

WELCOME AND INTRODUCTIONS

10:00 AM

Teja Stokes (DMHMRSAS), Delegate Phil Hamilton (VA General Assembly), Becky Woodruff (Family Member), Pat Bennett (PAIR), Mark Diorio (NVTC), Sherwin Davis (SEVTC), Bob Shrewsberry (SEVTC), Brian Whitesell (SEVTC), Chuck Hall (HNN CSB), Roxanne Garner (Self-Advocate), Chip Dodd (Private Provider), Jennifer Fidura (VNPP), Jason Rachel (Olmstead Implementation Team), Mark Stevens (VOPA), Tim Capoldo (Norfolk CSB), Jamie Trosclair (The Arc of VA), Senator Louise Lucas (General Assembly)

Ms. Stokes opened the meeting explaining that the Commissioner remained in Richmond to attend another meeting and that she would be facilitating the advisory committee in his absence.

"LEGAL ASPECTS OF GUARDIANSHIP"

10:10 AM

Presentation by Allyson Tysinger, Senior Assistant Attorney General
Office of the Attorney General

*Allyson Tysinger presented information on the various aspects of legal guardianship, including practical considerations and alternatives to full guardianship. **A copy of the presentation will be posted on the Department's website.***

Mr. Gene Sivertson, from the audience, asked about the hierarchy in determining an authorized representative. Ms. Tysinger reviewed the steps used by a facility director in identifying the most appropriate person as the authorized representative according to regulation. Ms. Tysinger also clarified that community providers are expected to use the same process when determining an authorized representative who lives in the community. Under the regulations, the authorized representative has the authority to make decisions for the individual for those areas in which the individual has been determined to not be able to make their own decisions. In the OAG's representation of the state training centers, the OAG will not petition for guardianship for an individual who has an authorized representative identified. It is expected that the authorized representative take into account the individual's preferences when making a decision. If the AR does not seem to be doing this, action could be taken to appoint another AR. Ms. Tysinger clarified that the OAG only provides legal representation of the state facility and does not provide representation of a private citizen. If an AR does not want to serve in that capacity for an individual who transitions to the community, the provider must identify an alternative authorized representative. Family members can achieve similar authorities for decision making as guardianship without having to go through all of the respective court proceedings to obtain guardianship.

Chuck Hall commented that the capacity evaluation seems an important part of the process and wanted to know if family members take part in the evaluation. Dr. Shrewsberry answered no.

Jennifer Fidura commented on the value of the public guardianship program, used for individuals who had absolutely no one who could act on or make decisions for the individual. It has been of particular value related to medical care and ensuring care for hospitalization. She did clarify that it is the best resource for those individuals who have no one who can act as an AR or in some other decision making capacity.

Ms. Anne Marie Sivertson, from the audience, asked how the public guardianship program compensates those who act as guardians. Jennifer Fidura answered that there are grant funds that cover the cost of operating the program and to cover the fees necessary for obtaining guardianship (when they are not waived by the court). A guardian is able to charge a fee and this is determined by the court when the guardian is appointed. This is typically charged against the federal benefits received by the individual. It is typically a nominal amount of money.

UPDATE ON PPEA PROPOSAL FOR SEVTC
AND COMMUNITY CAPITAL INVESTMENT

11:00 AM

- Basic Information on PPEA Proposal
- Re-Constitution of Capital Investment Subcommittee

Teja Stokes provided a handout of information that outlines basic information on the current PPEA process for construction of the new SEVTC and community housing (included as an addendum to the 5/26/09 Advisory Committee minutes).

Pat Bennett asked if there is a new opinion on the optimal size of homes (4 versus 5/6 beds) since this proposal does not include design for smaller settings? Also she asked if there would be use of agencies like VHDA to include elements of universal design? The group discussed that smaller homes continue to be the optimal size and the proposal just included what was being offered as an option by the proposer. Everyone agreed that using as many resources in the process as possible, like VHDA, would result in better housing outcomes.

Jennifer Fidura requested that the work of the group studying housing options for people with intellectual disabilities, led by the DMHMRSAS Office of Intellectual Disability Supports, be included in evaluating the various construction proposals.

Mark Diorio asked if the proposal includes design, demolition and construction and it was clarified that, yes, all of this is included in the proposal.

Pat Bennett asked how the rights of individuals are protected in a group home when a particular individual is having challenging behaviors. Jennifer Fidura said that it is dealt with on a case by case basis, but when individuals begin to achieve a distress period, the staff works with all those in the home to select alternative activities to allow the person in distress to de-escalate. It is a balance between the rights of all in the home and may not be perfect for everyone.

Jamie Trosclair commented that person centered thinking and practices are showing a decrease in behavioral challenges for individuals and the success of individualized services for people. Chip Dodd added that the move away from a medical model to more person-centeredness allows providers to be more creative in how services are delivered to meet people's needs.

FUTURE ROLE/PURPOSE OF SEVTC

Teja Stokes presented a revised version of the purpose statement reviewed and discussed by the advisory committee at the April meeting. The committee was asked to revisit the first part of the statement to correct a grammar error.

Committee had discussion on the language on the first statement and debated various wording options. After much discussion and comments from various people, the committee agreed to the following wording for the first statement:

Provide services and supports for individuals who present complex medical and/or behavioral needs that cannot currently be met in traditional community homes, with goals and efforts to attain appropriate community services.

PUBLIC COMMENT PERIOD

11:30 AM

Mrs. Lyn Gilbert thanked Allyson Tysinger for her presentation on guardianship. Mrs. Gilbert asked who will make the decision and when the decision will be made as to the persons that will stay at SEVTC. She would like to know who will make the decision. She would like to know when.

Dorothy Carr asked if her daughter will have to be on short time while the new facility is being built. She would like to know who will make the decision about where her daughter will live. Mrs. Carr would like her daughter to live at SEVTC.

Roxanne Garner commented that she likes to live at SEVTC and she likes her friends. She likes her family, her mom and her sister. She likes her home and her roommates in the cottage.

Elvin Reid commented that she is still confused as to the purpose of the advisory committee. She is confused about how the SIS will be used to place people in the community. Many of the residences cannot answer the assessment questions. She feels that the annual reviews done at SEVTC tell more about the needs of the residents. She feels that the residents have already qualified to live at SEVTC and why is money being wasted on the SIS assessment. The families are disappointed that there is consideration of the facility being short-term in nature. She suggested that Olmstead allows people to have a choice.

Sarah Ganthier suggested that the next advisory committee get information and make decisions on who will live in the new facility.

Caroline Willoughby commented that mental retardation is not a short term condition and cannot be met with short term services. She said you cannot expect that people can get a life like yours just by moving them to the community.

ESTABLISH AGENDA FOR NEXT MEETING

11:55 AM

- ✓ June 25, 2009
 - *Presentation of big picture results of SIS assessments*
 - *Hearing from individuals/parents who have recently transitioned to the community*
 - *Update on work of Capital Investment Subcommittee*

Next Meeting: Thursday, June 25, 2009 ♦ 10:00 AM – 12:00 PM

SEVTC Advisory Committee

UPDATE ON PPEA PROCESS FOR 75-BED FACILITY AND COMMUNITY CONSTRUCTION

May 26, 2009

- We have received a PPEA proposal from a potential developer. The proposal has been "accepted" by the Department of General Services (DGS). DGS is now advertising for competing proposals. Advertising is a standard procedure and competing proposals must be submitted within 60 days (July 17 deadline)
- The proposal we received contains the following:
 - Proposal to rebuild the 75-bed SEVTC facility on an undeveloped area of the campus, with 5 four-bed homes and 11 five-bed homes. It proposes to demolish all residential buildings except 28 and 29-- these buildings will be used for offices and program spaces.
 - Community proposal to build 18 homes within the Hampton Roads region. There would be 12 eight-bedroom homes and 6 six-bedroom homes. The six-bedroom homes would be configured to look like residential homes and the eight-bedroom homes would be configured to look like a residential duplex home.
 - Specific facility and home design is flexible and can change once a developer is selected.
- A community and facility capital committee will be put together and will meet in the next two weeks to work through the detailed proposal and begin to formulate questions that may be used to evaluate all of the proposals we receive.
- A couple of other notes/points:
 - This proposal is for the design of new homes. Any PPEA we award will rely on the input of the Department and the CSBs to determine the siting of the new homes and the final design. The designs can change significantly. The evaluation committee is really seeking to identify an awardee that has the experience, expertise, and knowledge to collaborate and work with the Department and CSBs to build homes that work for our collective needs (within budget).
 - There is nothing that precludes renovation over new construction at this point and this will be an important part of the discussion during the evaluation. Renovation in many cases might be more cost-effective.
- The proposals are available under FOIA and requests should be sent to the Department of General Services @ (804) 225-4949 or via the website at www.dgs.virginia.gov