

ISSUES OVERSIGHT COMMITTEE REPORT 2021 AND 2020

Committee members: Mary Vitale (Chair), Jill Barker, Harris Capps, Sam Friedman (President)

Staff: Hugo Dwyer

ACCOMPLISHMENTS JUNE 2019-2021

** The Issues Oversight Committee (IOC) completed the update of a Background Check for Direct Support Professionals Position Paper. This document can be found at this link:

<https://vor.net/item/improving-background-checks-for-direct-support-professionals>

** In 2020/2021 the focus has been legislation aimed at eliminating 14c certificates of the Fair Labor Standards Act that allow vocational work centers (sheltered workshops) pay wages depending on productivity. Without 14c certificates, sheltered workshops would be forced to close.

Current legislation:

H.R. 603, S. 53 Raise the Wage Act

H.R.2373 Transformation to Competitive Integrated Employment

The IOC updated one document and created a second document on 14c certificates and vocational work centers. These documents were sent out as an Action Alert and also used as material for the 2021 Legislative Initiative. The National Council on Severe Autism included the Action Alert on their website. The documents can be found at: https://vor.net/images/stories/2020-2021/2021_Virtual_Legislative_Initiative/4_Please_Protect_Vocational_Centers_and_Section_14c_Wage_Certificates.pdf

** The IOC continues to keep updated on several issues affecting persons with intellectual disabilities and shares the information. Some webinars attended:

Webinar ACL: Navigating Provider Transformation 5-28-2020

<https://aahd.us/wp-content/uploads/2020/06/ACL-CMS-NavigatingProviderTransformation.pdf>

Webinar ARC: Debunking the Myths of Supported Decision Making and Guardianship. 9-8-2020

<https://thearc.org/resource/debunking-the-myths-of-supported-decision-making-and-guardianship/>

Webinar: Guardianship - National Center on Law and Elder Rights 2-2021

<https://ncler.acl.gov/getattachment/Legal-Training/WINGS-slides.pdf.aspx?lang=en-US>

** One of our next issues may be to develop a Position Paper on Managed Care of Medicaid. A report by the Government Accounting Office, published Nov 16, 2020, will be reviewed.

<https://www.gao.gov/products/gao-21-49>

HISTORY OF ISSUES OVERSIGHT COMMITTEE

Because of the many issues affecting persons with intellectual disabilities, in 2013 the Issues Oversight Committee (IOC) was established as a standing committee of VOR. The IOC work is to identify and respond to issues that are not being addressed by other committees. Some of the organizations we began to watch were:

National Disability Rights Network (NDRN) [P&A's], National Council on Disabilities (NCD),
President's Committee for People with Intellectual Disabilities (PCPID),
National Association of State Directors of Developmental Disabilities Services (NASDDSS),
ARC, ADAPT, United Cerebral Palsy (UCP) reports

ACCOMPLISHMENTS

One of the first major accomplishments was the publication of a VOR survey in April 2015 in response to the UCP reports that are published each year. [VOR Survey: Giving a Voice to Families and Guardians of Individuals with Intellectual and Developmental Disabilities in Various Residential Settings](#)

The next major issue we covered was guardianship. As background information:

In 2011 the National Guardianship Network of 10 organizations met in Utah for the Third National Guardianship Summit. A list of Standards and Recommendations for guardianship was adopted.

https://www.americanbar.org/content/dam/aba/administrative/law_aging/2011_Third%20National%20Guardianship%20Summit%20Standards%20and%20Recommendations.authcheckdam.pdf

These recommendations include the concept of supported decision making as an alternative to court appointed guardianship.

The IOC Committee has educated families and organizations about VOR's position on guardianship:

**wrote a document entitled "VOR Position Paper: Guardianship vs. Supported Decision Making - Issues to Consider Regarding Guardianship and Supported Decision Making".

**published an article in Dec 23, 2016 issue of EP Magazine entitled "Issues to Consider Regarding Guardianship and Supported Decision-Making".

**communicated by letter with VOR concerns to:

National Guardianship Association March 2017

American Bar Association July 2017

Uniform Law Commission July 2017

American Judges Association April 2018

Conference of Chief Justices April 2018

Conference of State Court Administrators April 2018

National Center for State Courts April 2018

National College of Probate Judges April 2018

National Governors Association April 2018

NCD November 2018 response to Beyond Guardianship report of March 2018

** In the fall of 2018 we reviewed and responded to a 200 page National Council on Disability document entitled "Beyond Guardianship: Toward Alternatives That Promote Greater Self-Determination for People with Disabilities". We responded to the 7 major findings of the NCD report.

**encouraged VOR members to be aware of their State Guardianship Associations

**stayed aware of the United Nations Convention on the Rights of Persons with Disabilities (CRPD)