POINTS OF INTEREST FOR THE BOARD of SUPERVISORS

1) Introduction: PAAC is the Parents Advocacy and Advisory Council of Southwest Virginia.
2) Explain the DOJ Settlement agreement with the state of Virginia
    a. August 21, 2008 – DOJ initiated an investigation into CVTC. A family member filed a complaint with DOJ that their I/DD person was capable of living in a community setting; yet, remained at CVTC
    b. April 21, 2010 – DOJ put Virginia on notice that DOJ was expanding its investigation to include all five (5) of the training centers
    c. February 10, 2011 – DOJ issued its findings: Virginia was not doing enough to move the training center residents into a community setting
    d. January 26, 2012 – The DOJ Settlement Agreement with the Commonwealth of Virginia was signed
    e. August 23, 2012 – Judge Gibney issued his ruling
        i. Judge Gibney made it clear that Virginia need not close the centers: "Nothing in the decree [the DOJ Settlement Agreement] compels Virginia to close any facility. Decisions of that sort lie in the hands of the Virginia General Assembly [or the Governor]. If it deems it wise, the General Assembly [or the Governor] can appropriate funds to continue to operate some or all of the Training Centers, even while funding the Medicaid waivers."

a. Our previous Governor signed a ruling that all but one of the Training Centers in Virginia would be closed and these individuals would be moved into the community
    a. This is not required under the settlement agreement; the agreement states that individuals and/or legal guardians can choose a training center environment for the individual.

b. The training center that was chosen to remain open is SEVTC in Chesapeake, which has 75 beds and 69 are filled. This is too far for the families of the SWVTC to drive and visit their loved ones.

b. Our current Governor could reverse this procedure with a stroke of his pen.

c. **Virginia Code 37.2-837(A)(3)** states that people can have the choice of a Training Center. "Pursuant to regulations of the Centers for Medicare & Medicaid Services and the Department of Medical Assistance Services, no consumer at a training center who is enrolled in Medicaid shall be discharged if the consumer or his legally authorized representative on his behalf chooses to continue receiving services in a training center."

3) If SWVTC closes, this locality will be responsible to help make sure that all of the services that are now available at the training center will be available in the community setting. The settlement agreement states that the care must be as good as, or better than, the individual is currently receiving.

a. **SB627 (2015): 1. § 1**. "That the Department of Behavioral Health and Developmental Services shall, before transferring any training center resident to another training center or to community-based care, provide written certification to such training center resident or his legally authorized representative that (i) the receiving training center or community-based option provides a quality of care that is comparable to that provided in the resident's current training center regarding medical, health, developmental, and behavioral care and safety and (ii) all permissible placement options available under the Commonwealth's August 23, 2012, settlement agreement with the U.S. Department of Justice, including the option to remain in a training center, have been disclosed to the training center resident or his legally authorized representative. A training center resident or his legally authorized representative may waive the certification requirement imposed in clause (i)."

b. As we well know, this region is sorely lacking in appropriate community housing, supports, services, medical care, and safety for the I/DD individuals.

4) The services presently offered at SWVTC are as follows: medical care (doctor on staff Monday-Friday and on call nights and weekends), 24 hour nursing services, pharmaceutical services, 24 hour direct care services, occupational therapy, physical therapy, speech therapy, dental services, when needed, including routine exams, (NOTE: this dental clinic is utilized by other I/DD people living in our SW Virginia region), neurology, dietary, community involvement including, and not limited to, work possibilities, trips, volunteer work, and any other activity that enhances the lives of each individual and meets their needs. The individuals must have a safe environment where their safety and the safety of others are of the utmost importance.
5) Individuals must have the same type of setting, including and not limited to, private bedrooms, a comfortable, home-like setting, outdoor space in which to move about freely and in safety.
6) The secure setting of the individual's surroundings is mandatory. Some cottages have attractive fencing around the yards, allowing the residents safety while freely moving about.
7) Each individual must be able to thrive while developing that individual's wishes and talents. For example, at SWVTC, there are numerous far-ranging Hobby Clubs that cater to the residents' interests, such as Cooking, Gardening, and Hiking. At SWVTC there is a large contingency of volunteers that interact with the residents both on-campus and off-campus.
8) The health of all individuals is the most important requirement, this has to be guaranteed to be the best possible care equal to or better than the training center. The medical staff at SWVTC is intimately familiar with each resident and that person's medical needs and requirements.
9) What is the Carroll County willing, and financially able, to provide for our loved ones? Can the county take on this enormous responsibility and financial burden?