

**WELCOME AND INTRODUCTIONS**

**10:00 AM**

James Reinhard (DBHDS), Joe Cronin (DBHDS), Chip Dodd (Private Provider), Chuck Hall (Hampton-Newport News CSB), Sherwin Davis (SEVTC), Jonathan Martinez (VOPA), Jamie Trosclair (The Arc), Mark Stevens (VOPA), Sen John Miller (General Assembly), Brian Whitesell (SEVTC), Becky Woodruff (SEVTC Family Member), Wanda Bernard-Bailey (City of Chesapeake), Pat Bennett (PAIR), Jennifer Fidura (VNPP), Alice Johnson (SEVTC Family Member), Bob Shrewsbury (SEVTC), David Coe (Colonial CSB), Bill Butler (DMAS), Lee Price (DBHDS), Heidi Dix (DBHDS)

**DISCUSSION OF VOPA LETTER  
TO GOVERNOR KAINE**

**10:10 AM**

The Commissioner commented that the Advisory Committee has not shied away from difficult topics and there has been a lot of discussion and varying, often disagreeing, opinions about the future of SEVTC. The Department wants to continue to put those issues on the table for discussion. The Commissioner explained that a letter was received by Governor Kaine from the executive director of VOPA indicating VOPA's intent to file suit against the Commonwealth on behalf of The Arc to prevent the rebuild of SEVTC. The Commissioner added that the Administration's response has been sent to VOPA and indicates that the intention is for the facility to be built in accordance with the acts of the Virginia General Assembly. The Governor's response letter included information on the plans to construct smaller homes in a residential setting on a different part of the current SEVTC campus. This will be in addition to moving forward with the construction of the community group homes.

Senator John Miller says the time for discussion of the future of SEVTC is passed and that the General Assembly has said that SEVTC will exist as a 75 bed facility to support vulnerable citizens. Senator Miller said that people are sitting around this table sharing misinformation in attempts to stop the project. Senator Miller requested that the Commissioner remove VOPA and The Arc from the committee. Senator Miller reported that families have been on a roller coaster and all parties should work together to move things along as quickly as possible. Senator Miller added he believes The Arc and VOPA are not committed to this and if they cannot they should leave this committee and take their threats with them.

Ms. Becky Woodruff addressed a question to the VOPA representative saying that their letter mentioned the budget bill in the last paragraph of the letter referencing Arc members and Ms. Woodruff asked how many Arc members are at SEVTC?

Jonathan Martinez of VOPA said that while his announcement will not be popular, he gave notice that at 9:30 am a lawsuit was filed in federal court and so therefore he cannot discuss points related to the case. Mr. Martinez acknowledged that Senator Miller requested the Commissioner to remove VOPA from the committee and stated if that is the will of the Commissioner as chair then VOPA representatives will leave the meeting.

Mr. Martinez further explained that VOPA is responsible for representing the unique needs of people with disabilities, families expressing concerns about SIS, the number of beds planned for SEVTC, and who is talking to families. Mr. Martinez stated that at the end of the day, this should be based on the unique needs of people with disabilities. He explained that even if the lawsuit is won, SEVTC will remain. Mr. Martinez summarized by saying what is being fought for is that the unique needs of people with disabilities are considered.

The Commissioner acknowledged that this is a tough topic and he had wrestled with bringing it to the Advisory Committee. He indicated his intent is not to remove members from the AC and that the department has always tried to have representation from various stakeholders and different voices. The Commissioner added the Advisory Committee is not only concerned with the construction of SEVTC but also the homes in the community. He indicated it is important to know that the Department is moving forward with the General Assembly's instructions.

Mr. Martinez stated VOPA chooses to be here and thanks the Commissioner for being open to including those with opposing voices.

Senator Blevins indicated he agrees that people of differing opinions should be part of the Advisory Committee, but disagrees that parties involved in a lawsuit should not remain on the committee. He asked the Commissioner to check with the Administration to see if it is allowed to have committee members that are party to a lawsuit against the commonwealth as part of the Committee. The Commissioner agreed to check with the Attorney General's office on this matter.

Pat Bennett spoke up on behalf of PAIR and indicated that they have worked for years to partner with The Arc and have consistently been rebuffed. She said she commends the Commissioner for his efforts for being inclusive and feels we have to eventually work through our disagreements to develop solutions. Ms. Bennett added she is glad that the Commonwealth is not acting irresponsibly and is ensuring that services are available to individuals.

The Commissioner acknowledged that Ms. Woodruff did not have an opportunity to finish her remarks earlier and gave her an opportunity to finish her comments. Ms. Woodruff explained that she is aware of one woman at SEVTC who was signed up as a member of the Arc but is considered by the courts to be mentally incompetent and Ms. Woodruff believes it is atrocious to violate the woman's rights in this way.

Alice Johnson explained that she has been affiliated with SEVTC for 19 years. Ms. Johnson read a prepared statement, as follows:

*As a member of the SEVTC Advisory Committee, I have great concern over the continued attendance of the ARC and OVPA as part of this committee. The decision of the General Assembly was to rebuild a 75 bed SEVTC campus like "facility" on its current site. The purpose of this committee is to accomplish the General Assembly's goals for Southeastern and the individuals that "choose" to reside here.*

*Using information gathered during the June meeting, the ARC submitted a letter to the governor requesting that he take the necessary actions to defer, delay or scrap the rebuilding of Southeastern based on inappropriate and invalid information. At*

*that time the governor's commitment was to follow the General Assembly's decision.*

*However, in order to carry out their personal agenda, another letter was sent to the governor implying he and others would be named as defendants in a Complaint to be filed in Federal Court. The complaint alleges that the plan to build a new "segregated institution" to replace SEVTC violates federal law and the rights of ARC members. The General Assembly recognized and understood the need for SEVTC services and decided to rebuild the "training center" not "an institution" to provide the intermediate care services necessary for these individuals. This current threat of a "Complaint" to be filed in Federal Court is a very low attempt by VOPA and ARC to discriminate against and violate the rights of SEVTC members, their families and other families like us.*

*I would like to take this opportunity to address several issues claimed in VOPA's letter.*

- 1. **NO** individual is "**FORCED**" to reside at SEVTC; they "**CHOOSE**" to live here. Nor is any individual at "risk of being admitted" to SEVTC without choosing to be there. All residents of SEVTC are allowed to leave at any time.*
- 2. **NO** individual at SEVTC is "**FORCED**" into "unjustified institutional isolation", but under the Olmstead Act, "have the **RIGHT OF CHOICE** of where they live and individuals can choose to reside in publicly or privately funded intermediate care facilities such as SEVTC." This statement was included in the response letter from Mark F. Rubin, Counselor to the Governor, on October 23, 2009.*
- 3. ARC "**does not represent**" the individuals, nor their families, that reside at SEVTC and is discriminating against our residents when they indicate false representation.*
- 4. SEVTC represents the "least restrictive setting or environment" for its residents. My daughter and stepson are examples of that principle. Placing my son, Sean, in a community setting at this time, would discriminate against his rights and life safety to live in the "least restrictive setting for him." At SEVTC, he has the ability to socialize with his friends, disabled and non disabled individuals, roam around his campus without one to one direct hand held supervision, as is able to enjoy his life to the fullest. My son is safe and happy residing at SEVTC.*

*VOPA and the ARC have proven their agenda of trying to attain the money assigned by the General Assembly for the intermediate level of care to SEVTC residents. ARC and VOPA prefer the money be given to their organization to provide more community bed space or placements without the focus on "equal or better services" provided for SEVTC residents as stated by Delegate Hamilton and the General Assembly.*

*As a parent, concerned citizen and member of the SEVTC Advisory Committee, I strongly request the committee members to dismiss VOPA and ARC involvement in the restructure and rebuilding of Southeastern. It is in the best interest of SEVTC residents that all members of this advisory committee be "committed" to the direction of improving quality of care and services for Virginia's most vulnerable individuals. I believe the recent actions of VOPA and ARC have proven their involvement to be misleading, dishonest, and disloyal to the disabled individuals at SEVTC, their families and the citizens of the Commonwealth. Due to the actions of VOPA and ARC, I believe that if they are left on the advisory committee, they will continue with whatever means available to destroy the future of SEVTC and other "training centers" as designated by the General Assembly.*

*SEVTC represents honesty, respect, and safety for its residents while providing the "least restrictive environment" and an individualized quality care services and home environment not available in the community setting. I agree with Mark Rubin's statement in the governor's response letter "delays in these plans and protracted legal battles would compromise care to our citizens with disabilities who have a right to a safe and appropriate array of housing and services." Southeastern represents a community home cottage style environment and does not represent "an institution." The General Assembly decision and plan was created because of the many individuals that demonstrated understanding of the reality of caring for a severely or profoundly disabled individual. As a parent and a person highly involved with Southeastern, I am appalled with the behavior of VOPA and ARC and identify them as a threat to our committee and SEVTC.*

Chuck Hall suggested as a member of the Advisory Committee that the committee should take some sort of formal action and proposed the committee consider the following:

1. Act to oppose by vote the action taken by VOPA and The Arc of Virginia in filing their lawsuit against the Governor regarding SEVTC;
2. Agree to sign on as a "friend of the Commonwealth" in the lawsuit filed by VOPA and The Arc, should the Commonwealth support such a suggestion; and
3. Request that the General Assembly re-affirm in the next session their plans for the restructuring of a state facility in Virginia's history.

Jennifer Fidura stated she is not an attorney, but as an Advisory Committee member she is not sure that this committee can take action in that way. She suggested that the Advisory Committee may not have any legal standing.

The Commissioner suggested that Mr. Hall's 'motions' be tabled until the Department can get guidance from the Attorney General's office on the committee's purview.

Ms. Bennett suggested that the committee can go on record as disagreeing with actions by VOPA and can have the minutes reflect any disagreement. She asked for the committee to vote even if it cannot officially take this kind of action so the minutes will show the discussion and preference of the committee.

Ms. Fidura asked for the motion to be restated in 3 parts and for the committee to react to each one.

Mr. Hall restated the first part suggesting that the Advisory Committee act to oppose the action taken by VOPA and The Arc of Virginia in filing their lawsuit against the Governor regarding SEVTC. The motion received a second by David Coe.

Heidi Dix reminded those sitting on the committee that representatives of DBHDS are ex-officio members in an advisory capacity to the committee and cannot vote. Wanda Bernard Bailey indicated that she would abstain from any voting as an official of the City of Chesapeake.

Mr. Martinez requested that those members voting be recorded in the minutes and how those members voted.

Chip Dodd expressed concern that this may be setting precedent for other training centers and advisory committees. He suggested that it is unclear until a federal court

decides if this is right or wrong and it will eventually play out in court. Mr. Dodd said he is not sure if the advisory committee should be taking this kind of action.

Mr. Hall said he doesn't want to misrepresent folks, but that he has talked with other individuals involved in this project and those people have indicated to Mr. Hall that the action by The Arc and VOPA will officially stop any work on the projects today with the filing of the lawsuit. He expressed concern about the time that has been invested and the importance of the public policy that was challenging to arrive at.

The Commissioner asked for clarification on "stopping" of the projects that Mr. Hall just mentioned. Mr. Hall said he has been told the PPEA process will end today. Mr. Hall said that he cannot represent the person he spoke with (the person is from another state agency involved with the PPEA process), but his information indicates that the project cannot go forward because the lawsuit has been filed.

Ms. Dix stated that the Department will move forward until guidance is received from administration on the effects of the lawsuit. Mr. Hall stated that as a public official, if he were to go to borrow money related to this project, it would not be honored because of the lawsuit. He indicated his role as a public official for Hampton Newport News related to this project ceases today until there is resolution of the lawsuit.

Senator Blevins stated he thinks it is a shame that this has happened on this day. The amount of money to deal with the lawsuit will far exceed the \$25M that is set aside for this project. He restated his request that guidance is needed from the Attorney General and he excused himself to call the AG's office.

Pat Bennett called the question. A hand vote was held on Mr. Hall's first motion. Committee members that voted in favor of the motion were Chuck Hall, Becky Woodruff, Pat Bennett, Jennifer Fidura, Alice Johnson, David Coe, and Chip Dodd. Committee members voting no were Mark Stevens and Jamie Trosclair. Wanda Bernard-Bailey had already indicated she abstained. The remaining committee members in attendance did not vote.

Mr. Hall then restated the second part to his motion suggesting that the committee agree to sign on as a "friend of the Commonwealth" in the lawsuit filed by VOPA and The Arc, should the Commonwealth support such a suggestion. The motion received a second by David Coe.

A hand vote was held on the second part of the motion. Committee members that voted in favor of the motion were Chuck Hall, Becky Woodruff, Pat Bennett, Alice Johnson, David Coe, and Chip Dodd. Committee members voting no were Mark Stevens and Jamie Trosclair. Wanda Bernard-Bailey had already indicated she abstained. The remaining committee members in attendance did not vote.

Mr. Hall restated the third part of the motion requesting that the General Assembly re-affirm in the next session their plans for the restructuring of a state facility in Virginia's history. The motion received a second by Pat Bennett. Committee members that voted in favor of the motion were Chuck Hall, Becky Woodruff, Pat Bennett, Alice Johnson, Jennifer Fidura, David Coe, and Chip Dodd. Committee members voting no were Mark Stevens and Jamie Trosclair. Wanda Bernard-Bailey had already indicated she abstained. The remaining committee members in attendance did not vote.

## **COMMITTEE INPUT ON NEW SEVTC DESIGN**

**10:45 AM**

Joe Cronin provided a presentation on the PPEA process. He had committed at the last meeting to share a flow chart with the committee, but when looking at the chart it was too onerous and he opted to give an overview without providing too many details. He provided a website link that gives more information and detail on the PPEA process. (The PowerPoint presentation will be posted to the DBHDS website).

Ms. Fidura asked where the SEVTC project is in the process. Mr. Cronin responded that on November 2 the final proposals will be in from developers and it is DGS' intent to select a developer. Mr. Cronin said he suspects that the developer will be known by early December.

Mr. Dodd asked if it is part of the process for stakeholders to have a say in the final design. Mr. Cronin indicated that is the intent. Mr. Dodd asked about a formal needs assessment being considered as part of the design and will the committee have that type of information in being a part of the input process. Mr. Cronin responded that staff at SEVTC is familiar with the needs of the current SEVTC residents, but that the facility should be designed to take into account future needs. Mr. Cronin gave the example of handicapped accessibility – it may be something not needed by current residents but that type of accessibility will still be included to anticipate future needs.

Mr. Martinez asked if the presentations can be made available on website and the Commissioner indicated that they would be.

Joe Cronin gave a short presentation on preliminary functional designs of the SEVTC homes. He described the basic make-up of the homes like the number of bedrooms, type of bathrooms, and common living areas.

## **PUBLIC COMMENT PERIOD**

**11:30 AM**

The Commissioner committed to posting information on the website that provides additional details about the questions and concerns that were raised today regarding the continuation of the project while lawsuit is in play. He restated that the intention of the Department is to carry out the will of the General Assembly and Governor by completing the project outlined in the Appropriation Act.

Senator Miller asked for Senator Blevins to share his contact with the Attorney General's office. Senator Blevins reported that he was not able to make contact and indicated that Ms. Dix had tried as well. Senator Blevins reported that messages were left for the OAG but answers were not obtained. The Commissioner again stated that the Department would get clarification from the OAG and post the guidance received on the website with the minutes of today's meeting.

Mr. Sivertson made public comment, speaking on behalf of Parents and Friends of SEVTC, Inc. Mr. Sivertson indicated they have a vested interest and they are stakeholders and not just makers of public comment. He said most of their concerns are about the lives of people who live here and the staff who have provided excellent service all these years. He said they want to see that continue. Mr. Siverston said when he sees something on Arc's website that says Virginia Alliance for Community and 'community for all', Parents and Friends of SEVTC are concerned about the lives of those

at SEVTC because they cannot survive in the community. He said individuals have moved to the community and there have been problems, at least one death and even a jail experience. Mr. Sivertson asked if the individuals at SEVTC are members of the Arc and Mr. Martinez responded that he does not have any knowledge of this. Mr. Sivertson followed up by saying that VOPA is a state agency from the federal perspective and is supposed to advocate for all. Mr. Siverston said if VOPA is supporting The Arc then it is discriminating against those at SEVTC. Mr. Siverston added that he feels VOPA should be removed from the committee. He asked why the committee is continuing to entertain the membership of VOPA. He indicated he feels it is the same for The Arc. Mr. Siverston commented that Becky Woodruff had mentioned earlier that is against the law to enroll members from SEVTC in The Arc and therefore The Arc should also be removed from the committee. Mr. Sivertson reported that he faxed a letter to the Commissioner yesterday and he read the first paragraph of the letter:

*The Parents and Friends of Southeastern Virginia Training Center, Inc. (P&F of SEVTC), respectfully request the Arc and VOPA memberships on the rebuilding of SEVTC Advisory Committee be immediately terminated, and that their comments, advisory information, and influence on the rebuilding of SEVTC be deleted from the SEVTC Advisory Committee records and placed in a separate DBHDS file to preserve the bias and prejudice exhibited towards the rebuilding of SEVTC.*

Mr. Sivertson indicated he had asked at previous meetings who would benefit financially from the community housing project and several members had raised their hands. The parents group also asked that information presented in a newspaper article about the SIS be publicly refuted. Mr. Sivertson asked for Commissioner to confirm that Lee Price and the Commissioner discussed this issue to decide if the Department would refute this information. Mr. Sivertson asked why the Department hasn't acted on that discussion. The Commissioner asked that Mr. Sivertson limit his public comment and indicated he would respond to the letter sent by Mr. Sivertson. He further stated that it is not the policy of the Department to refute everything that is published in the newspaper. Mr. Siverton asked for the Commissioner to recognize the Parents and Families of SEVTC as stakeholders and the Commissioner responded that they are important stakeholders.

Mrs. Anne Marie Sivertson made public comment that Jonathan Martinez had misrepresented himself by saying that VOPA is on the same page with parents and families. Mrs. Sivertson stated they will never be on the same page with The Arc and VOPA because they are diametrically opposed to what families are doing to protect residents of SEVTC.

Kelly Tucker of Chesapeake Service Systems made public comment thanking the committee for the information presented. Ms. Tucker stated that there are several SEVTC individuals working for her company which wants to do everything to keep them in their employment. She indicated she had asked at last meeting if they can be involved in the discharge planning process for individuals and asked for suggestions/recommendations on how they can be involved in discharge planning with planning teams if individuals choose to maintain their jobs. She asked that this meeting summary please include a response with these suggestions/recommendations.

*Follow-up Response: As an individual plans for transition to community living, it is important for all members of the individual's personal support team to be involved in making decisions about the transition and implementing the steps to smooth transition. If an individual is employed with Chesapeake Service Systems, CSS staff are encouraged to work with SEVTC discharge planners and CSB case managers to*

*be a part of the individual's personal support team planning for community transition.*

Leah Boyd made public comment about Chesapeake Service Systems providing employment opportunities for 56 individuals at SEVTC. She was asked by Tom Swanston to read the following statement:

*At the last meeting on September 24, 2009, Tom Swanston, Executive Director of Chesapeake Service Systems, asked questions pursuant to a meeting with the Director of the Department of Justice where in Tom, the Deputy Director and lead counsel for human rights for people with disabilities agreed on the same principles regarding this SEVTC de-institutionalization.*

*First, the jobs that the clients have at CSS have been the main source of dignity and purpose in their lives and should be preserved.*

*Second, every effort should be made so they do not lose these specific jobs. It would be egregious for them to lose their specific job **and** their home.*

*Third, **their** choice should be honored. Not the LAR's or copious people sitting around a table that is so intimidating that clients are afraid to speak.*

*The follow up answers as they appeared in writing in the minutes that were not discussed at the meeting but was told they would be answered on the website. If that is the final position of the committee, the regrettably Mr. Swanston is going to report to the Department of Justice the following:*

- 1. He was shocked at your response and the way in which the specific jobs that people have were "marginalized" and ostensibly there will be significant effort to retain their jobs or concern if they are lost. The Director of the DOJ though it unthinkable that their current jobs would not be preserved. Instead valuing their current jobs, according to the published answer, "Anyone who will be moving to a home from which distance to SEVTC will become a factor in continuing employment in that current venue, will be provided options for similar activities in their location." With all due respect to the committee, Mr. Swanston asserts that this is an amazing lack of sensitivity and violation of their dignity. He has been involved with these people for over a decade and to assert that similar activities exist in a new location is an errant presumption. However, this pales in comparison to the fact that losing their jobs is so marginalized and being put in different employment is taken so lightly. He wanted the committee to think about how they would feel if it was their job that was going to be lost. The answer would probably not be so casual. We are not talking about similar services but their specific jobs.*
- 2. The statement, "The new home for every individual leaving SEVTC should have with it the opportunities for the individual to access all of the lifestyle activities they are accustomed to and wish to continue." Committee, what if someone said that to you and you were going to be moved somewhere and in this economy and it was said "the lifestyle activities you are accustomed to and wish to continue will be available, don't worry about losing your job." With all due respect, you do not know that or the specifics of other services or the availability of consistent employment. Do you know that there are available jobs? You cannot make the statement to them with even reasonable degree of certainty. CSS has raised close to \$5 million from the community to create work*

*environments that they can participate in regardless of their speed. For your information, they will probably not be given the chance to work elsewhere. You have to have the space. Did you know that most work programs reject these clients? However, this still is not as important as marginalizing their current jobs. Their homes should be built around where opportunity exists instead of saying without knowledge or information that opportunities will exist if they are moved away from their current situation. Their homes should be built where they have their current specific jobs. Anything less is an egregious lack of respect for their vocation. I do not say these things to be critical but rather to bring information from the wealth of 20 plus years of experience. Please respond to my concerns so I do not have to give a grievous report to the DOJ and escalate this issue.*

*Please keep in mind I know everybody means well. However, we must be circumspect in all decisions or the very lives we all care so much about will be crushed.*

Ms. Boyd added that she has worked with individuals from SEVTC for about 10 years and they really enjoy their jobs. She said if you offer for them to go home early, they don't want to. She said if we were offered to leave our job early, there would be a stampede at the door. She said the individuals watch for the truck to pull up because that means more work. Ms. Boyd said it would be great if their job could be constant in their lives while they are considering a new place to live.

Terri Arnold of Chesapeake Services read the following statement:

*Hello, I'm Teri Arnold, Director of Public Relations for Chesapeake Service Systems and I am here to speak about 56 individuals from SEVTC who currently have employment at our facility here in Chesapeake. According to most stress test a change in your job and a change in residence are among the top stressors a person can go through in their lifetime.*

*These individuals are having to go through them both at the same time. Helping these individuals to maintain their current employment will significantly help to give them a sense of stability and normalcy in their lives. Keeping their jobs would not only increase their self-esteem and independence but it would significantly bring down their already high stress levels in making this enormous transition to the community.*

*Time and time again I hear clients at CSS talk about their co-workers as being a part of the "family." Please do whatever you can to not to take away their extended family and sense of well being. It seems particularly cruel and unjust to take these individuals away from the one constant in their lives right now with the hopes that there might be similar programs elsewhere. I ask you to think about how you would feel if you were moving out of your home and also losing your job at the same time and how that would make you feel.*

*Thank you.*

The Commissioner suggested the DBHDS have a meeting with representatives of Chesapeake Support Services.

Mr. Hodges gave public comment that his son has been a resident at SEVTC for 33 years and he knows his son's needs. People like VOPA and Arc don't know the needs of individuals and they are misguided in filing this lawsuit. The Commonwealth is experiencing huge budget shortfalls and it is a waste of taxpayers' money in filing this lawsuit. Fragile people don't always belong in the community but need a place like SEVTC where staff know them and know their needs.

Senator Blevins asked to share a letter from Joe Scislowicz, Executive Director of Chesapeake CSB, talking about individuals in jail who have psychiatric problems. Mr. Scislowicz shared a letter that was sent to Dr. Shrewsberry by Chuck Hall about SEVTC's response to serving an individual in crisis from the CSB.

*Good morning, Bob. I wish to thank you for expediting the on-site assessment and admission of our client last week to SEVTC. Despite what was occurring with staff of our agencies, (vacations, leave of various types, a weekend approaching, scheduled training, etc.) you made it possible to move this Hampton resident with Intellectual and Developmental disabilities out of Riverside Hospital Emergency room where he had been in four point restraint for almost 24 hours to SEVTC. You never hesitated when Natalie, Carol and I attempted to please for assistance. I am not certain we actually had to please you were so responsive. Rex and Dr. Morris were spectacular, too, in coming to Newport News within about 12 hours of our request, evaluating this individual in the hospital ER and agreeing to the emergency placement at SEVTC.*

*I wish to make a couple of points since I have the attention of those "cc'd." First, SEVTC was extraordinarily responsive to our request, as we have come to expect. Secondly, this individual was residing in a private Waiver home and seeing a private psychiatrist for medication management. In our case review of this situation, we concluded that this individual's psychiatric care will sift back to the CSB under Dr. Gill's supervision. It is quite apparent that, with few exceptions, only SEVTC and CSB psychiatrists can appropriately manage the psychiatric care of individuals with such complex needs. Finally, as we have all been stating, all along, we simply must have an emergency capability in HPRV for responding to the care of these individuals when, not if, their community placement deteriorates.*

*I don't want to indite all private providers for there are many quality community based providers. However, as we were reminded in this instance, the CSBs and the state IDD Training Centers/Facilities are the only true emergency backup when a private provider placement is not longer working out. Period.*

*Thanks again, Bob. Chuck H.*

Mr. Sivertson asked to have his letter put in the record. (Full letter included at end of minutes.)

Chuck Hall thanked the Commissioner for managing a difficult meeting. Mr. Hall asked to end the meeting on a different note to tell about work done with Dr. Shrewsberry and his staff to change the home of a 29-year resident of SEVTC. Mr. Hall reported the individual now lives in a new ICF in Hampton with the full support of his parents. They made the choice and he has options available to him for employment and day services. Mr. Hall explained that families can have choice of homes different from SEVTC. The transition may be difficult but it will be more successful because of the professionalism

of staff of SEVTC. The Commissioner thanked Chuck for his comments because we are trying to emphasize balance and choice.

The Commissioner discussed plans to have a meeting in early December rather than November due to holiday challenges in scheduling and to ensure current updates on items discussed today and PPEA process.

**FOLLOW-UP GUIDANCE RECEIVED FROM OFFICE OF THE ATTORNEY**  
**GENERAL**

The Commissioner has consulted with the OAG and has been advised that the Commissioner is required under the Appropriation Act to establish a state and community planning team to develop a plan to rebuild and resize SEVTC. The team is required to be composed of, among others, representatives of affected consumers and advocates. It is the Commissioner's decision whom to appoint. The SEVTC Advisory Committee only has the authority to advise the Commissioner on membership.

The Commissioner's intention is to continue to invite The Arc and VOPA to the table because the input and participation of everyone is important for the development of an effective plan. This decision will continue to be reviewed by the Commissioner, in collaboration with Secretary Tavenner and the AG's office, if their continued participation impedes the ability to defend the lawsuit.

Full letter sent to Commissioner Reinhard from Parents and Friends of SEVTC, Inc.

*Dear Commissioner Reinhard:*

*The Parents and Friends of Southeastern Virginia Training Center, Inc. (P&F of SEVTC), respectfully request the Arc and VOPA memberships on the rebuilding of SEVTC Advisory Committee be immediately terminated, and that their comments, advisory information, and influence on the rebuilding of SEVTC be deleted from the SEVTC Advisory Committee records and placed in a separate DBHDS file to preserve the bias and prejudice exhibited towards the rebuilding of SEVTC.*

*The above request is based on the following:*

- 1. The Arc is committed to "Community for All" as its priority, and they proclaim "ending the practice of institutionalization" (i.e. closing all of the DBHDS' ICF/MR Training Centers) in Virginia is their goal. Medically, four levels of Mental Retardation are defined as mild, moderate, severe, and profound. The MR care services (public and/or private) available in the so-called Virginia "Community System" are not capable of providing appropriate MR care as required to support the spectrum of MR needs. This is especially true for the residents of SEVTC.*
- 2. The Arc has sent numerous communications to Governor Kaine requesting the Governor to stop the rebuild of SEVTC and discharge all SEVTC residents into the "Community System."*
- 3. VOPA, representing the Arc, in a threatening letter to Governor Kaine on October 14, 2009, gave notice of the intent to name the Governor as the defendant in a "Complaint" to be filed in Federal Court. The Arc asked that the Governor suspend all plans to replace SEVTC (ICF/MR Training Center located in Chesapeake, Virginia). The Governor was given on or before October 26, 2009 as the deadline for his resolution of the "matter." The Governor's response (in a letter on October 23, 2009 to Colleen Miller, Executive Director of VOPA) did not support The Arc's request to stop the rebuild of SEVTC.*
- 4. The current Arc membership on the SEVTC Advisory Committee (for rebuilding SEVTC) is a holdover from membership on the Advisory Committee to Close SEVTC, and therefore embodies a bias in drastic conflict with the current purpose for the SEVTC (Rebuild) Advisory Committee.*
- 5. Both VOPA, and the Arc are members of, and aggressively promote, "The Virginia Alliance for Community" (often referenced as The Alliance). The Alliance advocates strenuously for "Community for All" and the closing of the DBHDS' ICF/MR Training Centers throughout Virginia. Since VOPA is an arm of a federal agency legally charged with insuring protection and representation of **all** Citizens, their membership in The Alliance clearly represents a prejudice discriminating against all Commonwealth Citizens residing in DBHDS' ICF/MR Training Centers and any others among the waiting list (a total exceeding 5,000) seeking admission to the Commonwealth's existing Training Centers.*
- 6. The prejudice and discrimination practiced by both the Arc and VOPA against individuals with Mental Retardation who cannot speak for themselves clearly breaches numerous Federal and State Laws, and deprives "Choice" as guaranteed by the Olmstead Decision of the Supreme Court of The United States and Virginia's Olmstead Initiative.*

7. *Letters written by the Arc in their fanatical march to force the closing of DBHDS' ICF/MR Training Centers are imbedded with: inaccuracies, a lack of substance, deceptive content, disingenuous focus, a lack of legal basis, and the demonstration of dangerous judgment.*

*P&F of SEVTC, Inc. have discussed in numerous letters, numerous times, the conflict of interest and inappropriateness of the Arc membership on the SEVTC Advisory Committee. These P&F of SEVTC, Inc. communications included letters to: all members of the General Assembly, the DBHDS, Governor Kaine, Secretary of Health and Human Resources, Newspapers, Presentations to the House Appropriations Committee, Presentations to the Senate Finance Committee, the SEVTC Advisory Committee, the Department of General Services, the Training Center Directors, the MR Board, and others.*

8. *The Arc has authored significantly inaccurate newspaper releases, referencing an SIS Report prepared by HSRI under contract to the DBHDS, petitioning the Governor to immediately stop the rebuilding of SEVTC and to permanently close SEVTC. In addition, this newspaper release misled the public regarding SEVTC's mission, rebuilding, and the service needs and "choice" of the residents. These issues were injected by P&F of SEVTC, Inc. during the August meeting of the SEVTC Advisory Committee meeting. The DBHDS' Commissioner and the Head of the DBHDS Id Office agreed the Arc released significantly inaccurate and misleading information in their public statements as reported in local Hampton Roads Newspapers, requesting (among other things) Governor Kaine to stop the rebuilding of SEVTC.*

*During the "Public Comment Portion of the Advisory Committee meeting, Commissioner Reinhard was requested, by P&F of SEVTC, Inc., to release a DBHDS public statement correcting the Arc Newspaper inaccuracies and following through to publicly set the record straight. As of 10-24-09 (although repeated requests have been made by P&F of SEVTC, Inc.) no action has been taken by the DBHDS regarding this matter. Why is the Arc's erroneous reporting of information not being corrected publicly by the DBHDS? This dereliction of duty by the DBHDS regarding Arc's aggression to close SEVTC projects an image of the DBHDS supporting the Arc in its position to close **all** Virginia's MR Training Centers starting with SEVTC. The DBHDS's failure to address this issue further necessitates the ejection of Arc from membership in the SEVTC Advisory Committee. The conflict of interest broadcast by the Arc and the DBHDS's negligence to act to correct untruths in this most serious issue is astounding and unacceptable!*

*Sincerely,*

*W.E. Sivertson, Jr.  
President  
P&F of SEVTC, Inc.*