



Speaking out for people with intellectual and developmental disabilities

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## VOR Weekly News Update

News and views for VOR advocates

**VOR is a national organization that advocates for high quality care and human rights for people with intellectual and developmental disabilities.**

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#### VOR and You

1. Follow VOR on Twitter! @VOR\_NET

VOR is happy to announce that it now has a [Twitter](#) page. If you have access to the Internet, this will allow you to get updates on VOR activities and updates as they happen. We plan on tweeting at least 2-3 times a week.

You must have your own twitter account to follow VOR. To create a twitter page, go to [twitter.com](http://twitter.com). You will be asked to create a username and password. You will then be asked to "follow" five people or organizations. You can search for who you know. The official VOR twitter page name @VOR\_NET. Just click on the logo and select "follow."

2. [Press Release: Caregivers of people with profound](#)

**intellectual disabilities need options, not abandonment**

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**PLEASE VOR's PRESS RELEASE WITH YOUR SHARE  
WITH YOUR LOCAL MEDIA**

**For Immediate Release**

**July 12, 2012**

It's hard for average families to fathom what would drive a mother to abandon her disabled daughter, as reported by the Daily Herald, a Suburban Chicago newspaper ("[Algonquin mom: Leaving disabled woman in Tennessee was best](#)," July 7). Yet, this story is repeated across the country, often with "murder-suicide" being the escape for those involved.

**Read complete press release**

**3. VOR Submits Written Testimony Supporting Olmstead:  
U.S. Senate Hearing**

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June 28, 2012

On June 28, 2012, VOR submitted written testimony for the record for the Senate Health, Education, Labor and Pensions (HELP) Committee Hearing, "Olmstead Enforcement Update: Using the ADA to Promote Community Integration," held June 21, 2012.

Consistent with Olmstead and a myriad of federal laws, VOR strongly supports a continuum of quality care options to meet the wide range of needs, ranging from family home, own home and other community-based options to Medicaid-licensed facility-based homes (ICFs/MR).

**Read Testimony**

**4. VOR Submits Federal Comment Urging Independent  
Oversight of P&As**

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**June 28, 2012**

VOR remains very concerned that nearly all measures of accountability for P&As are self-reported, including annual program performance reports. Although subject to reauthorization, Congress has not reviewed DD Act program outcomes and considered reauthorization since 2000.

It is alarming that these self-developed annual program performance reports will be used by ADD to "respond to administration and congressional requests for specific information about program activities" and "to submit a Centennial Report to Congress." These are self-reporting activities that are of little objective value in measuring "Performance and Results."

At minimum, VOR suggests that P&A program performance

reports be subject to an independent audit to ensure accuracy. Additionally, organizations representing residents of licensed intermediate care facilities for persons with mental retardation (ICFs/MR) and their families, and others, should be allowed to review these reports prior to publication and be provided an opportunity to respond, with dissenting perspectives included in the reports submitted to the Administration and Congress.

**Read More.**

**Read related comment regarding state developmental disabilities council performance evaluations.**

**Read VOR's Urgent Call for Reform and Reauthorization of the Developmental Disabilities Assistance and Bill of Rights Act.**

**5. VOR Submits Federal Comment: Defining "Community"**

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**June 28, 2012**

VOR submitted detailed comments in response to proposed rule CMS-2249-P2 (May 2, 2012) with regard to "Medicaid regulations to provide home and community-based setting requirements of the Affordable Care Act for the Community First Choice State plan option," and for the Medicaid Home and Community-Based Services (HCBS) Waiver, including defining and describing "community."

Amendments are needed to ensure adherence to the choice principles espoused in the preamble of the proposed rule and required by federal law. Olmstead supported a range of options. The Court expressly recognized "institutional care" as one legitimate option. The proposed rule must take care not to further limit choice by reducing funding for innovative programs which CMS – not the Supreme Court or even Medicaid law – deem "institutional."

**Read More**

**[Read comments by LTO Ventures](#)**

**STATE NEWS**

**6. Connecticut: Video shows alleged abuse at group home**

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**Hartford Courant \* July 11, 2012**

A video that appears to show a group home employee kicking an intellectually disabled person and dragging her by the hair has prompted an investigation of the agency that runs the East Hartford home and the female worker, state officials said. Copies of the video were dropped off anonymously at three locations Tuesday — the state Department of Developmental Services in East Hartford; Options Unlimited Inc., the Bloomfield-based agency that runs the home; and WFSB

Channel 3.

"We looked at it, [and] we got a hold of the provider who at the same time was looking at it," DDS spokeswoman Joan C. Barnish said.

"The provider immediately placed the person in question in the video on unpaid leave."

Police said Wednesday the employee seen in the video was identified immediately, but they refrained from naming her publicly or providing other details about the criminal investigation.

Options Unlimited, a nonprofit agency based at 693 Bloomfield Ave., runs six homes that serve about 25 clients. All of its homes were placed under scrutiny — what DDS calls "enhanced monitoring" — after the video surfaced.

"I am outraged by the images in this video — this is absolutely unacceptable," DDS Commissioner Terrence W. Macy said in a prepared statement.

"Our immediate response was to ensure the accused staffer was removed from the premises and the victim is getting the proper care and support. DDS has begun our own investigation in conjunction with the investigation by the East Hartford Police, and we will work with authorities to aggressively prosecute any wrongdoing."

**[Read More](#)**

## **7. Kentucky families' success in keeping Supports Intensity Scale assessment tool out of ICF/MR**

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**Source: Parent-Relative Organization for Oakwood Facilities (PROOF)**

**Related document: [Emerging Threat: Use of the Supports Intensity Scale Assessment Tool for ICF/MR Discharge \(VOR, June 2012\)](#).**

July 2012

Dear PROOF Board,

For over a year, the VOR staff and VOR members from Kentucky, Louisiana, and Tennessee have been actively voicing shared concerns regarding their states actual and announced plans to adopt and use the Supports Intensity Scale (SIS) assessment test. The SIS assessment was introduced in Kentucky as part of a Home and Community Based Services (HCBS) Medicaid waiver approved by CMS in August 2011.

Our concerns included the use of the test to assess ICF/DD (formerly ICF/MR) residents who have not expressed a desire either themselves or through their court appointed representatives to transition from their ICF/DD home to a HCBS

community-based residential setting.

I am pleased to report to you that late last week I received notice from reliable sources that there are no plans to conduct SIS assessments on a widespread basis for all individuals who reside at the Oakwood ICF/DD. The SIS assessments will be completed for those Oakwood residents who are currently in the transition process and residents that express a future interest in moving to a community-based residence.

In a letter to me dated May 31, 2012 Commissioner Hall confirmed five additional significant understandings that improve the standing of families and guardians related to the SIS assessment process. A copy of that letter is attached. The SIS assessment VOR position paper "Emerging Threat" is also attached for you records.

On May 15, 2011 the PROOF Board voted to publish comments on the Kentucky HCBS waiver application. Comments on the SIS assessment test were part of those published comments.

Without the support provided by VOR these results would more than likely not have been possible.

Sincerely,

*Don Putnam*

Member, PROOF Board

**8. California: Care homes should put clients ahead of profits**

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**Tony Myers, California Association of Psychiatric Technicians \* July 9, 2012**

Re "Care home pay fight resolved" (Our Region, July 6): While I am appalled that adult care home owners owed employees more than \$850,000 in back wages, I am far from surprised. Throughout California, thousands of vulnerable people are being cared for by unregulated, unlicensed "direct-care professionals" toiling away with just a few days training in group homes with little oversight and few inspections.

Instead of paying fair wages to provide the best professional care possible to these individuals, what are these private group-home owners doing with the public funding? In a more just world, instead of pocketing the profits to the detriment of clients, workers and taxpayers, they would be doing all they could to provide the highest quality of care.

**9. Children and adults more likely to be victims of abuse, concludes study**

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**Disability Scoop \* Friday, July 13, 2012**

Children with disabilities are four times more likely than

typically developing kids to be victims of violence, according to a first-of-its-kind global analysis.

Likewise, adults with disabilities are significantly more likely to be victims of violence than those who are typically developing, according to a new global analysis.

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