

**PROTECTION AND ADVOCACY FOR INDIVIDUALS  
WITH MENTAL ILLNESS (PAIMI)  
ADVISORY COUNCIL MEETING**

**VOPA OFFICE – RICHMOND, VA**

**FINAL MINUTES  
November 12, 2009**

<b>Members Present</b>	Elaine Caudill, Kathy Harkey, Steven Hornstein, Michael Newcomb (Vice-Chair), Ali Parker, CW Tillman (Chair)
<b>Members Absent</b>	Van Johnson, Yvette Lane, Sandra Musselwhite, Edwina Shore
<b>Guests Present</b>	Bill Fuller (VOPA Governing Board Vice-Chair), Sara Singhas
<b>Staff Present</b>	Sherry Confer (Deputy Director), Kim Mendella (Council Liaison)  <i>For portions:</i> Jack Brandt, Erin Haw, David Hominik, Colleen Miller (Executive Director)
<b>Call to Order / Welcome / Introductions</b>	CW Tillman called the Council to order. Mr. Tillman asked everyone to introduce themselves.
<b>Public Comment</b>	No public comment was offered.
<b>Staff Presentation – Overview of Virginia General Assembly and Advocacy Opportunities</b>	David Hominik, VOPA Disability Rights Advocate, distributed several handouts about the Virginia legislative process and the upcoming 2010 Virginia General Assembly. He discussed how the legislative process works and VOPA's role. VOPA has to comply with the federal regulations on lobbying. Mr. Hominik explained that VOPA can educate State legislators by presenting facts surrounding issues but cannot advise because that may be perceived as lobbying. Mr. Hominik then discussed how Disabilities Advisory Council members can get involved as citizens and educate their local representative. Mr. Hominik then ended his discussion by providing practical information about timelines, parking, and the information desk at the General Assembly.

## **Governing Board Report**

Bill Fuller, VOPA Governing Board Vice-Chair and former Financial Committee Chair, talked to the PAIMI Advisory Council about the finances for the PAIMI grant. Mr. Fuller gave a brief introduction about the entire financial picture of VOPA and how the State budget and Federal budgets are calculated. The Finance Committee is charged with reviewing the progression of the expenditures and looks for any outliers between the projected budget and actual expenditures. Mr. Fuller briefly reviewed several handouts about the PAIMI grant financial status and took questions from the Council.

Mr. Fuller then talked about the constraints placed by the federal grant requirements. VOPA is currently researching the possibility of developing a Research Development Team to develop a pool of money to accomplish some efforts that cannot be done due to federal grant constraints.

## **Executive Director's Update**

### **Progress on Objectives**

Colleen Miller, VOPA Executive Director, introduced the Progress on Objectives Report and informed the Council that VOPA is currently six weeks into the new federal fiscal year. The Council had several questions about the Health Care Decisions Act and in particular about psychiatric advance directives.

Council members were also concerned about the upcoming State budget and the speculations about budget cuts to State mental health hospitals. Council members were concerned about layoffs and underpaying staff that can lead to high staff turnovers, both of which could be dangerous for current patients. Council members speculated that less staff may lead to increased use of seclusion, restraint and forced injections as staff may resort to these measures due to limited resources.

Council members asked about the use of the Auxiliary Grant to help patients move out of the hospitals. Ms. Miller stated that in Virginia, Auxiliary Grants can only be used in Assisted Living Facilities (ALFs) that are essentially private

operated facilities in the community and are not appropriate for a lot of individuals. VOPA wants the Auxiliary Grant to be more portable. The current setting is acting as a barrier to people living in a setting that is appropriate to that individual. There are people in jail currently that need treatment but cannot transfer to mental health hospitals because people cannot move out of the hospital to more appropriate settings. VOPA is prepared to represent people in jails who need mental health treatment.

### **Litigation Report**

Ms. Miller talked about the Fourth Circuit Court decision on the case VOPA v. Reinhard. In this case, VOPA states that Federal Law entitles VOPA access to the Department of Behavioral Health and Developmental Services (DBHDS) investigative records. Fourth Circuit held that a state agency may not sue the state that created it. The court also stated that were we constituted as a private not for profit entity, sovereign immunity would not have been a bar, and VOPA would have been able to sue the state for access to records. The Indiana Protection and Advocacy (P&A) State Agency has a similar case in the Seventh Circuit that says that not only does a State P&A cannot sue a State Agency that even private non for profit P&As cannot sue. The Indiana P&A has asked the Seventh Circuit to reconsider its decision and VOPA will consider that decision when appealing the Fourth Circuit Court decision.

The Council also asked about the case VOPA had against the lottery. Ms. Miller stated that VOPA should learn about the settlement in a few weeks.

### **Review of August 2009 Meeting Minutes**

Mr. Tillman directed the Council members to the minutes from the last meeting in August. With no comments or changes, Mr. Tillman asked if there was a motion to accept the minutes. Elaine Caudill made a MOTION to accept the minutes as drafted. Mike Newcomb SECONDED the MOTION to accept the minutes. The MOTION carried unanimously.

## **Elections of Officers**

Mr. Tillman stated that at the August PAIMI Advisory Council meeting the members voted on the nominations for officers.

Chair – CW Tillman  
Vice-Chair – Mike Newcomb  
Secretary – Van Johnson

Mr. Tillman asked if there were any nominations from the floor, and there were none. Mr. Tillman asked if there was a majority in favor for the slate approved nominations. The officers were approved unanimously.

## **Committee Reports**

### **Public Awareness and Goals Committee**

Mike Newcomb stated the committee met in Northern Virginia in September. The major themes of the meeting were choice, independence and integration. Mr. Newcomb said that the proposed objectives were then submitted to and adopted by the Board.

### **Council Relations and Public Policy**

Mr. Tillman stated that the committee has almost completed the PAIMI Advisory Council member description and will talk about it in detail in the “Other Business” portion of the meeting.

### **Finance Committee**

Ali Parker stated that VOPA is currently 17% into its budget year that started in June. The budget is progressing right on track. Ms. Confer talked briefly about the Resource Development Team and its role in researching fundraising opportunities. Sandra Musselwhite has volunteered to be PAIMI Advisory Council representative.

### **Internal Policy Committee**

Ms. Confer said that the committee looked at the Conflict of Interest policy that talked about how to recognize potential conflicts and how to disclose them. The policy was adopted by the Board. The committee also talked about the Staff Development policy that was submitted to Governing Board to be voted on at the meeting in January.

## **Working Lunch**

Ms. Confer introduced the work session and briefly discussed the work behind the draft PAIMI Advisory Council Annual report and the Council's role in the report.

## **Work Session – PAIMI Advisory Council Annual Report**

Ms. Confer asked the Advisory Council about what their thoughts were on the Council report and about VOPA's work during the past fiscal year. Council members were concerned about staffing at State mental health hospitals and gaps in the system as a result of staffing cuts. Members also discussed transportation, housing issues, employment discrimination, and Social Security.

## **Other Business**

- **PAIMI Member Description**

Council members were pleased to see member responsibilities in an easy-to-read document. Members believe this document will be a useful tool to recruit new members. Members decided to review the description and e-mail comments to Kim Mendella.

- **Meeting Schedule for FY2010**

Mr. Tillman announced that there will be a combined Governing Board and Advisory Councils meeting on July 28. This was a result the proposal from the Council Relations and Public Policy Committee as a means to limit travel and days off work for members. Council members discussed days of the week for possible meetings and decided to e-mail Ms. Mendella for preferred meetings dates.

- **Membership**

Sara Singhas briefly talked to the Council about why she wants to be a member of the Advisory Council.

- **Human Rights Complaint Process**

Jack Brandt and Erin Haw, VOPA Disability Rights Advocate, presented a handout that illustrates the Human Rights Complaint Process. VOPA hopes this will be a useful tool for people living in public and private facilities to advocate for their rights. Currently patients are given a "Blue Book" that contains the Human Rights regulations but does not explain the process in a consumer focused way. Mr. Horstein stated that it can be difficult to obtain a "Blue Book" at mental health facilities and

likes that this handout is consumer friendly.

- **Travel Voucher** Mr. Tillman reminded the Council to submit their travel reimbursement vouchers to Ms. Mendella.

Ms. Parker made a MOTION to adjourn the meeting at 3:00 p.m. Mr. Newcomb SECONDED the MOTION. The MOTION carried unanimously.

*FINAL MINUTES*

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02/18/2010

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Date

**Virginia Office for Protection and Advocacy  
Mission Statement**

Through zealous and effective advocacy and legal representation, to: protect and advance legal, human, and civil rights of persons with disabilities; combat and prevent abuse, neglect, and discrimination; and promote independence, choice, and self determination by persons with disabilities.