

**Virginia Office for Protection and Advocacy
Richmond, Virginia
Board Meeting Minutes
September 20, 2005**

- Call to Order:** Maureen Hollowell, Board Chair, called the meeting to order at 9:00 a.m.
- Welcome and Introductions:** Ms. Hollowell welcomed Board members, staff, and guests. Board members and staff introduced themselves.
- Members Present:** Barbara Barrett, Brent Brown, Ray Burmester, Michael Cooper, Bill Fuller, Waja Grimm, Chris Harrison, Maureen Hollowell, Susan Kalanges, Rita Kidd, Elizabeth Prialux, Dave Wilber
- Members Absent:** Dink Shackelford
- Guests Present:** Roger Moore
- Staff Present:** Sherry Confer, Colleen Miller, Lisa Shehi
- Mission Statement:** Susan Kalanges read the Mission Statement.
- Adopt Agenda:** Ms. Hollowell noted that there would be no legal rights training at this meeting to accommodate additional time needed for discussion of the 2005-2006 Objectives. Ms. Hollowell reminded Board members that prior to the meeting, they had been requested to submit particular Objectives for discussion to the Executive Director. Ms. Hollowell suggested that a two-hour limit be set for the discussion of the Objectives. Michael Cooper requested that the Committee Reports be moved to immediately following the Objectives discussion. Brent Brown, Board Vice Chair, made a MOTION to adopt the agenda with a limit of two hours to discuss the Objectives and moving the Committee Reports. Barbara Barrett seconded the MOTION and it passed by unanimous vote.
- Approval of July 19, 2005 Minutes:** Elizabeth Prialux made a MOTION to approve the minutes from the July 19, 2005 Board meeting. Waja Grimm seconded the MOTION. Barbara Barrett questioned why names of Board members voting against a MOTION were not identified. Colleen Miller agreed to research when names must be identified. Michael Cooper asked that the minutes be changed to add the phrase "...and Fair Housing Act" on Page 1-2 regarding the housing discrimination suit. There being no further amendments, the minutes were approved by unanimous vote.
- Public Comment:** Roger Moore addressed the Board, and described his son's needs. He asked for clarification of the VOPA client grievance process. Colleen Miller identified a staff member from the Resource Advocacy Unit to assist Mr. Moore with his questions regarding the grievance process.
- Announcements:** Ms. Hollowell reminded Board members of the VOPA Board meetings scheduled for 2006. She also noted an upcoming regional forum for the discussion of Virginia Special Education Regulations and IDEA 2004 and distributed a flyer with more information. Ms. Miller reminded members about the New Voices Conference.

Old Business:

- **Priority Setting – Objectives for 2006**

Members of the VOPA Management Team—Pam Branch, Gary Conover, Jonathan Martinis, and Annette Sannuti—joined the Board for the discussion of Objectives for 2006.

Prior to the discussion of Objectives, Ms. Miller noted that the 2005-2006 Goals, Focus Areas, and Objectives reflect a balance between individual cases, complex cases, systemic work, policy work, and outreach and training efforts including:

- 33 individual investigations
- 174 individual cases
- 3 major investigations
- 5 major litigations
- systems change work in 19 specific areas
- monitoring of 68 locations
- development or reissue of 17 publications with distribution to almost 3,000 individuals
- training through office hours, rights clinics, and employment clinic

Board and staff members discussed areas within the Goals and Objectives which were identified for dialogue prior to the meeting.

The following changes were noted by a consensus of Board members:

Introduction

- Consideration of the addition of the Mission Statement;
- Consideration of the development of a glossary for definition of terms used in the Goals, Focus Areas, and Objectives as a quality assurance tool;
- Consideration of the addition of VOPA webpage hyperlinks to describe some terms, such as federal and state statutes, programs
- Edits to make more readable and easily understood by the public

Goal: People with Disabilities are Free from Abuse and Neglect

Focus Area #1: Deaths Where There is Probable Cause to Believe Abuse or Neglect Occurred

- Second and Fourth Objectives: change “abuse and neglect” to “abuse or neglect”

Focus Area #7: Completion of Ongoing Work

- First Objective: add “appropriate” before “restraint and seclusion policy”

Goal: People with Disabilities Have Equal Access to Government Services

Focus Area #3: Services and Supports to Enable Individuals to Move Into the Community

- Tenth Objective: change “people with mental illness” to “persons with disabilities”

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

Focus Area #4: Off-campus Activities for Training Center Residents

- Focus Area and Objective One: change “training center” to “Intermediate Care Facilities for People with Mental Retardation (ICFs/MR)”

Goal: People with Disabilities in the Commonwealth of Virginia are Aware of the Virginia Office for Protection and Advocacy's (VOPA) Services

Focus Area #5: Law Enforcement Agencies Recognize the Rights of Persons with Disabilities

- Add "or TBI" after "persons with mental illness"

Focus Area #6: Collaboration with Mental Health Consumer Groups

- Third objective: change from "ten (10) consumer groups" to "five (5) consumer groups"

Barbara Barrett made a MOTION to accept the Objectives with changes as noted. Elizabeth Prialx seconded the MOTION and it passed by unanimous vote.

The Board commended staff for the excellent job in developing and focusing the objectives. Ms. Miller thanked the Board for reviewing the information prior to the meeting and providing feedback.

- **Ombudsman Program**

Ms. Miller shared that VOPA submitted a budget for funding the pilot Ombudsman Program to the Department of Planning and Budget (DPB) on Monday, September 19, 2005. The budget request is for \$133,000 for the first year of the Program and \$130,000 for the second year. Brent Brown noted that another meeting of the Ombudsman Program special committee will be scheduled. Ray Burmester asked if there is a mechanism in place for reintroducing the budget if it is not included in the Governor's budget due in mid-December. Mr. Brown noted that it is an agenda item for the next Ombudsman committee meeting.

- **Retreat Follow-up/
Strategic Planning**

Barbara Barrett noted that the Retreat Follow-up/Strategic Planning Committee met on Monday, September 19, 2005. After lengthy discussion, the committee did not arrive at a consensus to go forward on developing a strategic plan. None of the strategic planning options put forward were adopted. Board and Staff buy-in to the strategic plan beyond setting annual objectives was not readily apparent. Ms. Barrett requested feedback from the Board regarding future dialogue pertaining to the Strategic Plan and Mission Statement. After discussion, the consensus of the Board was that no further resources should be utilized at this time in the development of a Strategic Plan or restructuring of the Mission Statement. Ms. Hollowell thanked Ms. Barrett for her leadership on this committee, noting that the work of the committee has been completed and the committee will be discontinued.

- **Policies Proposed at
July Board Meeting**

- **Bloodborne
Pathogens**
- **Political Activity**
- **Use of Experts**
- **Employee
Accommodations**

Susan Kalanges noted that the Internal Policy Committee met on Monday, September 19, 2005. Waja Grimm made a MOTION on behalf of the Committee that the Board accept the following policies as presented at the July 19, 2005 Board meeting: Bloodborne Pathogens, Political Activity, Use of Experts, and Employee Accommodations. No second to the MOTION was required and the MOTION passed by unanimous vote.

New Business:

- **DMHMRSAS Capital
Improvements**

The Board discussed issues surrounding the Department of Mental Health, Mental Retardation, and Substance Abuse Services plans for state-operated institutions.

Committees:

- **Finance and Resource Development**
- **Internal Policy**
 - **New Policies**

Michael Cooper shared that VOPA remains in a sound financial position. Colleen Miller followed by stating that, as of this time, there are no carryover funds. However, the federal fiscal year begins October 1 and the funds that we have leftover from this year will reflect as “carryover” funds at that time.

Susan Kalanges noted that the first task on the Internal Policy Committee agenda for September 19, 2005 was holding a conference call with two individuals from the Voice of the Retarded about VOPA’s decisions not to assist people to enter training centers. Ms. Kalanges noted that this subject is not being brought forth for any decision making at this time. The Voice of the Retarded representatives will forward written information to the Internal Policy Committee for their review. Elizabeth Prialux volunteered that this is a subject she believes has been researched through the National Disability Rights Network (NDRN, formerly National Protection and Advocacy Systems – NAPAS).

The Internal Policy Committee is also developing a Board policy to effectuate the Virginia Freedom of Information Act.

Ms. Kalanges distributed a handout summarizing the statements for policies on Advisory Council Appointments and Supervision. Ms. Kalanges read each policy statement.

Lunch:

The Board adjourned for lunch at 12:05 p.m. and returned to session at 12:30 p.m.

Committees (cont’d):

- **Public Policy**
- **Priorities and Public Awareness**

Ray Burmester noted that the Public Policy Committee has not met but that he met with Gary Conover, Managing Attorney, regarding Critical Incident Reporting. Mr. Burmester shared that he was very pleased with the trend analysis tasks being performed by VOPA.

Elizabeth Prialux noted that the Priorities and Public Awareness Committee has not met since the last Board meeting. She asked that committee members gather immediately following the Board meeting to coordinate calendars and schedule a meeting.

Ms. Hollowell reminded the Board of the committee structure and advised that Brent Brown will be following up regarding committee membership and structure. Mr. Brown explained that he would be contacting committee Chairs to obtain a synopsis each of the committees.

Ms. Hollowell noted that, in addition to the Executive Committee, VOPA will continue with five committees and that the Retreat Follow-up/Strategic Planning Committee is now discontinued.

Reports:

- **Chair**

Ms. Hollowell noted that the Executive Committee has met twice since the July 19, 2005 Board meeting to discuss the process of the Objectives. Summary notes from the July 28, 2005 Executive Committee meeting were included in the Board packet. During the September 15 Executive Committee meeting, discussion centered on committee structure and reporting and Objectives. Ms. Hollowell noted that the Internal Policy

Committee developed a process for presenting issues to the Board which works well and asks that other committees follow that model.

Mr. Brown requested that the Internal Policy Committee review items 1 and 2 addressed in the July 28, 2005 Executive Committee Meeting notes (Discussion Memos) and bring the items to the Board for consideration at the January 20, 2006 meeting.

- **PAIMI Council**

Chris Harrison, Chair of the PAIMI Council, noted that the federal monitoring team were guests at the Council meeting held on August 11, 2005 in Charlottesville. Additionally, Mr. Harrison stated that the next Council meeting is November 3 in Charlottesville and elections will take place at that meeting. The Council scheduled the following dates for 2006: February 16 (Richmond), May 18 (Charlottesville), August 16 (location to be determined), and November 16 (Charlottesville). Mr. Harrison further stated that a MOTION was made at the PAIMI Council that the Board Internal Policy Committee investigate formulating a policy concerning expense reimbursement for Council members who attend Board meetings.

Colleen Miller thanked Chris Harrison and the PAIMI Council for the feedback provided to the federal review team.

- **Disabilities
Advisory Council**

Dave Wilber, Chair of the Disabilities Advisory Council (DAC), stated that the Council met on July 27, 2005 in Richmond. Mr. Wilber noted that the DAC discussed that they will begin submitting an annual report to the Board similar to the PAIMI Council. Also addressed during this meeting was membership on the Council and approval of new members. Mr. Wilber noted that the Council has members who do not routinely attend. Mr. Wilber stated that the Council will look at geographical issues, etc., and hope to work closely with the Board to ensure diversity of the Council. The next meeting of the Council will be October 12, 2005 in Richmond.

- **Director**

Colleen Miller noted that VOPA had hosted office space for two staff members from the Louisiana P&A who had relocated temporarily to the central Virginia area. Additionally, VOPA prepared to respond to the needs of evacuees with disabilities, but a full-scale evacuation center never materialized in Virginia. The effects of Hurricane Katrina also emphasized the need for VOPA to have a disaster operating plan, and work has begun on that. Dr. Bill Fuller shared that the Virginia Housing Development Authority has an extensive disaster response plan which may be useful and adoptable by VOPA.

Ms. Miller noted that VOPA will advertise for a new Administrative Assistant and two new attorneys using targeted advertising.

Ms. Miller shared that VOPA will begin preparing for year-end reports for all of the grants.

Ms. Miller updated the Board regarding the VCU School of Social Work Mental Health Survey project. She noted that VOPA is initiating settlement negotiations.

- **Progress on Priorities** Ms. Miller highlighted several cases from the Progress on Priorities Report, which was provided as part of the packet for review prior to the meeting.
- **Litigation** Ms. Miller discussed several of the cases featured in the Litigation Report.

There being no further business, Waja Grimm made a MOTION to adjourn the meeting. Susan Kalanages seconded the MOTION and it passed by unanimous vote. The meeting was adjourned at 1:40 p.m. The next meeting will be held January 20, 2006 in Richmond.

MINUTES:

_____ January 20, 2006