

2015 VOR Report from Virginia

This letter shared with our parents in February 2015 is a report on actions taken by the Administration that thwarted the efforts of our supporters in the Virginia Senate and House during the 2015 session to preserve the Training Center option. The result means the closure of NVTC will happen. Our letter also summarizes the actions and those of the Parents and Associates Board that entitle your loved ones to quality care in the placements you choose for them.

NVTC Likely to Close; Your Rights to Quality Care for Your Loved Ones

With the 2015 session of the General Assembly scheduled to end on February 28, enough action or inaction has taken place to report where things stand with respect to the future of NVTC and the other Training Centers. The bottom line is that the McAuliffe Administration appears determined to close NVTC, and the General Assembly will take no direct steps to stop it; hence, NVTC is very likely to close. The future of CVTC and SWVTC remains unclear. Despite the likely closure of NVTC, we have accomplished a great deal in our three years of advocacy. As a result, you have legal rights to more residential options than were proposed in the original Settlement Agreement, and assurances from both the Commonwealth and DBHDS that your loved ones will receive care that is “comparable” to that received at NVTC in their new settings.

Late last year, Virginia State Senators Newman and Puller, Delegate Eileen Filler-Corn, Bill Murray (the policy director for then Governor-elect McAuliffe’s transition team), and Peter Kinzler met with the Governor and his staff to urge him to keep NVTC and the other Centers open. The Governor agreed to task Joe Flores, the new Deputy Secretary of Health and Human Resources, to assess the costs of such an action. We were encouraged that this would produce a fresh, intellectually rigorous examination of the comparative costs of Training Center care and comparable care in the community. Unfortunately, opposition from elsewhere in the Administration resulted in the study barely getting started before the 2015 General Assembly session began, and did not deter key Administration officials from opposing all efforts to keep more Training Centers open.

Senator Steve Newman once again led the fight in the Senate to keep more Centers open. He introduced SB 1300, which would have delayed closure of

NVTC to December 31, 2016 (at the earliest) and required the Administration to identify at least three Centers to keep open. The following Senators supported his effort by co-patroning the bill: Dick Black, Creigh Deeds, John Edwards, Barbara Favola, Thomas Garrett, Janet Howell, David Marsden, John Miller, Chap Petersen, Linda (Toddy) Puller, and Jennifer Wexton. Five Delegates also signed on: David Bulova, Benjamin Cline, Eileen Filler-Corn, Ken Plum, and Scott Surovell. With this impressive group of supporters, the bill was reported out of the Senate Committee on Rehabilitation and Social Services on January 30 by a vote of 12 -2 and referred to the Senate Finance Committee.

There, thanks to a highly costly impact statement from the Administration (and a dubious one from our standpoint, based on the excellent analytical work of Bob Anthony), the Finance Committee failed to move the bill forward.

Instead, the Finance Committee included language in the budget to require the Special Joint Subcommittee to Consult on the Plan to Close State Training Centers to continue to monitor and review closure plans, and required DBHDS to provide quarterly accountings of the costs of operating the Centers. We worked on a floor amendment to strengthen the Committee language, but the patrons chose not to offer it because of political considerations.

The House took no action, so the best result that can come out of a conference between the Senate Finance and House Appropriations Committees is the Senate language.

Given the determination of the Administration to close all Training Centers, and DBHDS' earlier sabotaging of the work group to consider options to keep more Training Centers open, we see little chance that NVTC will remain open after the scheduled closure date of March of 2016.

However, our efforts to preserve NVTC as an option have produced several benefits for us all going forward.

- Our legal efforts clearly established families' rights to Training Center care for their loved ones, although not necessarily at the Training Center they prefer. Virginia is obligated to keep at least one Training Center open. Although CVTC and SWVTC are at risk of closure, their later closure dates, at a minimum, should provide time

for local NoVA community supports to mature.

- SB 627, whose chief patron was Senator Newman, became law in 2014. It requires DBHDS to certify that Training Center residents will receive “comparable” supports and services wherever they move, into the community or to another Center. Although the form used for this certification expresses the opinion of those interested in moving residents out, you have the option to challenge any obvious gaps, or decline a proposed move based on the extent or quality of care offered.

- The Department has offered verbal assurances that local quality placements will be offered to current NVTC residents and that no one who is willing to accept a community placement will be moved to another Training Center.

- Our advocacy has garnered a great deal of support in the General Assembly, and the follow-on oversight provided by the Special Joint Subcommittee could be a promising forum for highlighting any shortcomings in holding the Department to its promises.

- Virtually everyone who depends upon a community placement is aware of the need for better wages for support staff in NoVA, sufficient funding to expand group home capacity, access to dental and other health services, and improved quality management practices to prevent problems and report how well supports are serving those with complex needs. We need to continue to make the Department and the General Assembly aware of these needs in order to improve supports for all. We wish we had better news from the legislature, but we think it is our job to give you as accurate an assessment as possible. All that said, we have some wonderful champions in the

General Assembly whom we will thank for three years of efforts in trying to keep NVTC and the other Training Centers open to continue to provide the excellent services they have since their creation.