



Speaking out for people with
intellectual & developmental
disabilities



www.vor.net



/VOR



@VOR_NET



info@vor.net

**Reminders:
Help VOR Grow!**

VOR Weekly News Update

News and views for VOR Advocates

**[Registration](#) and [Sponsorship Details](#) are now
availability for VOR's Annual Conference and
Washington Initiative, June 8 - 12, 2013 in
Washington, D.C. Please join us!**

***Did you receive this as forwarded e-mail? If so,
someone thought you would benefit from VOR's
information. Please consider [joining VOR](#) and
receive this E-News Update publication weekly!***

Table of Contents

Calendar Reminders

[Breaking Legal News](#)

1. **Illinois:** Parents, guardians, advocates file class action lawsuit against state to block closings of residential centers for severely disabled

State News

2. **Maryland:** Caretaker fights state to get disabled woman needed care; Virginia Massa's legal guardian says she needs facility-based care

3. **Virginia:** Plan to close Virginia facilities stokes worry for families of the developmentally disabled

4. **California:** State's information blockade; Requests for access met with frustration

Is this what "integration looks like?"

5. **Marvland:** Man with Down syndrome who

**Challenge!
Recruit 5 New
VOR Members
Today!**

**Make a Lasting
Impact with a
Will Bequest**

**VOR.net:
Your one-stop
advocacy
resource**

died in police custody loved law enforcement
6. Wisconsin: New state law conceals records of abuse, neglect in nursing homes; Tort reform puts vulnerable residents at risk, critics say
7. NPR: Prisons as Treatment Centers

Calendar Reminders

* **Rescheduled!** **The State Coordinator and Member Webinar is now scheduled for Wednesday, March 13 at 12:00 pm central / 1:00 pm mountain**

[Click here to register.](#) Registration details are also provided at the end of this Update.

***Through May 1, 2013:** **Be a Sponsor. Get a Sponsor: Support VOR's Conference and Initiative. Sponsorship opportunities, in partnership with EP Magazine, are now available.**

* **Sunday, June 9, 2013**

VOR Annual Conference * Washington, D.C. [Registration now available.](#) [Details online.](#)

* **Begins Monday, June 10, 2013**

VOR Washington Initiative (Begins Monday, June 10, 2013) * Washington, D.C. [Details online.](#)

Breaking Legal News

1. Illinois: Parents, guardians, advocates file class action lawsuit against state to block closings of residential centers for severely disabled

***Chicago Sun-Times* * February 19, 2013**

Warning that Gov. Pat Quinn's plans to close the state's residential developmental centers will leave severely disabled residents at risk of neglect, abuse and even death, parents, guardians and disability rights groups are suing the state in an attempt to block the closures.

Nearly a dozen parents and guardians of adults with serious mental or physical disabilities — including several from the Chicago area — have joined the federal class-action lawsuit against the Illinois Department of Human Services.

They say the closure late last year of the Downstate Jacksonville Developmental Center

and the imminent closure of the Murray Developmental Center in Centralia mean hundreds of men and women who are unable to care for themselves will now have to live in one or two-bedroom homes which are neither medically licensed nor staffed with on-site medical professionals.

The Quinn administration, which ordered the closures as part of its efforts to close a \$13 billion budget deficit, says the move will both save money and place residents in small community settings where they can be more independent and live nearer their families. It has proposed to close up to four of the state's eight developmental centers and has won backing for its plans from some disability advocate groups, who say the centers institutionalize residents.

But Judy Sherwin, an attorney representing parents and guardians, said the state ultimately plans to close all eight centers. Many residents rely on round-the-clock medical care, she said, citing the case of a 55-year-old man who has the mental faculties of a nine-month old baby.

Calling the developmental centers "a safety net for the most severely disabled people in the state," she said that the state was imposing a "cookie cutter solution that doesn't fit everybody."

Januari Smith, a spokeswoman for the state Department of Human Services, declined to comment on the lawsuit but said that Quinn was committed to "increasing community care options."

"The process of transitioning individuals out of state operated developmental centers has been and will continue to be careful and deliberate," she added.

The Case # is 1:13-CV-01300.

The [Complaint](#) is available on VOR's website.

Related article: [New Push to Prevent Murray](#)

Reminders: Help VOR Grow!

Challenge!
Recruit 5 New
VOR Members
Today!

Make a Lasting
Impact with a
Will Bequest

VOR.net:
Your one-stop
advocacy
resource

[Developmental Center Closure \(WSIL TV Newscast \(video\) Feb. 13, 2013\)](#)

State News

2. Maryland: Caretaker fights state to get disabled woman needed care; Virginia Massa's legal guardian says she needs facility-based care

*WBALTV 11 * February 20, 2013*

Editor's Note: This newscast and story features, VOR Board Member, Mary Reese, and her step-daughter, Virginia Massa. VOR also published [her story with its remarkable ending](#): Virginia's admission to Holly Center, a federally-licensed Medicaid facility, after a long legal battle.

[Great Newscast Video](#)

BALTIMORE -- The 11 News I-Team has been following a rare legal battle that challenged state and federal laws that say all developmentally disabled individuals should live in the community and not in state-run institutions.

Virginia Massa, 68, outlived her parents and currently cannot talk. Those who have been speaking for her have been fighting for almost a decade about where she should live and who gets to make that choice.

"Don't you dare tell me where Virginia needs to live," said Mary Reese, Massa's passionate legal guardian.

[Read more and view video](#)

3. Virginia: Plan to close Virginia facilities stokes worry for families of the developmentally disabled

*The Washington Post * February 17, 2013*

Background: On January 24, Washington Post reporter Corinne Reilly and photographer Nikki Kahn toured the Northern Virginia Training Center (NVTTC). Following the tour they met

with the NVTC parents who had accompanied them. Corinne later conducted in-depth interviews. The result is an outstanding article entitled "[Plan to close Va. institutions stokes worry for families of the developmentally disabled](#)" with an accompanying [photo gallery](#).

Plan to close Virginia facilities stokes worry for families of the developmentally disabled

On his bad days, Adam Bertman would crush light bulbs with his bare hands. He once launched the heavy lid of a toilet tank down the stairs, striking a caregiver.

One of his worst days came in fall 1998, when Bertman, who has autism and brain disease, became upset while out for a supervised walk. He started throwing rocks at cars and was so out of control by the time police officers arrived that they pulled their guns.

That was Bertman's life before he entered the Northern Virginia Training Center in Fairfax, one of the commonwealth's five state-run institutions for the developmentally disabled. It was before he developed relationships with the center's staff members, who have learned to read his body language for signs that he is becoming agitated.

But now, as the state prepares to close four of the five centers and move their residents to community-based group homes, his mother, Judith Korf, worries that Bertman, 41, will end up in the same situation again.

She and other family members are fighting the plans, arguing that their loved ones, many of whom are so disabled they have problems with basic functions, such as swallowing food, need far more care than they will probably get in community settings. Indeed, Bertman is not the only one at the Fairfax center who landed there after community placements failed.

[Read More](#)

[View Photo Gallery](#)

4. California: State's information blockade; Requests for access met with frustration

*Index-Tribune (Sonoma, CA) * February 14, 2013*

The campus of the Sonoma Developmental Center, all 1,000 acres of it, may appear open, but the doors are closed – as are the lines of communication. The Department of Developmental Services (DDS), which runs SDC, has a history of withholding information, or outright obfuscation, which some have noted has only become more heightened as SDC has come under greater press scrutiny over abuse incidents and greater pressure from federal regulators for not meeting compliance standards.

Anyone can drive through SDC – Arnold Drive runs right through its center – and members of the public can often be found jogging, walking and hiking around different parts of the campus. The buildings themselves are, of course, off limits, but for all intents and purposes the campus is public land. But attempts to access even routine information about programs or the facility, or to interview members of the SDC staff, are regularly met with a virtual shut down of communication on the part of DDS.

Over the past few months, DDS has categorically refused every specific interview request the Index-Tribune has made to speak to anyone at SDC, from top-level administrators on down. Typically, the paper will be told by a DDS spokesperson that the request is being considered, and then two to three weeks later, will be told that the request has been denied.

Difficulty in obtaining records, information and access from DDS is not limited to media outlets. Other organizations relying on DDS have experienced similar frustrations.

Kathleen Miller, who is the head of the PHA and the mother of a resident at SDC. has

experienced delays and stalls on her own PRA requests. Miller said she made specific requests to access data she knew DDS was required to keep, data that would help her organization, which represents the families of residents of the developmental centers, plan for the future and assist its members. At first she received no response for longer than permitted by the PRA. When the request was eventually fulfilled, she said it was so shockingly inaccurate as to be barely usable.

Coby Pizzotti, who represents the California Association of Psychiatric Technicians (CAPT) – psych techs represent the largest group of direct-care staff at SDC and other state facilities – said his organization has hit similar roadblocks when requesting basic information.

Until 2009, CAPT received monthly reports from DDS on over-time hours its members had worked at state facilities. But then CAPT sent out a press release critical of the overtime situation and calling for more staff to be hired. Suddenly, the monthly reports stopped coming, and requests to get the information have not been returned.

Pizzotti says CAPT still gets the overtime information regularly from the state hospitals, but nothing from DDS. In addition, DDS has not been responsive for requests for meetings, Pizzotti said.

“We’ve offered several times to meet with DDS, we’ve asked for additional training in a couple of letters recently, and we haven’t heard back from them,” said Pizzotti. “We’ve heard nothing but silence.”

[Read More](#)

Is this what “integration looks like?”

5. Maryland man with Down syndrome who died in police custody loved law enforcement

***The Washington Post* * February 19, 2013**

Fascinated with law enforcement, Robert Ethan Saylor would sometimes call 911 just to ask the dispatchers a question. He loved talking to police officers and was a loyal follower of the TV show “NCIS.”

Now, his death at age 26 is the subject of a criminal investigation that has left those who knew him in his Frederick County community and those who didn’t around the country wondering: How did [a young man with Down syndrome die](#) in an encounter with the very people he idolized?

[Read more](#)

6. Wisconsin: New state law conceals records of abuse, neglect in nursing homes; Tort reform puts vulnerable residents at risk, critics say

***The Northwestern* * February 18, 2013**

Joshua Wahl’s life had never been easy. But he was happy, his mother said.

Wahl has spina bifida, is brain damaged and paralyzed from the chest down. At age 32, he lived at a group home in Menomonie, where he loved coloring and going on picnics, said his mother, Karen Nichols-Palmerton.

In October 2011, Wahl was rushed to a hospital for treatment of a bedsore so severe that doctors feared he would be permanently bedridden.

A state health department investigation report later found he had the bedsore at Aurora Residential Alternatives for four months before being hospitalized. The facility never told the state or Nichols-Palmerton about it, as required by state law, according to state officials.

Now Nichols-Palmerton is suing Aurora for alleged negligence, seeking punitive and compensatory damages.

But changes to Wisconsin law passed two

years ago mean her attorney cannot use state investigation records as evidence in the lawsuit, which alleges a four-month pattern of neglect. [In addition to nursing homes and assisted living facilities, the new state law covers group homes and adult family homes (3 bed or less homes, including ones serving developmentally disabled individuals.)]

[Read More](#)

7. NPR: Prisons as Treatment Centers

NPR's All Things Considered * February 20, 2013 and September 4, 2011

a. February 20, 2013: Georgia Death Penalty Under Renewed Scrutiny After 11th-Hour Stay

A Georgia inmate's execution was halted Tuesday night with less than an hour to go. Prison officials had already given Warren Lee Hill one of the drugs when a federal appeals court stepped in. Hill has an IQ of 70 and his attorneys have long claimed that he's mentally impaired. His case is now raising questions about Georgia's law, which makes it difficult for defendants to prove they should be exempt from execution.

[Listen to the Story](#)

b. Nation's Jails Struggle With Mentally Ill Prisoners

Three hundred and fifty thousand: That's a conservative estimate for the number of offenders with mental illness confined in America's prisons and jails. More Americans receive mental health treatment in prisons and jails than in hospitals or treatment centers. In fact, the three largest inpatient psychiatric facilities in the country are jails: Los Angeles County Jail, Rikers Island Jail in New York City and Cook County Jail in Illinois.

[Listen to the Story](#)

State Coordinator and Member Webinar: Free and open to ALL VOR Members

Date: Wed, March 13, 2013

Time: 10:00 AM Pacific; 11:00 AM Mountain; 12:00 PM Central; 1:00 PM Eastern

Dial-In Number for Audio: 866.740.1260

[Registration Link](#)

Access Code: 4562930

Tel: (605) 399-1624
Toll Free: (877) 399-4867
Fax: (605) 399-1631
Email: info@vor.net

JOIN VOR. DONATE TO VOR. MAKE A DIFFERENCE

If you no longer wish to receive these emails, please reply to this message with "Unsubscribe" in the subject line or simply click on the following link: [Unsubscribe](#)

[Click here](#) to forward this email to a friend

VOR
836 S. Arlington Heights Rd.
#351
Elk Grove Village, Illinois 60007
US

[Read](#) the VerticalResponse marketing policy.

