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October 18, 2013



Speaking out for people with  
intellectual & developmental  
disabilities



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**Reminders:  
Help VOR Grow!**

# VOR Weekly News Update

News and views for VOR Advocates

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If not us,  
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**Reminder!** [Take Action – Call on National Council on Disability to Support Choice](#)

### **VOR and You**

#### **1. Annual Celebrating Home – Bringing Families Together Fundraiser: Shop early for the Holidays and benefit VOR!**

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VOR is pleased to announce once again our annual partnership with Celebrating Home, a company which sells candles, candle holders, gift wrap, cookbooks and more. Celebrating Home products make great gifts for family and friends.

**Here's the best part: VOR will receive 50% of all sales!**

To get started just [click here](#) and register as a participant. Once registered, you will have access to the VOR2013 template and shopping link which you can forward to your friends, family, staff, advocates and others via email, Facebook, twitter and more.

**[For more information click here.](#)**

***Thank you and happy shopping!***

#### **2. VOR Responds to Commission on Long Term Care Recommendations**

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VOR supports the Commission on Long Term Care's [recommendations](#), released September 12, 2013, that called on Congress to recognize the need for a long term care delivery system (LTSS) that is truly person-centered by focusing on individual needs to ensure that "people can access quality services in settings they choose."

## Reminders: Help VOR Grow!

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and “improve focus on quality across settings of LTSS - with particular attention to home and community-based services.”

[VOR submitted written comments](#), calling on the Commission to recognize the need for an array of long-term care options to meet the diverse needs and choices of people with disabilities. VOR also sought Commission support for national background checks, livable wages, licensing, certification, and ongoing training for direct care workers.

In response, the Commission supported a “LTSS system that is able to support family caregivers and attract and retain a competent, adequately-sized workforce capable of providing high quality, person- and family-centered services and supports to individuals across all LTSS settings.” The Commission also recommended that the “federal government work with states to enable national criminal background checks for all members of the LTSS workforce.”

“In June, VOR called on Congress to support national background checks and to further study the relationship between key direct staffing issues and quality of care,” said David Hart, Chairman of VOR’s Legislative Committee. “Likewise, the Commission’s recommendations support greater attention to background checks, livable wages, adequate training, and retention. In this regard, we’re quite pleased.”

The Commission on Long Term Care was comprised of 15 Senate, House and Presidential appointees.

[Read VOR's Response](#)

### Legal News

#### **3. Illinois: Judge Rules Murray Center Lawsuit Can Move Forward**

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*WSIL TV* \* Oct. 9, 2013

Federal Judge Marvin Aspen entered a ruling rejecting the State's (Defendant's) Motion to Dismiss, allowing a lawsuit filed by the Murray Parents' Association and developmentally disabled groups (Plaintiffs) to move forward on all major claims, including the Americans with Disabilities Act, Equal Protection, and Medicaid. Plaintiffs are trying to block the closure of the Murray Developmental Center in Centralia, Illinois. In [an earlier decision](#), the Judge granted the Plaintiff's request for a temporary restraining order, preventing any transfers from Murray Center, unless by choice, until further review by the Court.

Gov. Pat Quinn wants to close the facility as part of a strategy to save money and have more community-based care for people with disabilities. Aspen says the state hasn't proven moving residents to community based care is less costly than another alternative.

Regarding *Olmstead*, the Supreme Court's landmark ADA decision, Judge Aspen wrote, *"In light of the Supreme Court's admonitions, Defendants' reliance on Olmstead here is misplaced. Surely Olmstead requires Defendants to provide community-based treatment when the three prerequisites, including patient consent, are satisfied. But Defendants' efforts to comply with Olmstead do not justify the alleged forcing of CILA [community] placements on class members and their guardians who vigorously oppose such placements. While Defendants may wish to encourage community-based treatment for all who qualify and consent pursuant to Olmstead, Plaintiffs' complaint alleges far more draconian conduct. Plaintiffs claim that Defendants have predetermined group placements for the class members regardless of their needs, preselected guardian "choice" on authorization forms, threatened to evaluate and transfer class*

members over guardian objections, and denied guardian attempts to secure alternate SODC placements in lieu of community placements. Certain individual Plaintiffs also allege that Defendants have informed them that, if they persist with their opposition to CILA placements, their wards will be evicted and, if other arrangements are not found by the guardians, Defendants will select housing for their wards regardless of consent.

"Although Olmstead does not entitle Plaintiffs to any affirmative relief, it does not require -- and in fact explicitly discourages -- Defendants' alleged conduct. As a result, Defendants cannot claim that their duty to comply with Olmstead is a rational basis for the alleged decision to force all of the class members into CILAs [waiver homes] despite individual needs and guardian objections."

[Read more, comment and share](#)

[Read Decision](#)

## State News

### 4. Virginia: Editorial: 'A long way to go' in future of training center

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Editorial Board \* News & Advance (Lynchburg, VA) \* September 29, 2013

For parents and guardians of loved ones at Central Virginia Training Center, the fight has just begun. For the state, which has shown little interest in what those parents want, the clock is ticking toward 2020 — the faster, the better.

That's the date Virginia officials who hold the future of nearly 300 souls at CVTC in their hands will turn out the lights and lock the doors at the training center, the largest of its kind in Virginia. The institution in Madison Heights has been home for the profoundly mentally handicapped for more than 100 years.

Nearly 50 family members and guardians met

with state officials last weekend at the training center to discuss the center's closing. That's the only alternative the state sees. Jane Powell of Richmond begs to differ.

[Read more, comment and share](#)

**5. Nevada: Opportunity Village and other Las Vegas charities face major funding cuts; Congressional Delegation latest in Congress to raise concerns about [proposed CMS "community" rule](#)**

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*Las Vegas Review-Journal* \* October 17, 2013

Federal funding cuts are looming for local nonprofits that help severely disabled and elderly adults. Charity executives say the cuts are an unintended consequence hidden deeply in a maze of proposed Medicaid regulations changes.

Even [Nevada's Congressional delegation is intervening: It sent a letter](#) to federal officials noting concerns that the rules would "have the effect of eliminating or severely restricting long-standing and award-winning programs" that focus on the disabled.

Among the proposed tweaks are changes in what counts as job-related services, and codes that would bar community-based care from happening next door to an institution such as a hospital. The rules were supposed to take effect Oct. 1, but have been delayed until after Jan. 1.

The revisions would hit hard some Southern Nevada charities, which now count on Medicaid Home and Community-Based Services funding, very hard.

[Read more, comment and share](#)

**6. Kansas: Governor touts waiting list reduction plan; State funds now available to move about 650 into services, officials say**

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*Kansas Health Institute* \* September 11, 2013

Gov. Sam Brownback and other state officials

held a press conference today to announce the release of state funds to begin reducing the waiting lists for home- and community-based Medicaid services.

The \$18.5 million in additional state spending — first announced in April and subsequently approved by the Legislature — will allow the move of about 400 physically disabled and 250 developmentally disabled Kansans into services, the governor said.

"It's my hope that we'll be able to continue to do this and do more of it," Brownback said. "It's my effort and desire to get those waiting lists pulled down as rapidly as we can."

[Read more](#)

**Related: [National Waiting List Statistics from Kaiser Family Foundation](#)**

## **National**

### **7. Helen Cherry Receives National DD/ID Hero of the Year**

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**Medicalodges, Inc. and [Long Term Care Leader Blog](#) \* July 1, 2013**

Helen Cherry, RVP, Special Services, leader of New Hope Services, has been recognized by the American Health Care Association as the 2013 National DD/ID Hero of the Year.

Helen received the award at the American Health Care Association's (AHCA) 64th Annual Convention and Exposition in Phoenix, AZ, on October 7-10, 2013. VOR was an exhibitor at this Convention.

New Hope Services is part of Medicalodges, Inc., a residential and service provider for seniors and people with developmental disabilities in Kansas. New Hope Services provides community living options and supportive services for persons with intellectual and developmental disabilities.

**Quotable**

*“Our character is what we do when we think no one is looking.” ~ H. Jackson Brown, Jr.*

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**Calendar Reminders:**

**VOR 2014 Annual Conference and Initiative  
“Making it Happen: Reforming Policy and  
Law in Support of Person-Centered Quality  
and Choice”**

**Conference**

**Sunday, June 8, 2014**

**Hyatt Regency**

**Congressional Initiative**

**Week of June 9, 2014**

**Details coming soon**

**Archives**

**\*Social Media Strengths: Using Facebook and Twitter to Advance Your Cause (VOR, July 2013).** [Visit VOR's website for a copy of the powerpoint presentation and an audio of the event.](#)

**\* How Congress Works Webinar: [Recorded - Listen Here.](#) Tuesday, April 23, 2013 - 12:00 pm central / 1:00 pm eastern. How Congress Works: The Basics. Hosted by Peter Kinzler and Larry Innis.**

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