

Response of Parents and Associates of the Northern Virginia Training Center to the August 29, 2014 Comment from David and Nancy Tishman

We, the Parents and Associates of the Northern Virginia Training Center (NVTC), have always been and remain very strong supporters of expanding community placements and services. As far back as the mid-1990s, NVTC staff and the families of residents worked to create the first Regional Community Support Center that makes NVTC staff skills accessible to community residents. More recently, we have been working with the Arc of Northern Virginia for nearly a year and a half to educate our members as to how to identify quality living options in the community, and have encouraged them to accept good community placements if they find them. We are also working with the Arc of Northern Virginia to secure from the Commonwealth badly needed Medicaid waiver reforms to improve and fund the services necessary to provide proper care for people with the most severe disabilities.

At the same time, we are also trying to preserve the unique capabilities of NVTC to serve people who cannot find comparable services in the community or who wish to remain in a Training Center in their local community.

After a careful review of the many exchanges our Board has had with the Tishmans, we believe our support for a full range of quality residential options (including individual home, group home, local Intermediate Care Facilities for Individuals with Intellectual Disabilities and State-run Training Centers) is not the reason NVTC families have had difficulty finding local placements. Instead, we believe there are two root causes: (1) the Commonwealth has established arbitrary closure dates for closing NVTC, unrelated to available community capacity for the residents, and (2) the Commonwealth has been unwilling to assure families who wish to see their loved ones move from the Training Center into local community placements that their loved ones will not be moved to a remote Training Center if the Commonwealth cannot provide comparable care locally by the scheduled closure date. The second concern, in particular, was expressed on multiple occasions by the Tishmans and is shared by our members. Yet DBHDS continues to be unwilling to make such a simple written commitment.

In reading the Tishmans' August 29, 2014 e-mail to Commissioner Debra Ferguson that was submitted to the SB 627 work group, we were at first puzzled by its tone and by the fact that it did not offer any explanation of their accusations that our Board's actions were undermining community placements. In the past, David and Nancy Tishman wrote affidavits to Judge Gibney in support of our legal action to be recognized as parties in the Settlement Agreement and our efforts to preserve NVTC in the system of supports for individuals with the most challenging conditions.

Given the tone of the Tishmans' public comment, we thought it best not to contact them directly, but we invite them to share any corrections to our understanding of the situation as expressed in this open letter. We remain open to any new information they have to offer.

We also reviewed over 20 e-mails and other submissions by the Tishmans in an effort to understand the source of their concerns. Overall, their e-mails and other communications express a common theme: a deep concern at the lack of local providers and a fear that there will be no appropriate home in the Northern Virginia region by the time NVTC is scheduled to close. We share this concern and have repeatedly raised the issue with the Commonwealth..

At the same time, the Tishmans' communications also focused on statements from discharge planning staff that are similar to those heard by many of our members. These statements typically indicate that family members will be moved to Central Virginia Training Center (CVTC) or another Center if Authorized Representatives do not accept a community placement, without qualification as to its adequacy or even its existence. This experience is unfortunately typical for those of us whose family members are hard to place because local providers find that the Medicaid waiver provides insufficient services and funds to meet the needs of the highly disabled population remaining at NVTC. The absence of community options that provide comparable care locally is one of the reasons why NVTC families have worked hard to preserve the local supports offered by NVTC.

In later e-mails, the Tishmans seem to have come to perceive our efforts to preserve NVTC as an option in Region II as a lost cause that diverts responsibility and DOJ attention from requiring Virginia to provide adequate local placements. They reported that local providers had stopped making an effort to provide placements because the providers believed the Commonwealth would simply move NVTC residents to CVTC or another Training Center, and this belief appears to have contributed to the Tishmans' extreme frustration with our efforts.

We find no evidence to support the Tishmans' contention that our Board has tried to block funds and undermine community placements. To the contrary, we have done everything in our power to support the creation of local community placements that would provide comparable care for NVTC residents, while preserving the option of care at NVTC. We conclude that the difficulties encountered by the Tishmans and many other NVTC families in finding local community placements, and the anxiety associated with being told their loved ones would be moved to another Training Center if they could not find local placements by the closure date, could have been avoided if the Commonwealth had adopted a policy that no resident would be moved to another Training Center if his or her Authorized Representative elected a local community placement and no such placement was yet available. The following actions would make such a policy fair and practical:

1. The Commonwealth should include in the new Medicaid waiver sufficient funds to enable providers to assure comparable services and supports in the local community for Training Center residents who wish to move into the community.
2. Until such time as an adequate waiver is in place so that those who wish to move into the community can find comparable care, NVTC should remain open, in a smaller footprint to reflect the smaller census.
3. The Commonwealth should assure funding and career paths to preserve the specialized NVTC staff skills for all those with IDD in Northern Virginia. Through the RCSC, the physicians, psychologists, therapists, and nurses of NVTC have served as uniquely valuable resources for people in the community who cannot access such services. These resources should be preserved either through a modernized NVTC or by a follow-on entity as part of the Developmental Disabilities Health Support Network (DDHSN).
4. As the budget to implement the Settlement Agreement does not include any additional funds to reduce Virginia's long ID and DD waiting lists, which have existed for years and are growing, Virginia should establish an assured source of funding that would eliminate the waiting lists over the next five years.

In conclusion, enormous pressure has been put on families by the failure of Virginia to assure Authorized Representatives that their loved ones will not be moved from NVTC to another Training Center simply because local placements providing comparable care do not yet exist. In this light, it is understandable that the Tishmans have evolved from a position of support for our efforts to one of frustration with our approach. While we may disagree on the tactics necessary to secure more local placements, contrary to the representations of the Tishmans, our Board has consistently worked to encourage the creation of quality local community supports and services and will continue to do so.

Sincerely,

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