



# COMMONWEALTH of VIRGINIA

DEBRA FERGUSON, Ph.D.  
COMMISSIONER

DEPARTMENT OF  
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Post Office Box 1797  
Richmond, Virginia 23218-1797

Telephone (804) 786-3921  
Fax (804) 371-6638  
www.dbhds.virginia.gov

## DBHDS Settlement Agreement Stakeholder Group

### MINUTES

Wednesday, May 21, 2014

1:00 – 4:00 p.m.

Senate Room 3, State Capitol Tunnel  
10<sup>th</sup> and Bank Street Entrance  
Richmond, VA

1:04 p.m.	<b>I. Welcome and Introductions</b>	<i>Connie Cochran Assistant Commissioner, Developmental Services</i>
1:17 p.m.	<b>II. Update on the Settlement Agreement</b> Ms. Balak gave a brief overview of the project teams and complemented DBHDS on efforts up to this point, as she just recently started as the Settlement Agreement Executive Advisor.  Ms. Jamie Liban, representing The Arc of Virginia (Arc), made a few comments and noted she would submit more in writing. Specifically, she emphasized the fact that person-centered planning/thinking training is not required in Virginia, but that it should be. She also stated that there was little transparency in the workgroup process.  Ms. Karen Grizzard, representing the Virginia Association of Community Services Boards (VACSB), asked what DBHDS was doing to increase provider capacity in rural communities.	<i>Peggy Balak Settlement Agreement Executive Advisor</i>
1:27 p.m.	<b>III. Presentation: Virginia Housing Initiatives</b> Mr. DeSimone presented on housing issues for individuals with disabilities and made the point that people with disabilities do not have a housing problem; they have an income problem. He discussed the “supply side” subsidy programs associated with the development of affordable housing development, sharing tools used including the REACH program and different state/federal loans that are available to incentivize builders and developers to create affordable housing that could potentially house individuals with intellectual and developmental disabilities.  Mr. Leabough presented the second portion related to the “demand side” subsidy programs associated with making rent more affordable for individuals including those with disabilities. He detailed the Rental Choice Virginia pilot in Virginia Beach and northern Virginia, stating that the goal is to bridge the gap between Fair Market Rent and SSI income, which most people with ID/D rely on as an only source of income.  Ms. Heidi Lawyer, representing the Virginia Board for People with Disabilities (VBPD), asked for a more detailed status of Rental Choice Virginia and Mr. Leabough responded that 8 people are in the process of applying for Rental Choice Virginia in Northern Virginia and another three	<i>Bruce DeSimone, AICP Senior Community Housing Officer REACH Virginia, VHDA  Eric Leabough, DBHDS Housing Specialist</i>

individuals are working to submit an application in VA Beach. DBHDS is conducting additional outreach to get more individuals in the program. He mentioned that many individuals are afraid to leave a group home for an independent setting for a limited duration, after a long wait (potentially 6-10 years) to get into the group home. Ms. Lawyer also asked how the original intent of the pilot (to demonstrate services can be administered on a cost neutral or lower cost basis in apartment settings than group home settings) will be met now that the pool of individuals with access to the pilot has been expanded to those moving from their family homes. Mr. Leabough indicated that DBHDS is working with DMAS to make that determination from other data.

Ms. Liban stated two concerns. The first was related to outreach in relationship to the development of the HUD Section 811 application and her second concern was related to a potential lack of stakeholder involvement. Mr. Leabough responded by indicating that local stakeholders from both the Northern Virginia and Tidewater regions were included in the discussions around how to best design the project based rental assistance program (i.e., HUD 811).

2:10 p.m.

BREAK

2:25 p.m.

**IV. CMS Rules Update: Integrated Day and Housing**

Ms. Traver gave a presentation on the new Home and Community-Based Services (HCBS) Final Rule from CMS and how the rule affects housing and day services, specifically. She stated that there is a transition plan required of all of the states and they will have five years to implement the new rules.

Ms. Lawyer asked what happens when someone with a waiver wants to live where a provider cannot accept waivers. Ms. Traver responded that DBHDS is exploring various aspects to the new rules.

Ms. Liban asked if individuals have received information about providing input for the transition plan. Ms. Traver answered that there will be stakeholder involvement, but that its form has yet to be determined.

There was discussion about the individuals in the training centers versus the individuals in the community and how for those living in the community, the burden of knowing what resources are available is more on the individuals, as compared to DBHDS staff walking through the process with individuals/families transitioning from the training centers.

Ms. Marisa Laois commented that it is frustrating that many families do not know that the system is going to change and that the state needs to do a better job of providing the full details and sharing how stakeholders can give input.

2:46 p.m.

**V. Budget Updates**

Mr. Darr provided a brief presentation on the budget, noting that the General Assembly has yet to pass one for FY14-16 biennium. He also stated that savings are key and that the closure of training centers is a significant piece of the budget.

*Don Darr*

*Assistant Commissioner, Finance and Administration*

2:52 p.m.

**VI. Overview of the Settlement Agreement Discharge Process**

Ms. Benz opened her presentation with an update on the census for Southside Virginia Training Center, noting that as of May 21, it is zero. She displayed a table to show where the residents moved and also discussed Bridge Funding.

*Jae Benz*

*Director, Training Center Discharges and Community Integration*

Ms. Liban commented that she thought the goal was to transition away from homes with 5 or more individuals. Ms. Benz responded that DBHDS ensures families understand DBHDS' philosophy of "most integrated setting" and provides information to the families regarding all options offered under the ID waiver. The PST also works with families to determine why they are choosing a less integrated setting in order to help address concerns/barriers and to collect data to build capacity. However, it is the family's decision as to where the individual will move. Ms. Liban stated that she hopes the chart will not look the same for Northern Virginia Training Center. Ms. Benz commented that we are working

towards systems change so it may be helpful to look at the system as a whole and the number of individuals moving from less integrated settings to more integrated settings, despite where they are moving from.

Ms. Lawyer asked if the reason for families choosing 5+, ICF, or nursing home was because of capacity issues or family choice. Ms. Benz responded that when we refer to data collected families, who have loved ones in the TCs, are most often choosing homes of 5 beds or more because they like the provider and not because of lack of capacity. She also stated that DBHDS staff will continue to work with these families.

Ms. Ann Bevan, representing DMAS, commented on the provider development aspect of Ms. Benz's presentation and asked if the expansion of providers/capacity was occurring only in Northern Virginia. Ms. Benz stated that expansion is occurring throughout Virginia; however, the presentation about provider growth was focused only on region II as that is the next area where a TC is closing. Additionally, Ms. Benz responded that most of the residents at NVTC want to seek community services within Region II.

Mr. Bruggerman, representing training center family members, stated that he heard in Mr. Darr's presentation, "*if* NVTC closes..." and asked about that statement. Ms. Benz replied that NVTC *is* closing in March 2015. He asked her if there is capacity in the community right now and she responded that there is not. He asked if Ms. Benz believed there would be sufficient capacity in Region II prior to NVTC closing and she replied, "yes." He asked if the providers that are expanding services are new to northern Virginia and Ms. Benz stated the 15 providers mentioned in her presentation are established providers.

3:12 p.m.

## VII. Enhanced Case Management

Ms. Drumwright gave a presentation on the changes made to the case management criteria. There were many questions that followed from members of the stakeholder group.

Ms. Marisa Laois said that DBHDS needs to do more work to make sure that case managers know what is out in their localities. She also stated that the state needs to be mandated to show that the solutions have been explained in localities.

Ms. Liban commented that case managers do not get sufficient training on the resources that are available and that The Arc made a similar statement in the performance contract comments.

Ms. Lawyer stated that while online training is nice, in-person training has its benefits.

Ms. Josie Williams, representing Commonwealth Catholic Charities, asked about the DD waiver and case management. Ms. Drumwright responded that the management of the DD waiver is still in transition from DMAS to DBHDS.

Ms. Catherine Harrison, representing the Virginia Department for Aging and Rehabilitative Services, said that there seems to be an issue with good, correct information being provided at local trainings. Case management trainers need to be well-versed in the parameters of programs.

Ms. Michelle Johnson, with the Henrico Area CSB, said that CSBs do not rely solely on modules and that there are regional case management meetings and trainings. She made clear that information is shared and that CSB case managers are well-versed in the resources available in the community.

Ms. Liban followed up stating that it is important for DBHDS to acknowledge that there is a case management training issue.

*Kathy Drumwright  
Assistant Commissioner, Quality  
Management and Development*

3:30 p.m.

## VIII. Remarks

Commissioner Ferguson introduced herself to the group and stated, "Where we need to do better, we will be better." She also stated that the closing of the training centers and moving individuals to the community should be a respectful, responsive, collaborative process and that she

*Debra Ferguson, Ph.D.  
Commissioner*

---

firmly believes a life in the community should be a goal for everyone.

3:37 p.m.

**IX. Public Comment**

(Comments limited to 3 minutes.)

Ms. Jane Powell, CVTC Friends and Family President, commented that the changes she has seen don't give training center families much assurance. She said DBHDS is stepping back in case management and that there is a low bar for how stable is defined. Ms. Powell stated that if everyone thinks it is butterflies, roses, and rainbows, it is not because since 2010/2011 fourteen people have died after being discharged. She said that doing well in the community is luck and that DBHDS doesn't enforce its own regulations.

Mr. Thomas Silverstein, with the The Lawyers' Committee for Civil Rights Under Law and representing The Arc of Virginia (re: DOJ) said that they appreciated the focus on housing that this meeting had and that they would like an opportunity to comment on the VHDA plan. He asked that a few issues be flagged going forward, to include: preferences for DOJ population connected to deeply affordable units, a process to ensure access with existing and new resources, and stated that generally more needs to be done.

Ms. MJ Moran, a parent of an NVTC resident, spoke about the applause from the announcement that SVTC reached a zero census. She said that we should not celebrate the closure when only 44% of the residents were placed into homes with 4 or fewer individuals. She said that we are at a critical mass and that at every training center, 20% will end up in a nursing home, etc. She noted that the care her son receives at NVTC cannot be met in the community and cautioned DBHDS, but that she isn't against closing some of the training centers, as long as it is appropriate.

Mr. Jack Bruggerman, an NVTC family member stated that transitioning from the training centers to the community is a "buyer beware" process. He stated that NVTC has a unique pressure with the closing date and mentioned the need for a new waiver rate for northern Virginia. Mr. Bruggerman also commented that a state senator said that the rate will never be adequate. He said that the applause (re: SVTC closing) stunned him because they parents and family members have worked hard to make NVTC a community and he asked that people keep in mind more than one perspective, as it relates to training center closures.

3:55 p.m.

**X. Future Meeting Topics and Next Meeting Date**

*Connie Cochran*

For the next meeting, the stakeholder group is looking at the week of August 13.

Ms. Liban mentioned a variety of issues for the next meeting date, in addition to recommending the group meet every other month. The topics included: report from the status conference with the judge, children with high medical needs, and employment.

Ms. Michelle Johnson asked if the provider rate survey results could be shared at the next meeting.

4:00 p.m.

**XI. Adjournment**