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VOR ACTION ALERT!

Tell your U.S. Senators and Representative to hold hearings to investigate the impact of federally-funded deinstitutionalization activities and lawsuits

March 5, 2013

Dear VOR Members, Advocates and Friends,

This week, VOR's Larry Innis is hand-delivering a [VOR letter](#) to every Member of the 113th Congress. With this letter, we will introduce VOR to new and returning Members, and call on Congress to investigate the human impact of deinstitutionalization by federally-funded agencies by holdings hearings and supporting reform.

"In stark contrast [to Olmstead, the [Developmental Disabilities Act](#), and Medicaid law], some executive branch agencies are undermining federal law and individual choice," states VOR in its letter to Congress. "The U.S. Department of Justice's Civil Rights Division (DOJ) and the U.S. Department of Health and Human Services' Administration on Intellectual and Developmental Disabilities (AIDD), through its Protection & Advocacy (P&A) and DD Council programs (created by the DD Act and located in every state), proactively seek total closure of licensed facilities."

VOR's [letter](#) submits that federally-funded closure activities not only violate federal law, but are pursued without regard to the individual need or choice, resulting in [well-documented, predictable tragedies](#) when fragile people are evicted.

TAKE ACTION

To help make sure VOR's letter is given the attention it deserves, **Congress also needs to hear from constituents.** With one [click](#), you can tell your U.S. elected officials what you think:

ACTION STEPS and TEMPLATE MESSAGE

1. [Visit Congress.org's "Contact your federal officials" website by clicking here.](#)
2. Change the subject line to re: **Hold Hearings on Deinstitutionalization Impact, Support Reform.**
3. **Add a letter. Here is a proposed template:**

My family member with intellectual disabilities (I/DD) receives highly specialized, high quality care in a Medicaid-licensed residential home. As a family member and legal guardian, I know best my loved one's care needs.

Yet, some federally-funded agencies, such as the U.S. Department of Justice (DOJ), the National Council on Disability (NCD), and Administration on Intellectual and Developmental Disabilities (AIDD) programs (such as Protection & Advocacy and DD Councils), are spending considerable federal funding on lawsuits, publications and advocacy to evict my family member from [HIS/HER] home. These activities in support of deinstitutionalization violate my family members' rights, Congressional intent and federal law in support of residential choice based on individual needs.

Please support Congressional hearings to investigate federal DOJ, AIDD, and NCD actions which place my family member and all people with I/DD at great risk (see also, VOR's letter with this call to action: <http://vor.net/images/CongressCover2013.pdf>)

Predictable tragedies are well-documented. Reform is needed.

4. Add your complete contact information: This is necessary to ensure your letter is delivered directly to your Members of Congress.

THANK YOU!

Please take action! We must let Congress know that choice and quality of care matters. It's our right!

(For your convenience, a copy of VOR's Letter to Congress is available on the next page and also on our [website](#)).



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Dear Members of the 113th Congress,

March 6, 2013

Across the country, families and guardians of individuals with profound intellectual and developmental disabilities (I/DD) welcome new and returning Members to the 113th Congress and **thank you** for your service to our nation.

Reflecting the diversity of our members' experiences, VOR is the *only* national advocacy organization that supports a full range of residential options, from own home, to small residential settings to federally-licensed facility-based homes.

Like Congress and the Supreme Court, we oppose defining "choice" artificially to eliminate the facility-based option ("deinstitutionalization"). Instead, VOR supports the expansion of critically needed, high quality community supports, while also maintaining the option of federally-licensed facilities, based on individual choice and the severity of disability.

The enactment of the Americans with Disabilities Act (ADA) and the Supreme Court decision interpreting it (*Olmstead*) supports a full range of residential options. The ADA and *Olmstead* encourage community expansion while also respecting the right of residential choice. Consistent with these principles, Congress supports funding for Medicaid Home and Community Services option ("HCBS") and congregate Medicaid facilities for people with I/DD (e.g., ICFs/ID). Likewise, the Developmental Disabilities Act (DD Act) encourages individual choice among a full array of residential options and community expansion.

In stark contrast, some executive branch agencies are undermining federal law and individual choice. The U.S. Department of Justice's Civil Rights Division (DOJ) and the U.S. Department of Health and Human Services' Administration on Intellectual and Developmental Disabilities (AIDD), through its Protection & Advocacy (P&A) and DD Council programs (created by the DD Act and located in every state), proactively seek total closure of licensed facilities. These closure activities are pursued regardless of the degree of disability and in complete disregard for individual and family / court appointed guardian choice. DOJ and AIDD programs' lawsuits and activities to dismantle specialized facilities continue despite clear federal law and even though there is well-documented evidence of harm and even death to the displaced individuals.

It is time for Congress to investigate. It has been 13 years since the Developmental Disabilities Act has been reauthorized. VOR asks you to **please support hearings** in the Senate Health Education Labor and Pensions (HELP) Committee and the House Energy & Commerce Health Subcommittee to explore the impact of federally-funded closure lawsuits activities on the residents of facility homes. Please also support hearings in the House and Senate Judiciary Committees on the actions of DOJ to close facility homes. Federally-funded actions to close specialized Medicaid facilities often fail to protect the rights of the residents with profound I/DD by not taking into consideration federally-protected rights of residential choice and family/guardian decision-making or the capacity of community services to safely serve displaced residents. Predictable tragedies result.

Thank you for your consideration. If you have any questions, please contact Tamie Hopp, VOR's Director of Government Relations, at 605-399-1624 or thopp@vor.net. VOR and our members look forward to working with you.

Sincerely,

Ann S. Knighton, VOR President