included in the Guidehouse rate study.	Adopted

## MEETING SUMMARIES

---

### Virginia Disability Commission

May 8, 2025, at 2:00 p.m.

General Assembly Building, House Room B-205

<http://dls.virginia.gov/commissions/vdc.htm>

---

The Virginia Disability Commission (the Commission) met in Richmond with Delegate Amy J. Laufer, chair, presiding.<sup>1</sup> The meeting included a vote adopting the Commission's electronic meeting policy, two presentations, member discussion of the 2025 work plan, and public comment. Materials presented at the meeting are accessible through the [Commission's meetings webpage](#). Video recording of the meeting is available [here](#).

#### **Presentation: Legislation of Interest from the 2025 Session of the General Assembly**

*Hannah Yates, Staff Attorney, Division of Legislative Services (DLS)*

Ms. Yates provided an overview of legislation that was passed during the 2025 Session that impacts individuals with disabilities, including HB 1800 (Cohen), HB 1804 (Cohen), HB 1805 (Cohen), HB 1806 (Cohen), HB 1880 (Sewell), HB 1892 (Seibold), HB 1970 (Watts)/ SB 1202 (Deeds), HB 2116 (Keys-Gamarra), HB 2120 (Maldonado), HB 2219 (Tran)/ SB 1034 (Pekarsky), HB 2278 (Price), HB 2501 (Rasoul), HB 2541 (Tran), HB 2606 (Ware), and SB 1038 (Pekarsky). Members expressed an interest in hearing updates later in the year from the Department of Behavioral Health and Developmental Services on SB 1038 and from the Department of Motor Vehicles on HB 2501.

#### **Presentation: Home and Community Based Waivers Amendment Update**

*Nichole Martin, Division Director, Office of Community Living, Department of Medical Assistance Services (DMAS)*

Ms. Martin reviewed recent legislation affecting Medicaid waivers, which were approved by the Centers for Medicare & Medicaid Services (CMS) on April 17, 2025, and become effective on July 1, 2025. She explained that during the application process, CMS requested additional information about how the state would establish a process for determining that care is extraordinary in nature when reimbursing legally responsible individuals (LRIs). Following technical assistance from CMS, DMAS agreed to identify extraordinary care through a person-centered planning process, while using an interim process until program manuals and forms are updated and formalized. Ms. Martin concluded by outlining a series of next steps that DMAS will be following in the summer and fall of 2025 to implement these changes. Members inquired about how extraordinary care would be defined and asked if LRIs would receive technical

---

<sup>1</sup> **Members Present:** Delegate Amy J. Laufer (chair), Senator Barbara A. Favola (vice-chair), Delegate Laura Jane Cohen, Delegate Patrick A. Hope, Delegate Phillip A. Scott, Gayl Brunk, Ann Flippin, John Tolleris, Tom Vandever

**Members Absent:** Senator Ghazala F. Hashmi, Conner Cummings

Website:

<http://dls.virginia.gov/commissions/vdc.htm>

assistance in accessing their Medicaid reimbursement. Ms. Martin explained that CMS is leaving the framework for how extraordinary care is ultimately defined to DMAS. She added that service providers will have an opportunity to provide input as the manuals and forms are updated. There was discussion about extending reimbursement to LRIs providing skilled nursing services, and Ms. Martin explained that currently LRIs can only receive reimbursement for personal care services. Members expressed an interest in hearing an update on these amendments later in the year.

Following the presentation and member discussion, Will Frank, legislative liaison at DMAS, answered questions about developments at the federal level and how they will impact Medicaid waivers. He explained that DMAS is monitoring the situation, and that Cheryl Roberts, director of DMAS, would be presenting on this topic before the Emergency Committee on the Impacts of Federal Workforce and Funding Reductions on May 12, 2025. A motion was adopted for the chair of the Commission to send a letter to Virginia's congressional delegation emphasizing the importance of Medicaid services and the impact of changes to these services.

### **Member Discussion**

The chair explained that the 2025 work plan would focus on the areas of housing, transportation, workforce development, and criminal justice reform. Members expressed an interest in hearing presentations regarding (i) the Department of Education's recent changes to the IEP system and dispute resolution process, (ii) crisis intervention services, (iii) accessibility at state parks, and (iv) nursing home transitions and environmental modifications.

### **Public Comment**

Brian Kelmar, president of Decriminalize Developmental Disabilities, spoke about criminal justice reform for individuals with disabilities, and a representative from The Arc of Virginia expressed support for examining the issue of environmental modifications in the 2025 work plan.

Members concluded with a discussion of how to improve access to the link by which members of the public may register to provide virtual public comment.

Website:

<http://dls.virginia.gov/commissions/vdc.htm>

---

## Virginia Disability Commission

June 5, 2025, at 2:00 p.m.

General Assembly Building, House Room B-205

<http://dls.virginia.gov/commissions/vdc.htm>

---

The Virginia Disability Commission (the Commission) met in Richmond with Delegate Amy J. Laufer, chair, presiding.<sup>2</sup> The meeting included a review of the 2025 work plan (available [here](#)), presentations, member discussion, and public comment. Materials presented at the meeting are accessible through the [Commission's meetings webpage](#). Video recording of the meeting is available [here](#).

### **Presentation: Medicaid and Children's Health Insurance Program Overview and Federal Action Update**

*Jeffrey Lunardi, Chief Deputy Director, Department of Medical Assistance Services*

Mr. Lunardi clarified that the current budget reconciliation legislation passed by the United States House of Representatives and under consideration by the United States Senate leaves Virginia's Medicaid program intact. He provided an overview of Virginia's Medicaid program, now known as Cardinal Care, highlighting the different groups served through classic Medicaid, Family Access to Medical Insurance Security, and Medicaid expansion, as well as the state's contribution to the costs for each. He reviewed the status and contents of current federal legislation and discussed how it may affect Virginia's Medicaid program as proposed, noting that many of the substantive policies being considered exempt core Medicaid populations, including individuals with disabilities.

### **Presentation: Virginia's Developmental Disability Waiver Services**

*Heather Norton, Deputy Commissioner, Department of Behavioral Health and Developmental Services (DBHDS)*

Ms. Norton reviewed the three types of developmental disability waivers and the current status of the waiver waitlist. She noted that following Governor Glenn Youngkin's "Right Help, Right Now" initiative to eliminate the Priority 1 waitlist and legislation passed during the 2024 Session of the General Assembly establishing a phased approach to adding 3,440 waiver slots, DBHDS is allocating 1,720 slots per year on a quarterly basis. She outlined the agency's process for allocating slots to community services boards, as well as the role of waiver slot assignment committees in objectively assigning slots. She also highlighted that, in addition to the newly created slots, approximately 1,000 slots become available each year through turnover.

---

<sup>2</sup> **Members Present:** Delegate Amy J. Laufer (chair), Senator Barbara A. Favola (vice-chair), Senator Ghazala F. Hashmi, Delegate Phillip A. Scott, Ann Flippin

**Members Absent:** Delegate Laura Jane Cohen, Delegate Patrick A. Hope, Gayl Brunk, Conner Cummings, John Tolleris, Tom Vandever

Website:

<http://dls.virginia.gov/commissions/vdc.htm>

### **Presentation: Accessibility in Virginia State Parks**

*Dr. Melissa Baker, Director, Division of Virginia State Parks (VSP), Department of Conservation and Recreation*

Dr. Baker described how the Department of Conservation and Recreation works to improve accessibility in state parks through capital improvement projects, staff training, and outreach and community partnerships. During discussion following the presentation, there was a request for the chair to send VSP a letter expressing the Commission's support for the creation of an external task force that would guide future accessibility recommendations.

### **Presentation: Special Education Update: Virginia Individualized Education Program and Dispute Resolution**

*Dr. Samantha Hollins, Deputy Superintendent, Department of Education (DOE)*

Dr. Hollins provided updates to her November 2024 presentation before the Commission about the Virginia Individualized Education Program (VAIEP) and dispute resolution process. Following an overview of VAIEP and the status of its adoption throughout the Commonwealth, she highlighted recent system enhancements, including the EDPlan Translation, EDPlan Connect Parent Portal, and EDPlan Progress Track. She provided DOE's next steps for improving VAIEP and reviewed recent developments pertaining to the special education dispute resolution process, including collaborations with the DOE Advisory Committee on Special Education and Related Services established by HB 1089 (Coyner, 2024) and SB 220 (Favola, 2024) and the Virginia Commission on Youth.

### **Presentation: Review of the Commission's Online Materials and Public Comment Accessibility and the Speaker of the House of Delegates' Interim Legislative Meeting Policy**

*Lucas Childers, Staff Attorney, Division of Legislative Services*

Mr. Childers listed the online resources pertaining to the Commission and highlighted the places where individuals may access the link to register for public comment. He provided an overview of the Speaker of the House of Delegates' interim legislative meeting policy, emphasizing that its restrictions on members voting or counting toward the quorum when participating remotely apply only to the Commission's House members.

### **Member Discussion**

Members confirmed that they would like the chair to write a letter to VSP supporting a task force that would provide recommendations for accessibility improvements at state parks and a letter to the United States Congressional delegation of the Commonwealth expressing the Commission's concerns about potential changes to Medicaid waivers.

### **Public Comment**

Theresa Champion of the Virginia Autism Project advocated for creating additional protections for Medicaid waivers and for involving the disability community with the development of the telehealth training mandated by SB 1038 (Pekarsky, 2025). Brian Kelmar of Decriminalize Developmental Disabilities spoke about legislative initiatives relating to criminal justice reform for individuals with disabilities.

Website:

<http://dls.virginia.gov/commissions/vdc.htm>

---

## Virginia Disability Commission

September 4, 2025, at 2:00 p.m.

General Assembly Building, House Room B-205

<http://dls.virginia.gov/commissions/vdc.htm>

---

The Virginia Disability Commission (the Commission) met in Richmond with Delegate Amy J. Laufer, chair, presiding.<sup>3</sup> The meeting included presentations, member discussion, and public comment. Materials presented at the meeting are accessible through the [Commission's meetings webpage](#). Video recording of the meeting is available [here](#).

### **Presentation: Blue Envelope Program**

*Joseph Hill, Chief of Law Enforcement, Department of Motor Vehicles (DMV)*

*Ava Adenauer, Senior Portfolio Analyst, Continuous Improvement and Projects, DMV*

Mr. Hill and Ms. Adenauer presented a promotional video on and information about the DMV's Blue Envelope Program, established by HB 2501 (Rasoul, 2025), which supports drivers with autism during traffic stops. They addressed questions about expanding the program to other disabilities, tracking related data, training for officers and first responders, and outreach to families. The Commission agreed to consider recommending mandatory training for officers and first responders at its next meeting.

### **Presentation: Transition Coordination for People in Nursing Facilities and Accessing Medicaid Environmental Modification Services**

*Maureen Hollowell, Advocacy Coordinator, Virginia Association of Centers for Independent Living*

Ms. Hollowell outlined the services of centers for independent living (CILs), emphasizing transition requirements set by the General Assembly in 2016. She highlighted challenges in nursing facility transitions, described Virginia Housing home modification programs, and shared legislative recommendations. In response to Commission member questions, she addressed funding adequacy for environmental modifications, strategies to raise awareness and improve access, effective implementation of transition coordination services, restoration of the Money Follows the Person program, and concerns that staff cuts led some individuals to return to their former CIL.

### **Presentation: Building Disability Informed Justice: Advancing Autism and Developmental Disability Policy Reform in Virginia**

*Brian Kelmar, President, Decriminalize Developmental Disabilities*

Mr. Kelmar noted that individuals with intellectual and developmental disabilities (I/DD) have seven times more contact with law enforcement despite not having a higher crime rate. He distinguished I/DD from mental illness, explained its effects on social and sexual development,

---

<sup>3</sup> **Members Present:** Delegate Amy J. Laufer (chair), Senator Ghazala F. Hashmi, Delegate Laura Jane Cohen, Delegate Patrick A. Hope, Delegate Phillip A. Scott, Gayl Brunk, Conner Cummings, Ann Flippin, John Tolleris, Tom Vandever

**Members Absent:** Senator Barbara A. Favola (vice-chair)

Website:

<http://dls.virginia.gov/commissions/vdc.htm>

and emphasized the vulnerability of individuals with I/DD in the justice system. He shared policy recommendations, addressed questions about expungement policies and mandated legal representation in other states, and clarified that his proposed expungement policy would apply to all crimes committed by individuals with autism, subject to judicial discretion.

### **Presentation: Crisis Services in Virginia's Community Services Boards System**

*Jennifer Faison, Executive Director, Virginia Association of Community Services Boards*

Ms. Faison reviewed the role of community services boards (CSBs) and the crisis services continuum, highlighting efforts to divert individuals from inpatient care. She discussed the 9-8-8 hotline, mobile crisis teams, post-intervention services, crisis receiving centers, the Marcus Alert system, and the Certified Community Behavioral Health Clinic (CCBHC) model. She recommended the drafting of a Section One bill to help agencies prepare for the CCBHC Demonstration Program administered by the Substance Abuse and Mental Health Services Administration and underscored funding priorities. Commission members requested more information on the CCBHC Demonstration Program, crisis service usage, CSB prioritization when facilities are over capacity, and service areas most in need of expansion.

### **Presentation: Transition for Students with Disabilities: Postsecondary Education**

*Sarah Beth Dreis, GEAR Up Virginia Regional Manager, State Council of Higher Education for Virginia (SCHEV)*

Ms. Dreis outlined the progress of the work group established as a result of HB 1805 (Cohen, 2025), which tasked SCHEV with studying ways to improve and standardize individualized education plans (IEPs) for postsecondary transition services at public colleges and universities. She highlighted issues identified by the work group, summarized forthcoming recommendations, and answered questions on certified degree programs, model IEP access, SCHEV's accommodations tool, and links between GEAR UP and school divisions.

### **Presentation: ABLEnow: Overview and Updates from Virginia's ABLE Program**

*Alisa Ferguson, ABLEnow Director, Commonwealth Savers*

Ms. Ferguson explained Achieving a Better Life Experience (ABLE) accounts, which are tax-advantaged savings and investment accounts that allow eligible individuals with disabilities to save for qualified expenses without affecting means-tested benefits. She noted that individuals are currently eligible if their disability developed before they were 26 years of age and that this eligibility requirement will be increased to 46 years of age on January 1, 2026. In response to questions, she clarified that ABLE savings need not be spent annually and can be allocated into a number of investment options.

### **Member Discussion**

Members highlighted upcoming disability-related public events, and the chair noted that the Commission will vote on legislative recommendations at the next meeting.

### **Public Comment**

Carol Skelly noted that some Medicaid reimbursement rates were excluded from the latest rate study, potentially affecting the availability of core services. Mark Llobell of the Virginia Autism Foundation highlighted the Blue Envelope Program's successes and urged further expansion and training. Written comments submitted to the Commission are available [here](#).

Website:

<http://dls.virginia.gov/commissions/vdc.htm>

---

## Virginia Disability Commission

November 6, 2025, at 10:00 a.m.

General Assembly Building, House Room B-205

<http://dls.virginia.gov/commissions/vdc.htm>

---

The Virginia Disability Commission (the Commission) met in Richmond with Delegate Amy J. Laufer, chair, presiding.<sup>4</sup> The meeting included a presentation, public comment, and the review of legislative recommendations from the 2025 Study Year. Materials presented at the meeting are accessible through the [Commission's meetings webpage](#). Video recording of the meeting is available [here](#).

### Presentation: Developmental Disabilities Waiver Rate Study

*Heather Norton, Deputy Commissioner of Community Services, Department of Behavioral Health and Developmental Services*

*Coy Jones, Director, Guidehouse*

Ms. Norton explained that the Settlement Agreement reached between the U.S. Department of Justice (DOJ) and the Commonwealth in 2012 was replaced by a Permanent Injunction, jointly filed by both the DOJ and the Commonwealth and approved by the U.S. District Court for the Eastern District of Virginia in January 2025.<sup>5</sup> She noted that the Permanent Injunction establishes a limited set of targeted metrics focused solely on the areas that remained out of compliance with the original Settlement Agreement. It also requires biennial rate studies for services that have not yet achieved the required performance metrics.

Mr. Jones explained that the Guidehouse rate study was limited in scope to the 11 services identified in the Permanent Injunction and described how the study's methodology promoted stakeholder engagement and input throughout the process. He summarized the study's findings and recommendations, noting that the proposed rates were, on average, 20.7 percent higher than the fiscal year 2026 rates, with increases ranging from 0.5 percent to 63.8 percent across services.

Members sought clarification on why certain services were excluded from the rate study. Tanyea Darrisaw, Director of Provider Rate Development at the Department of Medical Assistance Services (DMAS), explained that language in the 2025 Appropriation Act, HB 1600 (Torian), limited the rate study to the 11 services specified in the Permanent Injunction and prohibited DMAS from conducting additional rate studies without specific authorization from the General Assembly. Members expressed interest in both sending a letter and recommending a budget amendment to address the services excluded from the study.

---

<sup>4</sup> **Members Present:** Delegate Amy J. Laufer (chair), Senator Barbara A. Favola (vice-chair), Delegate Laura Jane Cohen, Delegate Patrick A. Hope, Delegate Phillip A. Scott, Gayl Brunk, Conner Cummings, Ann Flippin, John Tolleris, Tom Vandever

**Members Absent:** Senator Ghazala F. Hashmi

<sup>5</sup> For more information, the official site dedicated to the DOJ Settlement Agreement and Permanent Injunction is available at <https://dojsettlementagreement.virginia.gov/>.

Website:

<http://dls.virginia.gov/commissions/vdc.htm>

## Public Comment

Members of the public expressed concerns about the exclusion of certain rates from the Guidehouse rate study and advocated for applying the study's wage assumptions across all services. They shared anecdotes illustrating how capacity shortages have affected individuals with disabilities and their families. Speakers also addressed the ongoing workforce crisis, emphasizing that the sustainability of services depends on reimbursement rates sufficient to allow providers to compete with other employers.

## Review of Recommendations from the 2025 Study Year

Members reviewed the recommendations presented to the Commission during the 2025 Study Year. In considering a proposal to establish full-time staff for the Commission, members discussed the Commission's scope and the potential creation of a separate body focused on autism spectrum disorder and developmental disabilities.

The charts listing the Commission's legislative and letter recommendations and corresponding actions are available above.

---

For more information, see the [Commission's website](#) or contact the Division of Legislative Services staff:

Lucas Childers, Staff Attorney, DLS  
lchilders@dls.virginia.gov  
804-698-1823

Trevor Merrion, Senior Associate, DLS  
tmerrion@dls.virginia.gov  
804-698-1851

---