

RSA-2207 – Annual Client Assistance Program (CAP) Report

State: Virginia

Fiscal Year: 2013

Designated Agency Identification

Name:	disAbility Law Center of Virginia on behalf of the Virginia Office for Protection and Advocacy
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Operating Agency (if different from designated agency)

Name:	Not Applicable
Address:	
City:	
State:	
Zip Code:	
E-mail Address:	
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TTY:	
Toll-free Phone:	
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Additional Information

Name of CAP Director/Coordinator:	Colleen Miller, Executive Director
Person to contact regarding report:	Robert Gray
Contact Person Phone:	(804) 662-7188

Part I: Agency Workload Data

A. Information and Referral Services (I&R) (Multiple responses not permitted)

1. Information regarding the Rehabilitation Act	1833
2. Information regarding Title I of the ADA	1616
3. Other information provided	1460
4. Total I&R services provided (Lines A1+A2+A3)	4909
5. Individuals attending trainings by CAP staff (approximate)	421

B. Individuals served (An individual is counted only once during a fiscal year. Multiple counts are not permitted for Lines B1-B3.)

1. Individuals who are still being served as of October 1 (carryover from prior year)	14
2. Additional individuals who were served during the year	35
3. Total individuals served (Lines B1+B2)	49
4. Individuals (from Line B3) who had multiple case files opened/closed this year. (In unusual situations, an individual may have more than one case file opened/closed during a fiscal year. This number is not added to the total in Line B3 above.)	6

C. Individual still being served as of September 30

Carryover to next year. This total may not exceed Line I.B3.	7
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D. Reasons for closing individuals' case files (Choose one primary reason for closing each case file. There may be more case files than the total number of individuals served to account for those unusual situations, referred to in Line I.B4, when an individual had multiple case files closed during the year.)

1. All issues resolved in individual's favor	18
2. Some issues resolved in individual's favor (when there are multiple issues)	8
3. CAP determines VR agency position/decision was appropriate for the individual	6
4. Individual's case lacks legal merit; (inappropriate for CAP intervention)	0
5. Individual chose alternative representation	0
6. Individual decided not to pursue resolution	13
7. Appeals were unsuccessful	0
8. CAP services not needed due to individual's death, relocation, etc.	0
9. Individual refused to cooperate with CAP	4
10. CAP unable to take case due to lack of resources	1
11. Other (Please explain on separate sheet)	0

E. Results achieved for individuals

1. Controlling law/policy explained to individual	24
2. Application for services completed	0

3. Eligibility determination expedited	4
4. Individual participated in evaluation	1
5. IPE developed/implemented	5
6. Communication re-established between individual and other party	4
7. Individual assigned to new counselor/office	0
8. Alternative resources identified for individual	8
9. ADA/504/EEO/OCR complaint made	0
10. Other-	4
11. Other (Please explain): 2 individuals withdrew the request for services and 2 cases involved VOPA withdrawing due to lack of client cooperation	

Part II. Program Data

A. Age

1. 21 and under	6
2. 22 – 40	14
3. 41 – 64	27
4. 65 and over	2
5. Total (Sum of Lines A1 through A4. Total must equal Line I. B3.)	49

B. Gender

1. Females	24
2. Males	25
3. Total (Lines B1+B2. Total must equal Line I.B3.)	49

C. Race/Ethnicity

1. Hispanic or Latino	1
<i>For individuals who are non-Hispanic/Latino only</i>	0
2. American Indian or Alaskan Native	0
3. Asian	1
4. Black or African American	23
5. Native Hawaiian or Other Pacific Islander	0
6. White	23
7. Two or more races	1
8. Race/ethnicity unknown	0

D. Primary disabling condition of individuals served

1. Blindness (both eyes)	4
2. Other visual impairments	2
3. Deafness	4
4. Hard of hearing	1
5. Deaf-blind	0
6. Orthopedic impairments	3
7. Absence of extremities	0
8. Mental illness	20
9. Substance abuse (alcohol or drugs)	0
10. Mental retardation	1
11. Specific learning disabilities (SLD)	3
12. Neurological disorders	5
13. Respiratory disorders	0

14. Heart and other circulatory conditions	1
15. Digestive disorders	0
16. Genitourinary conditions	0
17. Speech impairments	1
18. AIDS/HIV positive	0
19. Traumatic brain injury (TBI)	3
20. All other disabilities	1
21. Disabilities not known	0
22. Total (Sum of Lines D1 through D21. Total must equal Line I. B3.)	49

E. Types of individuals served

1. Applicants of VR Program	8
2. Clients of VR Program	39
3. Applicants or clients of IL Program	0
4. Applicants or clients of other programs and projects funded under the Act	4

F. Source of individual's concern

1. VR agency only	44
2. Other Rehabilitation Act sources only	1
3. Both VR agency and other Rehabilitation Act sources	3
4. Employer	2

G. Problem areas

1. Individual requests information	1
2. Communication problems between individual and counselor	4
3. Conflict about services to be provided	34
4. Related to application/eligibility process	9
5. Related to IPE development/implementation	2
6. Other Rehabilitation Act-related problems	2
7. Non-Rehabilitation Act related	0
8. Related to Title I of the ADA	1

H. Types of CAP services provided

1. Information/referral	20
2. Advisory/interpretational	18
3. Negotiation	12
4. Administrative/informal review	0
5. Alternative dispute resolution	0
6. Formal appeal/fair hearing	0
7. Legal remedy	0
8. Transportation	0

PART III. Narrative

a. Type of agency used to administer CAP:

External – Protection & Advocacy.

b. Sources of funds

Source of funding	Amount Received	Amount Spent
Federal funds	\$265,654	\$45,406
State funds		
Program Income		
Private		
All other funds (carryover)	\$200,465	\$200,465
Total from all sources	\$466,119	\$245,871

c. Budget for current and following fiscal years

Category	Current Fiscal Year FY13	Next Fiscal Year FY14
Wages & Salaries	\$173,068	\$221,654
Fringe Benefits (FICA, unemployment, etc.)	60,310	76,930
Materials/Supplies	1,160	1,105
Postage	509	500
Telephone/Internet	0	0
Organization memberships/Subscription	1,813	1,500
Travel	6,502	8,500
Training	955	2,000
Equipment Purchase/Repair	0	0
Temporary Personnel Services	150	150
Indirect Costs	26,248	29,858
Miscellaneous	3,244	5,000
Total Budget	\$273,959	\$347,197

d. Number of person-years

Type of position	Full-time equivalent	% of year position filled	Person-years
Professional	21	90	19.5
Full-time	20	80	19
Part-time	1	10	.5
Vacant			
Clerical	7	100	6.5
Full-time	5	75	5.75
Part-time	2	25	.75
Vacant			

e. Summary of presentations made:

VOPA conducted trainings to three groups of high school students regarding employment rights under the Americans with Disabilities Act and transition planning. VOPA conducted its first training to a group of thirty-eight students and five staff at the Dinwiddie High School. VOPA conducted a second presentation at the Petersburg Center for Independent Living to a group of five high school students. VOPA conducted its final training for eighteen students and one staff member at the Woodrow Wilson Rehabilitation Center.

VOPA gave presentations to five advocacy groups on transition services. The focus was Vocational Rehabilitation (VR) services and learning about work incentives to understand how many hours someone can work without losing disability benefits. These presentations were provided to Essential Pieces, Family First, Stop Child Abuse Now (SCAN) and the Muscular Dystrophy Association (MDA). These are parent groups or advocacy groups who work with students with disabilities. The presentations allowed for in depth discussion about VR services and work incentives under the Social Security Administration (SSA). The work incentive targeted for discussion during these presentations was the "Student Earned Income Exclusion (SEIE). This work incentive allows a student who receives Supplemental Security Income (SSI) to try work and not lose SSI benefits. This series of presentations reached sixty-eight attendees who all gained a new understanding of transition services.

Another VOPA objective was to train fifteen groups of clients and staff at the Department for Aging and Rehabilitative Services (DARS) and Woodrow Wilson Rehabilitation Center. VOPA visited DARS in Alexandria, Charlottesville, and Fishersville Virginia. During these visits, VOPA provided Employment Rights training to thirty-seven clients and staff of DARS offices and Employment Protections under the ADA training to one-hundred eighty-two students and instructors at the Woodrow Wilson Rehabilitation Center.

VOPA also reached out to all forty-eight DARS offices across the state on a separate CAP project detailed in the first paragraph of Section g. and educated staff about our CAP program and agency transition.

VOPA conducted three trainings to consumer advocacy groups on the ADA and employment. The first training was presented to twenty students and six staff members at J. Sargeant Reynolds Community College. The second training was presented to four members of the staff at the Workforce Center Network in Charlottesville, Virginia. The third training was provided to forty members of the Fauquier County Disability Services Board. At each training attendees were advised of the rights of employees with disabilities to accommodations, and duties to disclose and when disclosure is not required. Client Assistance Program and Employment Protections under the ADA publications were distributed at each presentation.

f. Involvement with advisory boards:

VOPA operated with two Advisory Councils: The Disabilities Advisory Council (DAC) and the Protection and Advocacy for Individuals with Mental Illnesses (PAIMI) Advisory Council. The Councils' primary responsibility was to advise the protection and advocacy system on policies and priorities to be carried out in protecting individuals with disabilities. This function helped VOPA to identify underserved and unserved Virginians. dLCV will continue to operate with the PAIMI Council. However, the DAC Council has been dissolved.

VOPA participated on the Virginia State Rehabilitation Council (SRC) for the Department for Aging and Rehabilitative Services (DARS) and the SRC for the Department for the Blind and Vision Impaired (DBVI). The Rehabilitation Act of 1973, as amended, requires the establishment of a Statewide Rehabilitation Council to be appointed by the Governor. dLCV is continuing collaboration and participation with the Rehabilitation Councils in FY 14 to maintain connectivity in understanding and addressing pertinent rehabilitative service issues.

g. Outreach to unserved/underserved populations:

VOPA identified Virginia's twenty-one Centers for Independent Living (CIL), including satellite

offices, forty-eight DARS offices and nineteen DBVI offices and sent staff to inform these providers of services VOPA offers to individuals with disabilities via the Client Assistance Program. VOPA provided these offices with the new CAP brochures and brochures for the new protection and advocacy entity, disAbility Law Center of Virginia (dLCV). VOPA also identified all fifty-four of Virginia's sub minimum wage work centers and sent staff to each of these locations to interview management, staff and employees regarding employment opportunities for individuals with disabilities and to advise employees of their employment rights under the Americans with Disabilities Act. This large outreach project sent VOPA staff to one hundred forty-two locations throughout the state and geographically covered all portions of the Commonwealth, including previously underserved locations such as the Eastern Shore, Southwest Virginia and South Central Virginia. This project is ongoing as dLCV continues to reach out to the different offices providing information and support as warranted.

The 'Order of Selection' barrier for DARS clients presented service delivery issues as well. An order of selection is required under Section 101(a)(5) of the Rehabilitation Act, as amended, if a vocational rehabilitation agency determines that it is unable to provide services to all eligible individuals who apply for services. DARS' order of selection ensures that eligible individuals with the most significant disabilities receive priority when possible; however during the first quarter of FY 13 there were category closures which inhibited clients from receipt of services.

h. Alternative Dispute Resolutions:

None

i. Systematic Advocacy:

VOPA, through its Client Assistance Program (CAP), holds appointed positions on the State Rehabilitation Advisory Councils (SRACs) for Department for Aging and Rehabilitative Services (DARS) and the Department for the Blind and Vision Impaired (DBVI). VOPA assisted the SRACs in developing a more effective survey for DARS staff to evaluate client satisfaction with the assistance counselors provide to clients accessing the DARS programs. The advocate also gave input on discussions about new Hearing Officers and the Order of Selection process. The work on these two SRACs is ongoing and making a difference in the lives of Virginians with Disabilities who are served by DBVI and DARS.

VOPA participated in the new hearing officer training, helping new hearing officers to understand the role of CAP and our perspective on client rights. During the training, we engaged in a spirited debate with a representative of the Attorney General's office about what the proper "burden of proof" in a fair hearing should be. Although we did not reach any agreement during the training, the issue does not seem to have re-occurred in any fair hearings since then.

VOPA represented two DARS clients this fiscal year who were denied services but were not given notice of their right to appeal that decision. VOPA identified systemic communication issues with two DARS offices which led to the communication and appeals rights distribution violation issue. VOPA addressed these issues directly with each office and in each instance DARS admitted to violating its own policy and agreed to follow its policy and distribute appeals rights appropriately in the future for all clients. As a result of this outcome, a better service delivery system to distribute appeal rights is now in place.

j. Interesting Cases:

Dede contacted VOPA after her attempts to enforce her son Tommy's transition plan were unsuccessful. VOPA assisted with the development of a more detailed transition plan and monitored the implementation for the remainder of the year. During the monitoring period, VOPA was able to resolve some misunderstandings related to the transition plan. Tommy started the new school year with a clear transition plan and a pathway to access DARS through the school.

Charlotte contacted VOPA seeking assistance in receiving appropriate medical evaluations. She informed her DARS counselor that she was experiencing pain in her wrist and in her back which affected her employability. After receiving a full evaluation from Woodrow Wilson Rehabilitation Center, the medical evaluator also noted Charlotte's need for further evaluation of her back and her right hand, but her DARS counselor had ignored the recommendation by Woodrow Wilson. VOPA sent a letter to the DARS counselor outlining the statute requiring DARS to determine substantial impediments to employment and assist clients in overcoming those impediments. The letter further requested clarification of what action had been taken to secure these evaluations for Charlotte or to explain why no arrangements had been made. The DARS counselor responded by meeting with Charlotte and a VOPA advocate. At the meeting an appointment was made for an evaluation, arrangements were made to schedule the second and the counselor agreed to begin the process of addressing the need for cognitive training as well. VOPA continues to monitor this case for DARS compliance.

Angelica's DARS case manager was requesting that she sign overbroad authorizations to exchange protected health information with the college to which she had applied to complete a professional certification program, the book store and the computer technician assisting with her computer software installation. VOPA sent a letter to Angelica's DARS counselor requesting clarification of the purpose for the authorization forms and outlining her privacy rights with regard to her protected health information. The DARS counselor responded by revising the authorization forms to reflect a request to exchange personal information as needed for each provider specifically targeted to education and employment. Angelica is awaiting acceptance into the college program.

Stew reached out to VOPA to gain assistance with ensuring his desired employment goal would be identified in his IPE. Although he wished to pursue the goal of library assistant, Stew felt his DARS counselor was pushing him towards the goal of stocking shelves. VOPA reviewed Stew's records and asked for a meeting with the DARS counselor. At the meeting, the counselor reviewed Stew's situational assessments and provided guidance and counseling regarding the expectations associated with the position of library assistant. Stew reiterated his desire for that position and the counselor began working with the client to develop his IPE with the employment goal of library assistant. Through VOPA's advocacy, Stew has an IPE with the employment goal of library assistant and continues to work with his DARS counselor towards attaining this position.

VOPA received a call from Drew, who needed assistance with getting a new IPE written which reflected his desire to attend college and receive DARS assistance with college expenses. VOPA attended meetings with Drew, his DARS Counselor and the manager. A vocational evaluation and an assistive technology evaluation were conducted to see what accommodations would be needed for college. VOPA advocated for DARS to purchase the appropriate assistive technology devices and for financial assistance. Through VOPA advocacy, Drew is attending college with a goal in graphic arts and receives transportation and meal assistance, which will

continue as long as he maintains a 2.0 grade point average.

k. On-line information/outreach:

VOPA provided CAP advocacy services this fiscal year as it prepared for transition to become the disAbility Law Center of Virginia (dLCV.) The decision to transition our office from a state agency to a non-profit was initiated by Virginia's General Assembly in 2012. We are following the trend of most protection and advocacy systems across the United States to remove ourselves from state government to allow for greater independence to provide zealous advocacy services for Virginians with disabilities. VOPA's Governing Board, the Governor of Virginia and the general public fully supported and endorsed this decision as well. VOPA successfully transitioned and became dLCV on October 1, 2013. dLCV is now designated as Virginia's Protection and Advocacy System, therefore dLCV is submitting this annual report on behalf of VOPA.

It is important to note that during the course of VOPA's transition in FY 13 to become dLCV, several staff who completed CAP work chose to leave our agency. This affected our ability to fully pursue and complete all of our CAP cases and projects. New staff were hired by dLCV who have alleviated this concern and the CAP program is already off to a strong start in FY 14.

Information about our services and dLCV's Goals and Focus Areas are published on our website: www.dlcv.org. The dLCV Governing Board adopted our FY 14 goals and focus areas in September 2013. Earlier in the year at the request of the initial dLCV Board, development of the FY 2014 Goals and Focus Areas was overseen by the VOPA Governing Board. We also post notices for the Governing Board's and dLCV's Advisory Council meetings, job vacancies, announcements, publications, Speakers' Bureau requests, and disability-related links.

The annual public comment process is also posted and visitors can participate online. In FY 13, this survey ran from June 17, 2013 to August 6, 2013 and we received seventy-six (76) responses. Barriers to service delivery in education, mental health and vocational rehabilitation services continue to be areas of concern. Any public comment received is considered in the planning process for development of dLCV's goals and focus areas.

VOPA informed individuals with disabilities about their rights and provided other legal advice services per our agency goals, focus areas and objectives. dLCV now performs this role.

VOPA routinely provided training and speaking engagements through our Speakers Bureau. The Speakers Bureau provided training and presentations that are related to the Office's current Goals, Focus Areas, and Objectives (priorities). dLCV is continuing this function and there is a link on the dLCV website for the public to make a request for a Speaker's Bureau presentation. Like VOPA, dLCV also will provide exhibits and materials for fairs, conferences, and meetings on request. Whenever a presentation was conducted about VOPA or dLCV in general, it addressed some of the work we do related to CAP.

dLCV has a Facebook page which includes agency information and links to resources.

Between 2/5/13 and 9/30/13 our website had fourteen thousand three hundred ninety-six (14,396) hits and nine thousand three hundred two (9,302) 'unique visitors'. This is the number of unduplicated visitors to the website during that time period.

VOPA utilized a "VOPA Alert." dLVCV uses a "dLVCV alert." These are email distribution list services to communicate with our constituents. In the past year, "VOPA alert" notified constituents of important legal and legislative developments as well as changes in other service agencies.

We include "The Directors' Blog" on our website. This blog is offered as a way of alerting the public to news and developments in disability law, sharing activities of the Office, and getting feedback about how we're doing.

Internally, staff working under CAP may also work under our other federal grants which all could be related to CAP needs. We found this to be a natural and logical blending of objectives and funding in order to reach the target population and present comprehensive information.

Signature and title of CAP Program Director:

Colleen Miller, Executive Director

Date