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Speaking out for people with intellectual & developmental disabilities



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**Reminders:
Help VOR Grow!**

April 24, 2015

VOR Weekly News Update

News and views for VOR Advocates

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Registration Remains Open through May 1, 2015

VOR and YOU

1. [Registration Open Through May 1, 2015 for VOR's Annual Conference](#)

2. Survey reports more families satisfied with care given in facilities; Survey includes facility, community voices

UPDATES ON FEDERAL "COMMUNITY" RULE

3. **North Dakota:** First Federal "Heightened Scrutiny Review" Results in Approval of Housing and Day Services on Intermediate Care Facility Campus; Protection & Advocacy and The Arc of North Dakota among those upset

4. **New Jersey:** Gov. Christie's releases revised disability housing plan

STATE NEWS

5. **Ohio:** Disabilities proposal removed from state budget

**2015
Conference:
Advocating for
Choice by
Expanding
Opportunities**

**Join or Donate
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About VOR

6. Texas: Closing state living centers heartless

QUOTABLE by Will Rogers

Calendar Reminders

VOR and YOU

1. Registration Open Through **May 1, 2015 for VOR's Annual Conference**

[Full Conference, Registration, and Hotel details are available on VOR's website.](#)

Thanks to the many of you who have already registered. We look forward to seeing everyone in Washington, D.C. this June. VOR and YOU

2. Survey reports more families satisfied with care given in facilities; Survey includes facility, community voices

***The Augusta Chronicle* * April 17, 2015**

For Jill Barker, it was a chance to hear voices that are not often included in official surveys – those with family members in state developmental centers and hospitals. A recently released survey by the advocacy group VOR finds those families are much happier with the care their loved one receives in those facilities than those receiving care in non-institutional settings.

[Read more, COMMENT and share](#)

(Comments from VOR members, families and advocates are encouraged to support this good article and to counter at least one negative comment and to support continued reporting of these issues).

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About VOR

North Dakota recently received approval from the Centers for Medicare & Medicaid Services (CMS) to provide Medicaid Home and Community-Based Waiver funded residential housing and day services on the grounds of the North Dakota Life Skills and Transition Center (LSTC), a state funded intermediate care facility (ICF/IID).

Federal approval for housing and day services on the ICF/IID campus came after a heightened scrutiny review by CMS, as required by the federal "community" regulation which requires all HCBS-funded services meet specific criteria. The proximity of the housing and day services on the campus of an ICF triggered "heighted scrutiny."

This is believed to be the first ruling under a heightened scrutiny review. The North Dakota Protection and Advocacy Project, North Dakota Center for Persons with Disabilities, and The Arc of North Dakota sent a letter registering their significant upset and opposition to the ruling and for not being involved as "stakeholders."

[Read the letter here](#)

4. New Jersey: Gov. Christie's releases revised disability housing plan

*NJ.com * April 17, 2015*

VOR Editor's note: Although the revised transition plan is an improvement over the original, serious problems remain. It continues to propose arbitrary quotas, such as the limit of four person group homes, except under special circumstances in which 6 people will be allowed, and it contains a requirement that individuals spend a "majority of their time...with the broader community of" nondisabled people. What if the individual does not want to spend that much time away from their friends and peers? How is forcing certain associations a measure of integration?

[According to the revived plan:](#)

- Only developers and landlords would be restricted from dedicating more than 25 percent of their

apartments to people with developmental disabilities. Tenants would not be turned away for exceeding a quota.

- Clients who are working or are participating in a recreational or vocational program would have to spend the "the majority" of their time outside a segregated center, as opposed to 75 percent of their time.
- The limits on group home size apply only to future placements. The exception: the small number of people who live in group homes that are found on the grounds of institutions will be displaced.

Assistant Human Services Commissioner Liz Shea said emphasized her staff would make decisions on a case-by-case basis. Developers whose projects are larger than the proposed limits but "are in the pipeline" and approved by the department will be allowed to proceed, she said. If the resident of a group home that exceeds the 4-to-6-person limit moves out, another person will be allowed to move in, she said.

The department will work with job and vocational service providers to design programs that gets the clients out of restrictive programs and into the community in the most meaningful way, rather than watching a clock to make sure 51 percent of the client's day is spent outside a restricted facility.

[Read more, COMMENT and share](#)

[Here is a chart comparing the original proposal with the revised proposal](#)

STATE NEWS

5. Ohio: Disabilities proposal removed from state budget

The Columbus Dispatch * April 22, 2015

House changes to Gov. John Kasich's proposed two-year budget also include the creation of a commission to review the closure of state-run developmental centers, and a compromise plan that scales back the downsizing of other residential-care

facilities.

Supporters of those privately run residential centers — known as ICFs, or intermediate care facilities — praised the move but said concerns remain.

In seeking to comply with federal guidelines on community living, they say, the administration could wind up moving residents from good-quality centers to small homes that can't meet their needs.

"It's very hard to care for children like mine, who are severely disabled," said Upper Arlington resident Caroline Lahrmann of the newly formed [Disability Advocacy Alliance](#). The organization said it collected nearly 19,000 signatures in five weeks from Ohioans who objected to the executive budget proposals on reducing or eliminating residential-center beds.

While the House budget removes some of those proposals, "In their place, they have put in benchmarks to convert 350 beds by the end of the biennium," Lahrmann said. "Let there be an open and honest market, where if people want to leave an ICF, they can. But don't close the bed behind it."

But Disability Rights Ohio, the state's federally mandated legal advocate for people with disabilities, said the Ohio Department of Developmental Disabilities agreed to a revised plan that undercuts its goal of expanding community options.

Creating a commission to oversee developmental-center closures could overturn administration plans to close two centers in Dayton and Youngstown, where about 170 of Ohio's 900 developmental-center residents reside.

More than 5,000 other Ohioans with developmental disabilities live in residential centers that are largely privately run.

Disability Rights has threatened to sue the state if officials don't do more to reduce those numbers and get more people living in small community homes and working at community jobs instead of sheltered workshops.

Michael Kirkman, the executive director of Disability Rights, said in a statement that the House amendments “allow institutional providers to maintain capacity and to backfill beds” that empty when people choose community-based services.

“With this missed opportunity, Ohio will maintain its reputation as a leader in isolating people with disabilities in institutions and segregated workplaces in violation of the Americans With Disabilities Act,” Kirkman said.

John Martin, director of the developmental-disabilities department, disagrees.

[Read more, comment and share](#)

6. Texas: Closing state living centers heartless

Austin American Statesman Editorial * April 23, 2015

This legislative session, lawmakers have the chance to do right by some of Texas’ most vulnerable citizens by keeping the state’s living centers open and properly funding them. We acknowledge that it is not an easy choice, but it is the right choice.

. . . operating [Austin State Supported Living Center] facility on a smaller footprint is an investment that would bring dignity to residents, their loved ones, and, yes, Texas.

Estimates show that closing six centers would ultimately save the state \$87 million a year and eliminate 4,404 jobs, more than one-third of the current living center workforce, according to the Sunset report. If closed, selling the 93 acres of prime real estate on which the Austin center sits would bring in more than \$25 million.

Using money from the potential sale of the Austin facility would be a one-time-shot fix that equates to the reshuffling of beds. It is not a solution.

Residents spend an average of 33 years at the living centers and are in a place that they call home. As a result of their disabilities, many are so emotionally fragile that changes in environment can be debilitating and downright dangerous. The Austin center in conjunction with the others around the state — allows families to visit often, which is a boost to their quality of life and an important safety net to ensure proper care. While difficult

to assign a price tag to, these are values lawmakers should not overlook.

If the center closed, many of its residents would be sent to contract group or community homes. While privatization is touted as a cost-saving measure for such services, it does not resolve the issues of appropriate care, especially for those Texans with severe medical, emotional and behavioral issues.

Community living centers offer no guarantee to provide better care and safety for these residents with extreme needs. Many of the problems identified in both state and federal reports blame staff shortages and lack of training as the culprits — both are a function of inadequate funding. There are certainly efficiencies to be had by downsizing facilities that would not require relocation of residents, which would help balance the ledger and keep residential communities intact.

There is no doubt that the land around the Austin facility is valuable, but any sale of the historic property in part or in whole should be used to improve the welfare of the residents, present and future, who require the state's care.

The bill makes clear the money would be used for that purpose. That is some consolation. But we still believe keeping the living center open is a better option.

[Read more and share](#)

QUOTABLE

“Even if you are on the right track, you’ll get run over if your just sit there.” ~ Will Rogers

Calendar Reminders:

Sunday, June 7, 2015:

[VOR Annual Conference: ADVOCATING FOR CHOICE BY EXPANDING OPPORTUNITIES. Registration Open.](#)

Sunday, October 4, 2015 * San Antonio, Texas:
[Leading the Charge for Compassionate Care: A Day for Intellectual and Developmental Disabilities Residential Services Providers](#)

Sponsored by the American Health Care Association and the National Council on Assisted Living

Archives:

*** Thursday March 20 2014**

VOR's "***Regional Meetings: The Need for Advocates to Act Global and Local***" Webinar.

***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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