

PAIR FY 17 PPR

RSA-509 - Protection & Advocacy of Individual Rights (PAIR) Program Performance Report

Virginia (disAbility Law Center of Virginia) - H240A110047

General Information

Designated Agency Identification Name	disAbility Law Center of Virginia
Address	1512 Willow Lawn Drive
Address Line 2	Suite 100
City	Richmond
State	Virginia
Zip Code	23230
E-mail Address	Robert.Gray@dlcv.org
Website Address	http://www.dlcv.org
Phone	804-225-2042
TTY	804-225-2042
Toll-free Phone	800-552-3962
Toll-free TTY	800-552-3962
Fax	804-662-7431
Name of P&A Executive Director	Colleen Miller, Esq.
Name of PAIR Director/Coordinator	Colleen Miller, Esq.
Person to contact regarding report	Robert Gray
Contact Person phone	804-225-2042
Ext. n/a	

Part I. Non-Case Services

A. Individual Information and Referral Services (I&R)

Multiple responses are not permitted.

1. Individuals receiving I&R within PAIR priority areas 210
2. Individuals receiving I&R outside PAIR priority areas 533
3. Total individuals receiving I&R (lines A1 + A2) 743

B. Training Activities

1. Number of trainings presented by PAIR staff 23
2. Number of individuals who attended training (approximate) 793

C. Information Disseminated to the Public

1. Radio and TV appearances by PAIR staff 0
2. Newspaper/magazine/journal articles 4
3. PSAs/videos aired 1
4. Hits on the PAIR/P&A website 23665
5. Publications/booklets/brochures disseminated 395
6. Other (report to general assembly) 1

Describe the trainings presented by PAIR staff. Be sure to include information about the topics covered, the training methods used, and the purpose for the training. Use separate sheets if necessary.

The disAbility Law Center of Virginia (dLCV) used Protection and Advocacy of Individual Rights (PAIR) and other grant funding for direct client services and systemic projects to protect rights and improve conditions for people with disabilities in the Commonwealth of Virginia. In FY17, dLCV identified our underserved populations: the elder community, and people living in the counties of Appomattox, Charlotte, and Southampton. dLCV targeted these underserved populations through outreach and training.

Reaching Underserved Areas

dLCV made a targeted effort to improve the accessibility of services for people with disabilities in underserved counties in Virginia. To accomplish this, dLCV planned to provide trainings on requirements under Title II of the Americans with Disabilities Act (ADA) to Social Services Offices in Appomattox, Charlotte, Southampton and at least two other counties. The project exceeded expectations, as dLCV staff reached social services offices across the Commonwealth by training the executive directors representing 15 counties in Virginia at the Virginia League of Social Service Executives (VLSSE) conference. People with disabilities across the Commonwealth should now have increased access to accommodations at their local DSS offices.

Elder Rights are Disability Rights

dLCV collaborated with the Department for Aging and Rehabilitative Services (DARS) to reach attorneys and members of the public guardianship advisory board by giving a presentation about the history of the disability rights movement. A total of thirteen individuals attended the presentation given by a dLCV senior staff attorney. The presentation demonstrated the ways that elder rights and disability rights intersect. The Virginia State Bar approved training for 3 hours of Continuing Legal Education (CLE) credits. The attendees gave overwhelmingly positive feedback.

dLCV also reached out to train advocacy groups serving the elder population about the history of the disability rights movement. The purpose of this presentation was to strengthen advocacy for people with disabilities of all ages. This presentation reached 23 individuals from Amelia DSS, Amelia Nursing and Rehab Center, Bridgeforth Manor, Danville/Pittsylvania CSB, DBHDS HR Advocates, Southside CSB, Crossroads CSB, Piedmont Geriatric Hospital, and Virginia Center for Behavioral Rehabilitation.

Meet dLCV

dLCV staff and volunteers collaborated on the “dLCV Ambassadors” program. The purpose of the dLCV Ambassadors program is to spread information about dLCV and disability rights throughout Virginia. Ambassadors participated in 6 resource fairs across

Virginia reaching 475 people including, parents, students, service providers, community advocates, individuals with disabilities and their families.

dLCV reaches people with disabilities throughout Virginia by collaborating with disability organizations through the Office Hours program. Office Hours is an opportunity for individuals to meet one-on-one with dLCV staff to discuss their specific issues. In FY17, dLCV reached new audiences by conducting office hours not only in Centers for Independent Living, but also at Mental Health Clubhouses and Employment Centers. dLCV staff provided assistance to 54 individuals in areas such as Manassas, Fredericksburg, Lynchburg, Goochland, and Petersburg and gave presentations introducing people to dLCV and the services available through our Client Assistance Program (CAP).

Part II. Individuals Served

A. Individuals Served

Count individual once per FY. Multiple counts not permitted for lines A1 through A3.

1. Individuals still served as of October 1 (carryover from prior FY) 23
2. Additional individuals served during the year 67
3. Total individuals served (lines A1 + A2) 90
4. Individuals w. more than 1 case opened/closed during the FY. (Do not add this number to total on line A3 above.) 0

B. Individuals served as of September 30

Carryover to next FY may not exceed total on line II. A.3 above 11

C. Problem Areas/Complaints of Individuals Served

1. Architectural accessibility 6
2. Employment 4
3. Program access 2
4. Housing 4
5. Government benefits/services 39
6. Transportation
7. Education 5
8. Assistive technology 3
9. Voting
10. Health care 11
11. Insurance
12. Non-government services 5
13. Privacy rights 1
14. Access to records
15. Abuse 2
16. Neglect 7
17. Other 1

D. Reasons for Closing Individual Case Files

1. Issues resolved partially or completely in individual favor 67
2. Other representation found 1
3. Individual withdrew complaint 4
4. Appeals unsuccessful 1
5. PAIR Services not needed due to individual's death, relocation etc. 1
6. PAIR withdrew from case 1
7. PAIR unable to take case because of lack of resources
8. Individual case lacks legal merit 4
9. Other (please explain)

E. Intervention Strategies Used in Serving Individuals

List the highest level of intervention used by PAIR prior to closing each case file.

1. Technical assistance in self-advocacy 3
2. Short-term assistance 50
3. Investigation/monitoring 7
4. Negotiation 10
5. Mediation/alternative dispute resolution 3
6. Administrative hearings 2
7. Litigation (including class actions) 3
8. Systemic/policy activities 1

Part III. Statistical Information on Individuals Served

A. Age of Individuals Served as of October 1

Multiple responses not permitted.

1. 0 – 4
2. 5 – 22 12
3. 23 – 59 59
4. 60 – 64 7
5. 65 and over 12

B. Gender of Individuals Served

Multiple responses not permitted.

1. Females 47
2. Males 43

C. Race/Ethnicity of Individuals Served

1. Hispanic/Latino of any race 2

For individuals who are non-Hispanic/Latino only

2. American Indian or Alaskan Native 1

- 3. Asian
 - 4. Black or African American 32
 - 5. Native Hawaiian or Other Pacific Islander
 - 6. White 53
 - 7. Two or more races
 - 8. Race/ethnicity unknown 2
- D. Living Arrangements of Individuals Served
Multiple responses not permitted.
- 1. Independent 49
 - 2. Parental or other family home 16
 - 3. Community residential home 1
 - 4. Foster care
 - 5. Nursing home 10
 - 6. Public institutional living arrangement 4
 - 7. Private institutional living arrangement 2
 - 8. Jail/prison/detention center 5
 - 9. Homeless 2
 - 10. Other living arrangements 1
 - 11. Living arrangements not known

- E. Primary Disability of Individuals Served
Identify the individual's primary disability, namely the one directly related to the issues/complaints
- 1. Blind/visual impairment
 - 2. Deaf/hard of hearing
 - 3. Deaf-blind 1
 - 4. Orthopedic impairment 20
 - 5. Mental illness 19
 - 6. Substance abuse
 - 7. Mental retardation
 - 8. Learning disability 1
 - 9. Neurological impairment 10
 - 10. Respiratory impairment 1
 - 11. Heart/other circulatory impairment 5
 - 12. Muscular/skeletal impairment 10
 - 13. Speech impairment 1
 - 14. AIDS/HIV
 - 15. Traumatic brain injury 2
 - 16. Other disability 20

Part IV. Systemic Activities and Litigation

A. Systemic Activities

1. Number of policies/practices changed as a result of non-litigation systemic activities 15
2. Number of individuals potentially impacted by policy changes 42,018

Describe your systemic activities. Be sure to include information about the policies that were changed and how these changes benefit individuals with disabilities. Include case examples of how your systemic activities impacted individuals served.

To Boldly Go...

dLCV continued a targeted effort to improve accessibility for people with disabilities in underserved areas.

In order to ensure that children with disabilities have equal access in their environment as children without disabilities, dLCV surveyed two playgrounds in underserved locations: one in Keysville and one in Appomattox. dLCV discovered accessibility issues at both playgrounds. dLCV brought the issues to the attention of the town officials. The towns are making an effort to pull together the resources to comply with this important issue. dLCV raised the consciousness with town officials in these areas about the importance of inclusion of children with disabilities and the consequences of treating those children as an afterthought.

dLCV surveyed 10 Department of Social Services offices across Virginia including those in the identified underserved counties of Appomattox, Charlotte, and Southampton for compliance with Title II of the Americans with Disabilities Act. Compliance with guidelines for accessible parking proved to be the most common barrier. dLCV sent their findings to the directors of each Social Services office with recommendations for corrective action. In the smallest of the underserved localities, the individual tasked with implementing the corrective action plan became so frustrated at the slow response from the county that he installed a new parking sign himself and was prepared to paint the parking spaces and create an access aisle. dLCV had a real impact on the lives of people with disabilities through this effort to identify and reach out to areas that we had not served before. Follow-up from these surveys impacts nearly 40,000 residents of these counties and cities.

Disability Across the Life Span

As discussed in the previous section, dLCV reached out to bring the message of disability rights and justice to those who serve the elder population. In continuing this effort, dLCV researched the needs of aging people with disabilities, especially as they relate to the desire to stay in their own home and to be a part of the community. dLCV wrote a report on this issue and shared the draft with members of the Virginia Elder Rights Coalition for their feedback. dLCV completed the final report, set to be published in the next fiscal year with recommendations for systemic change.

College Research

In another systemic project, dLCV used the power of social media to identify issues and populations that might have otherwise gone unnoticed by dLCV. In an effort to better understand the barriers that students with disabilities face in higher education, dLCV launched a social media campaign asking students to express their concerns about accessibility on campus. The Facebook campaign reached 2,018 people and had 22 shares; Twitter has 1,476 impressions and 8 retweets; 212 people opened email blasts on the topic. dLCV identified two schools from the social media campaign to target for accessibility surveys: Tidewater Community College (four total campuses) and Virginia College in Chesterfield. dLCV discovered and resolved a concern regarding parking on the Tidewater Community College Campus in Norfolk. dLCV found significant issues with a parking lot on the campus of Virginia College in Richmond. dLCV is negotiating compliance with the property manager in FY 18. Using multiple funding streams, dLCV opened almost a dozen cases to advocate for the rights of individuals with disabilities in higher education.

B. Litigation/Class Actions

1. Number of individuals potentially impacted by changes as a result of PAIR litigation/class action efforts: 2
2. Number of individuals named in class actions: 0

Describe your litigation/class action activities. Explain how individuals with disabilities benefited from your litigation activities. Be sure to include case examples that demonstrate the impact of your litigation.

Life in the Community

Nichelle wanted to live in an integrated setting close to the medical center where she receives extensive medical care for her kidney condition. Unfortunately, Nichelle had a guardian and that guardian required her to live in an Assisted Living Facility (ALF) more than 100 miles away! dLCV began by negotiating terms for an independent psychiatric evaluation. Once dLCV received the positive results, we helped the client make an advance directive, appoint health care agents, and work with friends and health care providers to create a well thought out home care plan. Upon examination of dLCV's Petition and supporting documents, the adversary conceded and the judge entered an Order terminating the guardianship and conservatorship. The conservator did not immediately comply so the judge entered a second Order. Finally, both the guardian and conservator have fully complied with the Judge's Orders and Nichelle is living successfully in the community of her own choosing.

Stress Relief

Bill has chronic and recurring psychiatric symptoms which limit him to part time work. Unfortunately, Bill lost his SSDI due to social security's presumption of his medical improvement. Stress exacerbates his condition, and fighting social security alone only contributed to his declining health. Fortunately, he had dLCV in his corner. dLCV filed an Appeals Council Remand. At the hearing, the Administrative Law Judge (ALJ) proffered interrogatories sent to the Vocation Expert. ALJ ordered a supplemental hearing with a new

vocational expert (VE). The judge lead the client to believe that he may deny him outright or set a new onset date in the recent past resulting in a five year over payment! Surprisingly, Bill received a Fully Favorable decision from the ALJ who agreed that since 2012, the time of his review, he has been and remains disabled so his SSDI benefit and Medicare will remain in place.

Part V. PAIR'S Priorities and Objectives

A. Priorities and Objectives for the Fiscal Year Covered by this Report

For each of your PAIR program priorities for the fiscal year covered by this report, please:

1. Identify and describe priority.
2. Identify the need, issue or barrier addressed by this priority.
3. Identify and describe indicators PAIR used to determine successful outcome of activities pursued under this priority.
4. Explain whether pursuing this priority involved collaborative efforts by other entities. If so, describe this collaboration.
5. Provide the number of cases handled under the priority. Indicate how many of these, if any, were class actions.
6. Provide at least one case summary that demonstrates the impact of the priority.

Goal: Children with Disabilities Receive an Appropriate Education

Focus Area: Children who are Suspended, Secluded or Restrained in Schools

Needs/Issues/Barriers Addressed: Based on public comment, experience, and the level of calls and requests for services in this area, many children in Virginia face inadequate behavioral accommodations and services to accommodate their disabilities and avoid disciplinary action.

Indicators for Success Include the Completion of the Following Objectives:

- 1) Increase self-advocacy by providing STA to callers complaining that they or their children have been suspended or subjected to seclusion or restraint due to a lack of needed and appropriate behavior support services in their IEPs or 504 Plans.
- 2) Represent students who have been denied appropriate assistive technology (AT) services under their IEP or 504 plan.

Collaborative Efforts: National Federation of the Blind, US Department of Education Office of Civil Rights, Virginia Board for People with Disabilities, Special Education Coalition

Number of Cases Handled: 6

Case Summary for each indicator that demonstrates the impact of the priority:

1. dLCV provided Short Term Assistance (STA) to parents of children with disabilities in order improve their self-advocacy skills. Parents who called dLCV because their children had been subjected to seclusion, restraint, or suspension due to lack of appropriate or needed behavioral supports received detailed information regarding: Functional Behavioral Assessments, Behavior Interventions Plans, Prior Written Notice, Requesting an IEP meeting, dispute resolution options, and filing a complaint with the Office of Civil Rights. These parents are now better prepared to advocate for services and supports for their children.

2. Reading is Fundamental

Leonard is legally blind. His school would not provide him with training to use braille even after repeated requests from his mother. The mother ordered her own Independent Educational Evaluation (IEE). The school initially did not accept the results of the IEE which indicated that Leonard would benefit from braille instruction. dLCV collaborated with the National Federation for the Blind (NFB) to advocate on Leonard's behalf. Ultimately, not only did they agree to provide 100 minutes of braille instruction per week to Leonard along with training in JAWS software and touch typing but they even agreed to train Leonard's mother in braille so that they could read together at home! Leonard finally has the tools he needs to have an educational experience on par with his counterparts without disabilities.

Goal: People with Disabilities Have Equal Access to Government Services

Focus Area: Architectural Barriers and Reasonable Accommodations

Needs/Issues/Barriers Addressed: dLCV will seek local and systemic change to increase the quality of life for people with disabilities by removing barriers to ADA Title II services included access to government buildings.

Indicators for Success Include the Completion of the Following Objectives:

1. Provide training to staff at Appomattox, Charlotte, Southampton and two other Social Services offices of the requirements under Title II of the Americans with Disabilities Act to provide accessible services and accommodations.
2. Survey local DSS Offices in Appomattox, Charlotte, Southampton and seven other counties to ensure compliance with the Americans with Disabilities Act and obtain corrective action.

3. Represent individuals with physical or sensory disabilities who are denied access to government services in an institutional setting due to architectural barriers or failure to accommodate.
4. Identify public playgrounds or children's activity programs in Southampton County, Appomattox County or Charlotte County or where significant modifications or renovations are planned to ensure future ADA accessibility. Provide a written report of any deficiencies to the responsible public agency and obtain corrective action.
5. Create a social media campaign on Twitter and Facebook where students and staff at institutions of higher learning draw attention to the inaccessible features of their campuses using a unique hashtag campaign. dLCV will use the data collected from this campaign to target and select the schools for the objective below.
6. Based on the results of the social media campaign, select and survey the architectural accessibility of one public college, one private university, and one community college in three separate regions across the state (total of three colleges). Advise college of findings and obtain corrective action.
7. Investigate the application process for the Virginia Bar Examination for compliance with ADA requirements and obtain corrective action.
8. Based on information provided as required by the settlement agreement in *Winborne v. Virginia Lottery*, select noncompliant lottery providers and take appropriate action.
9. Provide STA to 50 individuals who are negotiating Social Security benefits. Follow-up to track outcomes and rates of approval of Social Security STA and compare to national and state statistics on approvals at the initial, reconsideration and hearing levels.

Collaborative Efforts: Virginia League of Social Services Executives, Tidewater Community College, Department of Aging and Rehabilitative Services

Number of Cases Handled: 1

Case Summary for each indicator that demonstrates the impact of the priority:

1. A summary of this can be found in part I
2. A summary of this can be found in part IV, A

3. Grant Me Accommodations

DeForest is deaf and residing in a correctional facility. He called dLCV because while he has accommodations on his specialized unit, he feels cannot participate in activities located outside his unit due to the facility's unwillingness to provide accommodations for these activities. Specifically, he was seeking access to religious services. dLCV began negotiations with the department of corrections ADA coordinator and the facility ultimately agreed to provide DeForest with accommodations so that he could attend religious services. dLCV also provided him with self-advocacy resources that he can use in the future.

4. A summary of this can be found in part IV, A
5. A summary of this can be found in part IV, A
6. A summary of this can be found in part IV, A
7. After winning litigation against the Virginia Board of Bar Examiners (VBBE) in which dLCV argued that VBBE demanded a higher burden to receive accommodations than the law allows, dLCV followed up to ensure that VBBE made the appropriate changes to their policies. dLCV's examination revealed that the VBBE had not fully complied. dLCV negotiated with VBBE to correct the issue thus protecting the rights of future test takers with disabilities ensuring they are tested fairly based on their own ability and knowledge.
8. dLCV continues to monitor the Virginia Lottery to ensure compliance with the settlement agreement. Upon review of the exemption list provided by the Virginia Lottery, dLCV discovered that the Virginia Lottery did not provide a complete picture of the issues leading to the exceptions. In all but one case, we found additional Americans with Disabilities Act violations that the Lottery did not document. In some cases, they offered exemptions for violations that were fixable and cost less than 20% of a retailer's prior commission. dLCV will address their violations in FY2018.
9. Many people with disabilities falter in the face of the daunting and confusing process of applying for disability benefits from social security. dLCV provides Short Term Assistance (STA) to people with disabilities who need help navigating this process. Through STA, dLCV reviews client's records and advises them of their rights, and the next steps in the process. dLCV also refers STA clients to our self-advocacy fact sheets to guide them through the process.

Due Process

Georgia's mother called dLCV because when she delivered the records for Georgia's age 18 re-determination case to the Social Security Administration (SSA) she learned of a denial of benefits. The claims worker never sent a letter of confirmation for a denial nor did she inform them of their appeal rights in person. This took away Georgia's access to the right to appeal and request benefit continuation during the appeal process, causing a cascade of issues for the family, including homelessness. dLCV took immediate action resulting in restoration of Georgia's appeal rights and benefits. dLCV then educated Georgia and her mother about Section 301 since Georgia was in school and participating with the vocational agency. dLCV also advised her of the one third reduction in order to receive the highest SSI benefit possible. With her benefits restored and armed with the new information, Georgia is well on her way to a smooth transition into adulthood.

The Importance of Education

A young man with autism named Colm and his mother contacted the disAbility Law Center (dLCV) for assistance with a claim for the Adult Disabled Child benefit under the Social Security Administration (SSA). Colm was nearly finished with an Associate's Degree in Criminal Justice from the local community college. SSA may take this credential as evidence of his ability to work. dLCV advised the family of the specific type of documentation that will be necessary to reveal to SSA the many deficits that would prevent him from sustaining attention, managing a routine, and relating to co-workers in competitive employment. dLCV also referred Colm to the Department of Aging and Rehabilitation Services (DARS) that can explore his true capacity to work and possibly provide the missing documentation. dLCV also notified Colm of the Client Assistance Program in case he has trouble accessing DARS services and how to obtain representation for his upcoming hearing.

Goal: People with Disabilities Live in the Most Appropriate Integrated Environment

Focus Area: Maximize Individual Choice

Needs/Issues/Barriers Addressed: dLCV will educate and assist individuals with creation of Advance Directives and modification or termination of guardianships to allow for maximized individual choice. We will also respond to legislation and inform policy makers as needed to protect the rights of personal choice and self-direction.

Indicators for Success Include the Completion of the Following Objectives:

1. Represent individuals living in institutional settings to eliminate barriers to self-determination, including lack of assistive technology, effective communication and review of decision-making capacity.

2. Expand the Supported Decision-Making Resource Center on our website by adding three additional tools that individuals can use to do their own advance care planning.
3. Obtain senior needs assessments from five local or state government agencies (such as Richmond City Office on Aging and Disability) to identify those needs which pose a barrier to community integration for elders with disabilities.
4. Publish initial findings to the legislature and 10 elder rights organizations.
5. Train attorneys who are members of the Virginia Academy of Elder Law Attorneys or similar organization about the history of disability rights and the intersections between disability rights and elder rights.
6. With input from the organizations above, revise and publish a final report addressing barriers to inclusion for elders with disabilities and present recommendations for systemic change.
7. Represent individuals, including seniors, in proceedings to prevent, modify, or terminate guardianship where there is evidence of capacity.
8. Represent individuals on their social security appeal before an administrative law judge.

Collaborative Efforts: Institute on Disability and Human Development at the University of Illinois, Chicago; Institute on Developmental Disabilities; US Department of Health and Human Services; Department of Behavioral Health and Developmental Services; Department for Aging and Rehabilitative Services (DARS); MEDARVA; Virginia Alzheimer's Disease and Related Disorders Commission; Weldon Cooper Center for Public Service; Virginia Elder Rights Coalition.

Number of Cases Handled: 35

Case Summary for each indicator that demonstrates the impact of the priority:

1. Freedom to go Home

Walter contacted dLCV because he wanted to leave a nursing home and return home to live with his family. In order to do this, Walter needed dLCV's assistance to remove his guardian. dLCV helped Walter get an expert psychiatric evaluation, make an advance directive for health care, and put together a well-reasoned plan for the care he would need when he returns home. dLCV filed Walter's petition with the court. Opposing counsel did

not resist and the judge signed an Order granting Walter's petition, restoring his legal competence, and removing his guardianship and guardian. Walter has left the nursing home and is now at home with his loved ones.

2. People with disabilities and their families often have the misconception that guardianship is the only way to have assistance with decision making. dLCV educates people with disabilities and their families about alternatives to guardianship and provides resources to help people exercise supported decision making. dLCV added three new resources to the supported decision making resource center: Do-It-Yourself Advance Directive with line by line instructions, Web resources on Supported Decision Making, and How to Choose a Healthcare Agent.
3. dLCV conducted a systemic literature review of reports from several agencies as well as numerous federal, state, and private websites to complete a report on the needs of the aging population in Virginia, with an emphasis on keeping seniors in the community.
4. See section IV, A
5. See section I
6. See section IV, A

Goal: People with Disabilities Live in the Most Appropriate Integrated Environment
Focus Area: Equal Access to Public Accommodations

Needs/Issues/Barriers Addressed: dLCV will seek local and systemic change to increase the quality of life for people with disabilities by removing architectural and parking barriers to allow access to places of public accommodation.

Indicators for Success Include the Completion of the Following Objectives:

1. Inform the United States Access Board of our findings of inaccessible post offices.
2. Represent individuals who have been denied access to buildings, either due to architectural barriers or refusal to allow service animals.
3. Survey Social Security offices to determine compliance with the Architectural Barriers Act. Inform the United States Access Board for corrective action.
4. Create a quarterly article for social media that will outline EEOC's "hot topics." Analyze current trends in employment law to allow us to decide future direction of employment work for the agency.

Collaborative Efforts: United States Access Board, Equal Employment Opportunity Commission (EEOC), dLCV Volunteers

Number of Cases Handled: 7

Case Summary for each indicator that demonstrates the impact of the priority:

1. The Architectural Barriers Act (ABA) is an accessibility law which predates the Americans with Disabilities Act (ADA) and applies to federal buildings like post offices. dLCV reported the findings of our FY 16 survey of post offices across the Commonwealth to the Access Board which enforces the ABA. dLCV surveys uncovered noncompliance with accessibility standards in 73 percent of the 123 surveyed locations. 20 percent of the problems were severe in nature. dLCV included copies of letters sent to the six offices we felt had the most significant barriers. Less than ten days later, the Access Board wrote to us asking for more detail. We resurveyed the six post offices we'd previously written to and submitted complaints to the Access Board. In the case of one post office, the Access Board negotiated the addition of a ramp based on our findings.
- 2. Out on the Town**
James and his wife are retired. They want to spend the time they have left together eating out and enjoying restaurants and shops in the historic town where they live. James has a brain tumor and uses a walker or wheelchair for mobility, so this has been a challenge for the pair. Not sure what to do, they came to dLCV for help. dLCV surveyed one of the restaurants they like to frequent and found James's concerns to be valid. Parking was not on the shortest accessible path, which was also too narrow. We wrote to the property owner and, after meeting with their attorney, they agreed to relocate accessible parking, widen the pathway, and create an accessible table in the outdoor seating area. James and his wife are excited to go back and spend their hard earned money enjoying a favorite spot without worrying he'll get fatigued getting there.
3. Social Security benefits are important to the livelihood of people with disabilities. In order to access assistance in applying for benefits, people with disabilities have to be able to get in the door of their local social security offices. dLCV surveyed 20 Social Security offices across the Commonwealth for compliance with Title II of the Americans with Disabilities Act (ADA). dLCV identified issues with parking and lack of accessible features on self-service kiosks used for check-in as the most common issues. dLCV distributed these findings to a Division Manager who agreed to distribute dLCV's findings. The landlord of one location and our contact at Social Security have agreed to give dLCV a corrective action plan for all problems.

4. The Equal Employment Opportunity Commission (EEOC) is the federal agency responsible for enforcing anti-discrimination employment laws such as the ADA. The EEOC offers guidance on employment discrimination issues and represents some clients in discrimination cases. Knowledge of the work of the EEOC creates a legal consciousness among people who belong to protected minority groups. In order to reach people with disabilities and keep them informed about their legal rights, dLCV submitted 4 quarterly EEOC “hot topics” articles for FY2017. dLCV worked with a volunteer to write relevant and timely articles on employment discrimination against people with disabilities. We shared these articles via email and on social media. This information helps people with disabilities understand their rights and feel empowered to take action when something happens to them at work.

Goal: People with Disabilities have Equal Access to Appropriate and Necessary Health Care

Focus Area: Access to Healthcare

Needs/Issues/Barriers Addressed: This Focus Area allows dLCV to address the need for greater architectural access, reliable medical transportation, and effective communication for people with disabilities accessing healthcare facilities.

Indicators for Success Include the Completion of the Following Objectives:

1. Represent individuals who require effective communication or other specialized services under a Medicaid Waiver.
2. Represent individuals who have been denied effective communication or who face physical barriers at medical offices.

Collaborative Efforts: Virginia Department of Medical Assistance Services (DMAS), ADA National Network

Number of Cases Handled: 7

Case Summary for each indicator that demonstrates the impact of the priority:

1. The Game Plan

Marina has multiple disabilities, including declining vision. She applied for and was denied the Elderly or Disabled with Consumer Direction (EDCD) waiver. Her case worker told her this was because she did not meet nursing home criteria. Feeling like she still needed additional help, Marina called dLCV. We walked Marina through the different criteria for the waiver, and provided detailed short term assistance covering the

waiver criteria, how to file a Medicaid appeal, and what to do if an appeal was unsuccessful. Marina now has the tools she needs to advocate for herself!

2. I Can Be Reasonable

LeVar is deaf-blind. For years, he got prescriptions filled at the local Walmart a mile away from his house. One day, he got a message that one of his medications was ready. When he called to explain he picked it up the week before, the pharmacist told him he would need to sign a release in order to use relay to communicate with the pharmacy. He said this was simply their policy. After calling three other pharmacies in the area, a frustrated LeVar called dLCV for help. No one else had such a policy and LeVar felt use of relay was a reasonable accommodation for his disability. dLCV took action and contacted the pharmacy and then Walmart Corporate. Within a week, a Health and Wellness Market Manager contacted dLCV and said this was not Walmart's policy. The manager made a visit to the store to retrain staff and apologized for LeVar's experience. dLCV made an impact not just for LeVar but for future customers of that pharmacy who need reasonable accommodations for their disabilities.

Powerful Information

Everyone who calls dLCV for help receives information and referral. Patrick called asking for help getting an interpreter for his medical appointments. Although, dLCV was unable to open the case at that time, our advocate on duty discussed his ADA rights with him. Patrick used the information he received from dLCV to call his doctor's office and successfully advocate for an interpreter!

B. Priorities and Objectives for Fiscal Year 2018-

Please include a statement of priorities and objectives for the current fiscal year (the fiscal year succeeding that covered by this report), which should contain the following information:

1. a statement of each priority;
2. the need addressed by each priority; and;
3. a description of the activities to be carried out under each priority.

Indicators for Success Include the Completion of the Following Objectives:

Goal: People with Disabilities Have Appropriate Access to Government Services

Focus Area: Architectural Barriers and Reasonable Accommodations

Needs/Issues/Barriers Addressed: dLCV will seek local and systemic change to increase the quality of life for people with disabilities by removing barriers to ADA Title II services included access to government buildings and barriers to vote.

Indicators for Success Include the Completion of the Following Objectives:

Using information obtained during surveys conducted in FY17, obtain corrective action against SSA offices in locations covered by the ADA, ABA, or both which are not accessible to people with disabilities.

Using information obtained during surveys conducted in FY17, and information gathered during FY 18, obtain corrective action against post offices in locations covered by the ADA, ABA, or both which are not accessible to people with disabilities.

File reports with the US Access Board of all violations of the Architectural Barriers Act that preclude access to services relating to post offices, SSA offices, and any other federal buildings covered by the ABA.

Publish report to correspond with the 50th Anniversary of the Architectural Barriers Act, passed in 1968, explaining the parameters of the Act, remedies, the complaint process, and dLCV's findings of non-compliant buildings.

Coordinate with National Disability Rights Network to educate other P&A offices of rights and remedies under the Architectural Barriers Act.

Open cases on behalf on individuals who face barriers to access to public transportation or any state, county, or local government service, including physical barriers, interpreter refusal, denial of assistive technology, or service animals.

Take corrective action regarding discrepancies between information provided by the Virginia Lottery in response to the settlement agreement in *Winborne v. Virginia Lottery* and our findings on FY2017 onsite surveys.

Goal: People with Disabilities Live in the Most Appropriate Integrated Environment

Focus Area: Maximize Individual Choice

Needs/Issues/Barriers Addressed: dLCV will educate and assist individuals with Social Security benefit barriers and modification or termination of guardianships to allow for maximized individual choice.

Indicators for Success Include the Completion of the Following Objectives:

Provide training on supported decision making for the Region Five Human Rights Consortium. Provide training on supported decision making for a Partners in Policymaking class.

Publish a web-based training on supported decision making on the dLCV webpage.

Publish a one-page Social Security guide on SSA's new iAppeals for non-medical/non-disability issues to include overpayments to increase access to the SSA online appeals process.

Publish a one-page Social Security self-help guide on social security benefits when discharged from an institution (hospital or prison) to facilitate re-instatement of benefits during the transition to the community and independence.

Represent individuals in proceedings to prevent, modify, or terminate guardianship where there is evidence of capacity.

Goal: People with Disabilities Live in the Most Appropriate Integrated Environment

Focus Area: Equal Access to Public Accommodations

Needs/Issues/Barriers Addressed: dLCV will seek local and systemic change to increase the quality of life for people with disabilities by removing architectural and parking barriers to allow access to places of public accommodation with an emphasis on colleges and universities.

Indicators for Success Include the Completion of the Following Objectives:

Educate students, staff, and parents at private colleges and universities about ADA rights to reasonable accommodations and physical access.

Represent students facing barriers to access and accommodations at colleges and universities.

Represent individuals who have been denied access to public accommodations due to a denial of effective communication or assistive technology, physical barriers, or any failure to provide reasonable accommodations.

Advise medical service providers of their legal obligations under Title III of the ADA or other applicable laws where such facilities are identified under other objectives.

Create a social media campaign whereby Virginians with disabilities and others can report inaccessible places of public accommodations, provide details, and upload photographs.

Investigate identified places of public accommodation reported by the CILs or Social Media campaign each quarter for violations of the law, and educate the owners of their legal obligations. Take corrective action when a particular complainant is available.

Complete a comprehensive ADA survey to assess accessibility at colleges and universities. Obtain corrective action to ensure all campus buildings have at least one accessible entrance and all parking lots meet ADA standards.

Goal: People with Disabilities have Equal Access to Appropriate and Necessary Health Care

Focus Area: Denial of Medicaid Services

Needs/Issues/Barriers Addressed: Medicaid services are changing and benefit education and advocacy is critical to the continued health and safety of many Virginians with disabilities.

Indicators for Success Include the Completion of the Following Objectives:

Using social media, advise the disability community about changes to Medicaid on a monthly basis.

Investigate whether delays in payment for waiver services such as assistive technology or environmental modifications are putting Medicaid beneficiaries at risk of institutionalization and follow up with a complaint to Centers for Medicare and Medicaid Services (CMS) or litigation if appropriate.

Goal: People with Disabilities have Equal Access to Appropriate and Necessary Health Care

Focus Area: Access to Healthcare

Needs/Issues/Barriers Addressed: This Focus Area allows dLCV to address the need for greater architectural access, reliable medical transportation and effective communication for people with disabilities accessing healthcare facilities.

Indicators for Success Include the Completion of the Following Objectives:

Collaborate with Department of Health Office of Licensing for physicians to distribute information of legal obligations relating to effective communications for patients who are deaf or hard of hearing.

Represent individuals who have been denied appropriate health care services due to a denial of effective communication, assistive technology, physical barriers, or any failure to provide reasonable accommodations.

Using Volunteers, research the effects of opioid addiction on people with disabilities and identify rights and unmet healthcare needs related to these addictions. Publish findings.

Part VI. Narrative

- A. Sources of funds received and expended
- B. Budget for the fiscal year covered by this report
- C. Description of PAIR staff (duties and person-years)
- D. Involvement with advisory boards (if any)
- E. Grievances filed under the grievance procedure
- F. Coordination with the Client Assistance Program (CAP) and the State long-term care program, if these programs are not part of the P&A agency
 - G. A. Sources of funds received and expended
 - H.

Source of Funding	Amount Received	Amount Spent
Federal	\$381,652	\$335,643
State	-	-
Program Income	-	-
Private	-	-

All other funds-carryover	169,820	169,820
Total (from all sources)	\$551,472	\$505,463

I.

J. B. Budget for the fiscal year covered by this report

K.

Category	Current Fiscal Year-FY17	Prior Fiscal Year FY16
Wages/salaries	\$365,460	\$403,674
Fringe benefits (FICA, unemployment, etc.)	108,000	88,520
Materials/supplies	2,500	1,500
Postage	1,500	900
Telephone	3,060	4,500
Computer/IT	4,900	4,900
Rent -	36,000	34,200
Travel	15,500	10,300
Copying	250	150
Equipment (rental/purchase)	2,880	3,960
Temporary Personnel Services	500	1,000
Miscellaneous	35,430	23,350
Total	\$575,970	\$576,954

L.

M. C. Description of PAIR staff (duties and person-years)

N.

Type of Position	FTE	% of year filled	Person-years
Professional			
Full-time	24	90	2

Part-time			
Vacant			
Clerical			
Full-time	6	90%	6
Part-time	.5	25%	0
Vacant			

D. Involvement with advisory boards (if any)-

dLCV operated with one (1) Advisory Council: The Protection and Advocacy for Individuals with Mental Illnesses (PAIMI) Advisory Council. The Council's primary responsibility was to advise the protection and advocacy system on policies and priorities to be carried out in protecting individuals with disabilities concentrating on those with mental illness. This function helped dLCV to identify underserved and unserved Virginians.

E. Grievances filed under the grievance procedure-

dLCV received four PAIR Grievances in FY 18. The dLCV Executive Director responded to all grievances. Two grievances related to closed cases clients wished to re-open. Two grievances related to a disagreement to provide information and referral only to issues outside of our goals and focus areas.

F. Coordination with the Client Assistance Program (CAP) and the State long-term care program, if these programs are not part of the P&A agency

CAP is part of dLCV.

Coordination with the State Long-Term Care Ombudsman Program is particularly important during the legislative session.

The Long-Term Care Ombudsman Program consists of the Office of the State Long-Term Care Ombudsman and twenty local offices located in area agencies on aging throughout the state providing direct service in their communities. The mission of Virginia's State Long Term Care Ombudsman Program is to serve as an advocate for older persons receiving long-term care services. Virginia Local Ombudsmen provide older Virginians and their families with information, advocacy, complaint counseling, and assistance in resolving care

problems. The program also represents the interests of long-term care consumers before state and federal government agencies and the General Assembly.

Using other funds, dLCV worked with the Elder Rights community to identify an outstanding advocate as the recipient of our annual “Excellence in Advocacy” Award. The LTCO assisted us in identifying that outstanding advocate.

The Department of Medical Assistance Services (DMAS) is the primary source of funding for the long-term care system in Virginia. dLCV coordinates with them on an as needed basis.

Certification

Signed

Signed By Colleen Miller, Esq.

Title Executive Director