

Virginia Office for Protection and Advocacy (VOPA)

**Protection and Advocacy for Individuals with Mental Illness (PAIMI) Advisory
Council Meeting**

VOPA Conference Room – Richmond, VA

Final Minutes

November 13, 2010

Members Present Elaine Caudill, Steven Hornstein, Van Johnson, Mike Newcomb, Yvette Lane, Ali Parker

Members Absent Kathy Harkey, Sandra Musselwhite, Sara Singhas

Guest Present Jackie Brown, Byron Stith

Staff Present Sherry Confer (Deputy Director), Kim Mendella (Executive Assistant)

For portions: Michael Gray (Staff Attorney), Colleen Miller (Executive Director)

**Call to Order/
Welcome/
Introductions** Mike Newcomb, Chair, called the meeting to order. Mr. Newcomb asked everyone present to introduce themselves. There was no public comment.

**Review of
September 2010
minutes** Mr. Newcomb referred the Council to the draft September 2010 minutes in the meeting packet. Members had a few questions about the issues discussed at that last meeting. With no changes to be made, Yvette Lane made a MOTION to accept the minutes as written. Elaine Caudill SECONDED the MOTION. The motion carried unanimously.

**Executive
Director's Report** Colleen Miller, Executive Director, stated that she will review the FY11 Objectives with the Council paying particular attention to objectives that may be funded using the PAIMI grant.

VOPA is currently in year three of a three-year priority planning cycle. The Goals and Focus Areas remain the same and the objectives change every year. Sherry Confer stated that if you take the estimated number of people in Virginia with a disability and divided by the all the grant monies VOPA receives, the monetary amount is about \$100 per person. Ms. Confer stated that \$100 is not enough sometimes to even review a file and therefore VOPA must establish workable objectives. Ms. Miller indicated money can be used for education and training purposes to help people learn how to help themselves. However, the PAIMI statute states that VOPA cannot spend more that ten percent of its PAIMI funding on training to ensure that VOPA works on the tough legal rights issues.

Goal 5: People with disabilities are employed to their

maximum potential

Barriers to employment are a very important issue for people with mental illness. VOPA has heard rumors that some representative payees use coercion to “bribe” people with mental illness to take their prescribed medication by withholding their Social Security checks. VOPA believes that this type of abuse may be happening when representative payees are housing providers. Currently, VOPA is working with the Social Security Administration (SSA) to review employer representative payees. To date, VOPA has not reported a lot of abuse with the employer representative payee agreement. VOPA plans to represent up to five individuals who want to switch their representative payees. VOPA also plans to hold three different focus groups to hear who VOPA's constituents think the abusers of the representative payee status are.

Members asked for the number of people who request services and the number of people being served by the Department of Rehabilitative Services (DRS). Ms. Miller stated that there are a very high number of people seeking services from the DRS and VOPA knows that a large proportion are being turned away. However, VOPA only hears about a hundred complaints a year. Members spoke of personal experiences where obtaining services can be a very long process. The majority of complaints VOPA hears about are to change assigned counselors.

Goal 4: People with disabilities live in the most appropriate integrated environment

Ms. Miller stated that VOPA has not heard of any complaint that Advance Directives are not being respected. Ms. Miller asked the Council to let VOPA know if they hear of any episode where an Advance Directive is not being honored.

Ms. Miller spoke about the objectives on timely discharge from state mental health hospitals and the limited use of Auxiliary Grants. Auxiliary Grants can only be used to provide housing assistance for people who reside in Assisted Living Facilities (ALF). ALFs may not be the most appropriate living environment for many individuals. Again, VOPA has not received any individual complaints and asked the Council to let VOPA know of any episodes where people want to be discharged from hospitals and do not want to be placed in an ALF.

Goal 3: People with disabilities have equal access to government services

VOPA plans to represent individuals with disabilities regarding the denial of Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits by the Social Security Administration at the administrative appeal level, at less than the standard fee approved by the Social Security Administration as a means to generate income for VOPA.

Goal 1: People with disabilities are free from abuse and neglect

VOPA will be focusing on secondary investigations to ensure that in-house primary investigators in the mental health hospitals are appropriately completing abuse and neglect investigations. Last fiscal year, VOPA staff surveyed close to 300 ALFs that receive Auxiliary Grant funding. VOPA plans to use this information to do more extensive follow-up. VOPA plan to review ALFs that denied VOPA access, ALFs where VOPA witnessed active abuse, and ALFs where there is a history or pattern of violating state regulations.

Training - Public Sector Mental Health Services

Michael Gray spoke about some of the experiences VOPA clients have reported of the public sector mental health system from first encounter to discharge from a state mental health hospital. Mr. Gray stated that there are many ways to become “stuck” in the public mental health system. Often, it may be difficult to discharge a person from hospital who is difficult to place such as having no family, having criminal history, or having a complex medical need. Members wanted to know how placement on the ready to be discharge list is determined. Mr. Gray responded that medical professionals make the recommendation but that the process can be very subjective. Once a person is placed on the ready to be discharged list, that person has a legal right to be discharged within a reasonable time.

Mr. Gray spoke about the treatment issues such as medication formularies and therapies. There is limited contact with a psychiatrist and often group therapy is not tailored to individual needs in state mental health hospitals. Any disagreement to treatment plan may be viewed as mental incapacity leading to a capacity review. Mr. Gray highly recommends that people have a WRAP plan or an advance directive. Council members actively participated in the training.

Lunch

PAIMI Advisory Council members and guests networked with VOPA staff.

Work Session – PAIMI Advisory Council Annual Report

Ms. Confer distributed the PAIMI Advisory Council Annual Report draft to the members. Ms. Confer referred the members to the PAIMI Advisory Council Assessment. Ms. Confer asked for comments on VOPA’s focus area: “reasonable accommodations for individuals in public housing or receiving public assistance in housing.” Members do not have a lot of knowledge about this area but suggested that Auxiliary Grant money be used to help people being discharged from state mental health hospitals to move into appropriate environment other than ALFs.

Ms. Confer talked to the Council about PAIMI related grievances VOPA received during the last fiscal year.

Ms. Confer asked the Council members to take the draft report home and review the content. Members were instructed to send all comments and suggestions by December 1, 2010.

Governing Board Report

Ms. Confer stated that Ms. Miller gave an overview of VOPA's operations to the Board during the September 29, 2010 meeting. VOPA is currently rewriting its accounting manual. The Executive Committee charged a few current Board members to make up the Board Retreat Committee. The Internal Policy Committee met the day before and discussed "Service Disagreements" and "Complaints" policies. The Board approved the "Collaboration with Other Entities" policy.

Other Business

Membership

Council members discussed their attempts to recruit new members to fulfill current vacancies on the Council. The federal regulations require that the PAIMI Advisory Council have a parent or guardian of a minor child who is receiving or has received mental health services. The Council members recognized and welcomed the guests.

FY11 Meeting Date

Members discussed potential meeting dates. Members decided tentatively to schedule the next meeting for Saturday, January 8, 2011.

Ms. Lane made a MOTION to adjourn the meeting. Ms. Caudill SECONDED the MOTION to adjourn the meeting. The MOTION carried unanimously.

FINAL MINUTES

January 8, 2011

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.