

Minutes
Virginia Office for Protection and Advocacy Board Meeting
September 10, 2004
Richmond, Virginia

- Members Present:** Barbara Barrett, Brent Brown, Ray Burmester, Michael Cooper, Waja Grimm, Maureen Hollowell, Susan Kalanges, Okpil Kim, Daaiyah Rashid, Dink Shackelford
- Members Absent:** Mark Lester, Elizabeth Priaulx
- Staff Present:** Sherry Confer, Colleen Miller, Lisa Shehi
- Guests:** Tim Moore
Linda Moore
Doug Rueff, Board of Elections
- Call to Order:** Maureen Hollowell, the Chair, called the meeting to order at 9:07 a.m.
- Welcome and Introductions:** Ms. Hollowell welcomed Board members, staff, and guests. Board members and staff introduced themselves to guests.
- Public Comment:** Guest Tim Moore read a statement noting his concerns about services provided by a local school district. He noted that the school district had not attended an IEP meeting in August yet had made decisions regarding his education and denying educational supports. Mr. Moore requested that the Board consider his situation when developing the new Priorities, Goals, and Focus Areas. (summary of Linda)
- Guest Linda Moore emphasized her son's limited options for living independently after high school.
- Legal Rights Training
Critical Incident
Reporting:** Gary Conover, Managing Attorney with VOPA, presented a review of Critical Incident Report System (CIR) developed and practiced by VOPA. Mr. Conover noted that during a recent review by the Administration on Developmental Disabilities, reviewers commented that the system should be considered "best practices". Mr. Conover distributed information about reporting requirements and analysis done by VOPA. Board and staff had a lively discussion. Every CIR is comprised of two separate reports – a redacted 48-hour report and a redacted 15 day report. Examples of incidents which are required to be reported to VOPA include injury resulting in need for medical treatment, loss of

consciousness, and death. Each report is reviewed and those that are deemed suspicious will be reviewed in a weekly meeting. All reports are screened to see if it meets VOPA priorities.

Mission Statement:

Ray Burmester read the Mission Statement.

Adopt Agenda:

Ray Burmester requested an opportunity in the agenda to discuss public comment. Barbara Barrett requested an opportunity to discuss the Olmstead Decision in the agenda. Barbara Barrett made the MOTION to approve the agenda as amended. Okpil Kim SECONDED the MOTION and it carried unanimously.

Approval of July 19, 2004 Minutes:

The minutes of the July 19, 2004 Board meeting were reviewed with no corrections or changes noted. Barbara Barrett made the MOTION to approve the minutes. Ray Burmester SECONDED the MOTION and it carried unanimously.

Public Comment (Part 2):

Guest Doug Rueff of the State Board of Elections introduced himself and noted that he was attending the meeting as an observer.

Financial Report and Budget:

Okpil Kim led a discussion on VOPA's budget for the first month of the state fiscal year. Michael Cooper requested clarification from the July 19, 2004 Board meeting regarding the variances between different financial reports. Colleen Miller noted that the state and federal fiscal years do not run concurrently and, because of this, comparing the state appropriation report and federal funds will always result in confusion.

Maureen Hollowell inquired about the status of using carryover money for additional staffing. Ms. Miller noted that most of the positions open are full time, permanent positions. The new positions being created are time-limited. They have generally been advertised as 18-month positions. Towards the end of the time, budget will be reevaluated to determine if the position will be continued.

Ms. Miller distributed a draft report, comparing carryover funds from two fiscal years.

Request for Additional MELs:

Colleen Miller requested an increase to the Maximum Employment Limits (MELS). The budget approved at last meeting anticipates a total of 37 positions in the agency. We currently have a maximum employee limit of 35. Only the

Board can increase that limit. Ms. Miller noted that all 37 positions may be filled by the next board meeting.

Ray Burmester made the MOTION to increase the MEL from 35 to 37. Brent Brown SECONDED the MOTION. Okpil Kim inquired as to the nature of the positions. Ms. Miller noted final decisions have not been made, but the majority of the positions will likely be Disability Rights Advocates. The MOTION passed with unanimous approval.

Board Retreat:

Barbara Barrett noted that the Retreat Planning Committee met August 19 to discuss the location and topics of the Board Retreat. Ms. Barrett distributed a copy of the tentative agenda. During the committee meeting, attendees discussed why we want a retreat and what we wish to accomplish with Mary Ann Harvey, the facilitator. Ray Burmester requested that the Committee consider starting the meetings earlier on Friday, November 12, to enable attendees to end the meeting and return home earlier. Maureen Hollowell requested outcome information from other organizations Ms. Harvey has facilitated. Ms. Miller will request the information from Ms. Harvey. Ms. Barrett encouraged everyone to review the information again, give her feedback, and the committee will meet again.

Objectives for 2005:

Colleen Miller noted that VOPA had instituted new, experimental focus groups in August as a means of soliciting feedback for Priorities. Ms. Miller noted that the focus groups have proven to be tremendously valuable. Additionally, VOPA developed a web-based public comment tool. Notes from the focus groups and the public comment tool were mailed to the Board members prior to the meeting. Ms. Miller presented the Objectives for Board approval. The following changes were noted:

Goal: People with Disabilities Live in the Most Integrated Environment Possible

- Include ICF/MRs within investigation of children improperly placed in facilities (Focus Area #2).
- Include trend analyses for resident-on-resident assaults (Focus Area #5).

Susan Kalanges made the MOTION to approve the Objectives. Waja Grimm SECONDED the MOTION and it was unanimously approved.

Lunch: The meeting adjourned for lunch at 11:45 and reconvened at 12:15.

Calendar for next year: The Board discussed its schedule for 2005. Board members in attendance agreed to schedule a meeting out of town but objected to a Saturday meeting. Meetings for 2005 are as follows:

January 25, 2005;

April 26, 2005 – To be held in the Tidewater region;

July 19, 2005; and

September 20, 2005.

ED Evaluation: The Executive Committee noted that the evaluation for the Executive Director is still in development. Maureen Hollowell noted that the Committee prefers to present this evaluation to the Board during the November retreat but noted that it may not be ready until the January 25, 2005 meeting. Ms. Hollowell noted that the format would be the same as for the six-month evaluation provided earlier in 2004. The Committee will seek input from the Board, with limited input from staff. The Committee will then discuss the evaluation with Colleen Miller and report to the Board. Brent Brown requested that Ms. Miller provide a self-evaluation as well.

Travel Policy: Colleen Miller noted that VOPA has begun processing financial matters in-house which have previously been performed by the Department of General Services. Ms. Miller presented a copy of the proposed VOPA Travel Policy to the Board for review and approval and noted that, because the agency policy varies from the state policy, the Department of Accounts requires Board approval. Ms. Miller suggested incorporating the previously defined guidelines for Board members into the agency's travel policy. This information will be included on page 5-15 of the Policy. Additionally, Ms. Miller noted that two definitions are printed on page 5-4. Ms. Miller suggested the deletion of the second definition. The implications of the Board's non-approval of the policy at this meeting would require the agency to continue to operate under the state policy. Barbara Barrett made the MOTION to approve the Policy. Ray Burmester SECONDED the MOTION and it was unanimously approved.

Whistleblower Statute: As a follow up to the July 19, 2004 Board meeting, Brent Brown presented information on the False Claims Act which is a federal statute that provides for the right of any citizen to bring suit against any business who obtains money from the government fraudulently. The “Whistleblower” provision is an amendment to the False Claims Act which provides remedy if the individual filing a suit is an employee of the organization. Mr. Brown stated his belief that no action on such a statute was likely at this year’s General Assembly, so no action is needed by VOPA.

Chair’s Report: Maureen Hollowell noted that the Chairman’s Report was included in the Board package. Ms. Hollowell thanked Barbara Barrett for attending a Disability Advisory Committee meeting on her behalf. Ms. Hollowell distributed a copy of a news article regarding group homes as well as a paper pertaining to voting rights.

Executive Director’s Report: Colleen Miller responded to a question from Barbara Barrett pertaining to the Olmstead Decision. Ms. Miller noted that the state is mandated to have a plan to move individuals out of institutions at a reasonable pace not governed by the need to keep institutions from fully populated. Virginia has developed a Plan which does not fulfill this goal.

Ms. Miller noted that VOPA has developed two versions of a “Vote Virginia” pamphlet intended to assist people with disabilities to understand their rights to register and vote. Further, VOPA has developed an audio version of the Department of Justice’s Polling Place Accessibility Guidelines and have commissioned a web-based interactive tool for surveying polling places. Additionally, VOPA staff will perform old fashioned poll monitoring on election day and determine if people with disabilities have any problems as they vote.

Progress on Priorities Report: Colleen Miller provided a report on the Progress on Priorities as the end of the priority year nears. Michael Cooper asked if Ms. Miller felt there was any particular area that needed more attention than had been given. Ms. Miller expressed that she would like to see more work in the area of Traumatic Brain Injury.

Litigation Report: The Litigation Report summarized suits brought by VOPA against various entities, and provided grant identification for each suit. VOPA currently has a fair distribution of cases across the grants.

Policy Committee: Maureen Hollowell identified Susan Kalanges as the new chair of the Policy Committee. Ms. Kalanges noted that the Policy Committee would meet prior to the next Board meeting and suggested meeting on January 24, 2005 – the night before the next Board meeting.

Incidents in the Community Committee: Ray Burmester was identified as the new chair of the Incidents in the Community Committee. Mr. Burmester noted that the Committee met on September 9. Present at the meeting were Barbara Barrett, Susan Kalanges, Colleen Miller, and Mr. Burmester. Mr. Burmester noted that the role of VOPA is not to insist that all affected agencies “report to VOPA” but, rather, that they fulfill their individual oversight duties. Ms. Miller stated that there are a number of reporting requirements that exist requiring various agencies to report incidents, and that VOPA has a plan for obtaining better compliance with those requirements.

Priorities Committee: There was no report from the Priorities Committee.

Adjournment: There being no further business, Ray Burmester made the MOTION to adjourn the meeting at 2:00 p.m. Barbara Barrett SECONDED the MOTION and it passed unanimously.

Accepted:

January 25, 2005

Date