

PAIR FY 18 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.dlc.v.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 **202**
2. Individuals receiving I&R outside PAIR priority areas **335**
3. Total individuals receiving I&R (lines A1 + A2) **537**

B. Training Activities

1. Number of trainings presented by PAIR staff **22**
2. Number of individuals who attended training (approximate) **16,516**

C. Information Disseminated to the Public

1. Radio and TV appearances by PAIR staff 3
2. Newspaper/magazine/journal articles 14
3. PSAs/videos aired 0
4. Hits on the PAIR/P&A website 68,366
5. Publications/booklets/brochures disseminated 621
6. Other (report to general assembly) 0

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.

Since the disAbility Law Center of Virginia (dLCV) can only provide direct case services to a limited number of people each year, we conduct outreach and training in order to increase the amount of people who benefit from dLCV's expert assistance.

Social (in)Security

Through case work, dLCV provides individualized short term assistance to people navigating the rough waters of social security. For example, dLCV assisted Nanette after an administrative law judge denied her request for disability benefits. dLCV reviewed the judge's decision and identified the gaps in Nanette's case. Nanette now understands how to strengthen her case going forward and has resources to help her understand the process better. In order to help more people like Nanette and extend this assistance to a larger audience, dLCV educated five advocacy groups about the complicated process of navigating social security benefits. A total of 91 individuals with disabilities, caretakers, and social workers gained knowledge of the process and skills to develop cases with a strong chance of approval. Each training utilized PowerPoints and handouts specifically targeted to each audience. Topics included cancer listings, mental disorder listings, child eligibility rules, and the difference between disability programs under the Social Security Administration and the Veterans Administration.

dLCV also conducted three "Social Security Clinics" to provide our expert assistance to individuals in their own communities. dLCV provided one-on-one consultations to 17 individuals. Issues covered included adult supplemental security income for coming of age children, beginning the application process for the first time, and preparing for hearings. These trainings provided the same expert assistance that short term assistance clients like Nanette receive but on a larger scale, reaching a wider audience.

Doctor, Heal Thyself

People with disabilities are not the only audience that the dLCV lends its expertise to. Sometimes through our cases, dLCV learns the importance of educating potential adversaries on the rights of people with disabilities. dLCV helps clients each year who are denied access to medical care due to failure to provide accommodations in compliance with the Americans with Disabilities Act (ADA). For example, this year, dLCV assisted Mark whose doctor provided an ASL interpreter for him but when Mark received the bill he was surprised that he was charged not only fees for the medical care but also for the costs associated with the interpreter! dLCV got involved and educated the doctor's office about their responsibilities under the ADA and had the interpreter charges removed. Based on other complaints received, dLCV provided information on disability rights to a total of 12 medical offices. dLCV also created a guide outlining the rights of people with disabilities in medical offices for other medical offices in order to protect the rights of people with disabilities across the Commonwealth.

Hola from dLCV

dLCV recognizes the Hispanic community as an underrepresented group in the agency's case work. In order to remedy this gap, dLCV hired a Hispanic Outreach Coordinator. With the help of this coordinator, dLCV provided a presentation to 13 professionals, students, and parents at an advocacy group that serves the Latino community. The presentation covered topics such as transition services, Vocational Rehabilitation (VR) services, supported decision making, and dLCV services and programs. dLCV provided all attendees with a Spanish Language copy of the transition rights manual, "I Have a Choice, I Have a Voice."

dLCV was also featured in a radio talk show called 'Raising the Bar' on 820 AM out of Chester Virginia. We provided information about PAIR and other dLCV programs to approximately 15,000 listeners.

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) **11**
2. Additional individuals served during the year **56**
3. Total individuals served (lines A1 + A2) **67**
4. Individuals w. more than 1 case opened/closed during the FY. (Do not add this number to total on line A3 above.) **2**

B. Individuals served as of September 30 9

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

C. Problem Areas/Complaints of Individuals Served

1. Architectural accessibility **5**
2. Employment
3. Program access
4. Housing **1**
5. Government benefits/services **34**
6. Transportation **1**
7. Education **4**
8. Assistive technology
9. Voting
10. Health care **13**
11. Insurance
12. Non-government services **3**
13. Privacy rights **2**
14. Access to records
15. Abuse **2**
16. Neglect **2**
17. Other **3**

D. Reasons for Closing Individual Case Files

1. Issues resolved partially or completely in individual favor **53**
2. Other representation found **2**
3. Individual withdrew complaint **2**
4. Appeals unsuccessful
5. PAIR Services not needed due to individual's death, relocation etc.
6. PAIR withdrew from case **4**
7. PAIR unable to take case because of lack of resources
8. Individual case lacks legal merit
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 **1**
2. Short-term assistance **45**
3. Investigation/monitoring **3**
4. Negotiation **8**
5. Mediation/alternative dispute resolution
6. Administrative hearings **1**
7. Litigation (including class actions) **3**
8. Systemic/policy activities

Part III. Statistical Information on Individuals Served

A. Age of Individuals Served as of October 1

Multiple responses not permitted.

1. 0 – 4 **0**
2. 5 – 22 **4**
3. 23 – 59 **43**
4. 60 – 64 **9**
5. 65 and over **11**

B. Gender of Individuals Served

Multiple responses not permitted.

1. Females **39**
2. Males **28**

C. Race/Ethnicity of Individuals Served

1. Hispanic/Latino of any race **4**

For individuals who are non-Hispanic/Latino only

2. American Indian or Alaskan Native
3. Asian **2**
4. Black or African American **22**
5. Native Hawaiian or Other Pacific Islander
6. White **39**

- 7. Two or more races
- 8. Race/ethnicity unknown

D. Living Arrangements of Individuals Served

Multiple responses not permitted.

- 1. Independent **44**
- 2. Parental or other family home **11**
- 3. Community residential home **1**
- 4. Foster care
- 5. Nursing home **5**
- 6. Public institutional living arrangement **2**
- 7. Private institutional living arrangement
- 8. Jail/prison/detention center **1**
- 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
- 4. Orthopedic impairment **13**
- 5. Mental illness **14**
- 6. Substance abuse **1**
- 7. Mental retardation
- 8. Learning disability **3**
- 9. Neurological impairment **10**
- 10. Respiratory impairment **1**
- 11. Heart/other circulatory impairment **4**
- 12. Muscular/skeletal impairment **9**
- 13. Speech impairment
- 14. AIDS/HIV
- 15. Traumatic brain injury **1**
- 16. Other disability **14**

Part IV. Systemic Activities and Litigation

A. Systemic Activities

- 1. Number of policies/practices changed as a result of non-litigation systemic activities **3**
- 2. Number of individuals potentially impacted by policy changes **71,189**

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.

dLCV is committed to using strategies which bring about systemic change that will impact people with disabilities throughout the Commonwealth. dLCV relies on input from its constituents and advocacy partners to identify places where help is needed the most.

Educated Judgement

dLCV presented to 365 General District Court Judges at the Supreme Court of Virginia Judicial Conference on ADA access issues and the courts. dLCV spoke about trends in access issues for people with disabilities, including using public transportation and ride sharing, sidewalk and access concerns, interpreter requirements, service animals, and other general issues. dLCV training materials were provided to each judge and participant in their training manual and electronically, and approximately two dozen judges asked individual questions of the speaker. dLCV provided invaluable Americans with Disabilities Act (ADA) education to the judges. We are speaking at two additional Virginia Supreme Court trainings for all Virginia Magistrates in FY 19.

Do Your Homework

In the previous fiscal year, dLCV launched a social media campaign to identify accessibility barriers in colleges and universities. This year, dLCV surveyed three private colleges across the Commonwealth of Virginia. The purpose of this action was to ensure that students with disabilities have the opportunity to attend college without barriers at all academic and social programs. dLCV wrote letters to all three schools identifying issues with building accessibility and parking. As a result of dLCV's intervention, one college has re-striped their parking lot to comply with the ADA. The students with disabilities at this school now have one less barrier to their education. The campus has approximately 250 students.

Like This

dLCV collaborated to create a social media campaign to encourage Virginians with disabilities to share accessibility concerns with dLCV. Utilizing all of the agency's social media accounts and its website, dLCV posted links to voting and social media surveys. dLCV created social media tool kits and monthly newsletters that included access to the agency's various surveys. As a result, people with disabilities across the Commonwealth are more aware of their rights and have the tools they need to advocate for themselves and other people with disabilities. Our website received 68,366 views and our social media forums have 2208 followers.

B. Litigation/Class Actions

1. Number of individuals potentially impacted by changes as a result of PAIR litigation/class action efforts: 5

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.

Philadelphia Freedom

John had a stroke which caused him multiple disabilities including mobility, muscle control, cognitive and communication impairments. He had no family in Virginia, so a public guardian took control of his life and placed him in an assisted living facility. John reached out to dLCV for help, and we worked with his health care providers to obtain a competency evaluation and coordinate a services plan, and an advance directive. Based on these documents, dLCV prepared and filed John's Petition to Terminate Guardianship and Conservatorship. Although the case was uncontested and the client was represented (by dLCV), the judge nevertheless appointed a guardian ad litem and insisted on a hearing. At the hearing, the judge asserted a series of legally unreasonable positions. However, in the end dLCV's arguments prevailed and the judge signed our Proposed Order. John was delighted with the result, and he moved to Philadelphia the following week to reunite with his elderly mother.

Friend Zone

This year, dLCV launched a formal amicus brief operation in order to be prepared to lend our voice whenever the legal rights of Virginians with disabilities may be in jeopardy. Using PAIR funds, dLCV filed an amicus brief, joined by the National Disabilities Rights Network, in the Court of Appeals for the Fourth Circuit. The case involves a denial of a reasonable accommodation for a child with severe celiac disease or non-celiac gluten sensitivity. The child traveled to Colonial Williamsburg as part of a school trip, which included a meal at a Colonial Williamsburg Tavern. Due to the severe allergy issues, the child's parent brought food from home that they knew was gluten free, only to find that Colonial Williamsburg made them eat outside the tavern. dLCV argued that the District Court wrongly focused on the tavern solely as a restaurant ignoring the educational and entertainment role of the tavern in a school fieldtrip context. Secondly, the district court wrongly stated that the plaintiffs had to request the accommodation in advance. Finally, dLCV noted that there are several entities within the entertainment field that allow people such as the plaintiff to bring in their own safe food.

Putting the FREE back in Free Appropriate Public Education

Mac's mother is a teacher in a rural school district in Virginia. Virginia law allows children of school staff to attend school in the district where the parent works even if they reside outside of the school district borders. Mac and his brother both attend school in the district where his mother works but the school system charged Max, who has a disability, a fee of \$3,000 while charging nothing for his brother who has no disability. Mac's mother contacted dLCV for help contesting this fee for special education services. dLCV filed a complaint alleging discrimination under the ADA and Section 504 in the US District Court of the Western District of Virginia. During the course of negotiation attempts prior to filing this suit, the school system, through counsel, also threatened retaliation against Mac and his mother for challenging this fee for provision of disability related accommodations. However, thanks to dLCV's legal advocacy, the school system agreed to settle this case before filing its Answer, agreeing not to charge Mac or his brother any fees for attendance through graduation as long as Mac's mother is an employee, and not to retaliate against Mac, his brother or mother. With this victory, dLCV voluntarily withdrew the Complaint, without prejudice.

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: 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 including access to government buildings and barriers to vote.

Indicators for Success Include the Completion of the Following Objectives:

1. 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.

2. 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.
3. 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.
4. 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.
5. 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.

Collaborative Efforts: General Services Administration, National Disability Rights Network, Access Board

Number of Cases Handled: 5

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

1. In the previous fiscal year, dLCV surveyed 20 social security offices across the Commonwealth and made recommendations to the Access Board to improve accessibility. Upon following up on these recommendations, dLCV found that one of the locations was actually made even less accessible. Once dLCV brought this to the attention of the General Services Administration (GSA), GSA made recommendations based on dLCV's complaint. People with disabilities can now safely access this social security office.
2. dLCV surveyed post offices across Virginia looking for locations that were inaccessible. dLCV has been working with the Access Board on compliance for two complaints filed in the previous year and new complaints filed this year. One location agreed to put in a ramp to correct accessibility. Another location agreed to bring the parking into compliance with the law and fix curb cuts leading to the door.
3. In fiscal year 2016, dLCV began its push to celebrate the fiftieth anniversary of the Architectural Barriers Act (ABA) in 2018 by surveying post offices across the Commonwealth. dLCV followed up in 2017 by writing a findings letter to the Access Board to summarize our findings. Upon learning what criteria the Board uses to follow up on complaints, dLCV filed complaints about the most egregious issues at Post Offices from our 2016 findings. By 2018, the Access Board recognized dLCV as one of its best complainants. dLCV shared this information so that our sister agencies across the country could utilize this little known law to help their clients gain access to government offices. dLCV wrote a report detailing the ABA, The Access Board, and the complaint process. dLCV mailed this report to the entire Protection and Advocacy (P&A) network in the hopes they will follow dLCV's leadership in advocating for their client's rights under the ABA.

4. Trash Talk

Dolores is an elderly woman who lives alone in rural Virginia. The local trash and recycling center was inaccessible to her and others who have mobility impairments. The dumpsters are too high to reach and the recycling area is only accessible by perilously shaky stairs. There is inconsistent staffing at these centers to lend a hand. Before contacting dLCV, Dolores contacted the county about these concerns. They advised her to hire a waste disposal company at her own expense. dLCV intervened and the county issued instructions to all personnel in charge of the trash and recycling centers that all residents should have access to prompt assistance. Dolores returned to the refuse center and was pleased to receive the assistance she needed. Thanks to dLCV, Dolores and all residents of this county can get help if they need it.

Talk Out of School

Harry contacted the dLCV to report that his daughter's elementary school has serious accessibility problems. The inaccessibility has become a barrier not only to Harry's daughter, a wheelchair user, but also to Harry himself, who has multiple sclerosis and struggles to access the school during important events for parents. dLCV conducted an accessibility survey and identified several barriers. The school worked with dLCV to make the school more accessible. These changes include a new ramp at the closest entrance to the parking lot, new buzzer at the front door that is accessible from a wheelchair, several stair lifts throughout the school, widening the cafeteria food line, decreasing slopes, and bringing the parking into compliance with the Americans with Disabilities Act (ADA) and the Virginians with Disabilities Act (VDA). Thanks to dLCV, this school is much more accessible to all who need to access it.

5. dLCV and the Virginia Lottery have a settlement agreement that requires the lottery to provide information about retailers found to be non-compliant with the ADA. dLCV has been spot checking retailers on the lottery's exemption list and randomly surveying retailers. In doing so, dLCV discovered that the lottery had not been reporting the agreed upon information. dLCV reported its findings to the lottery who agreed to a meeting with dLCV and to jointly survey several locations with dLCV. dLCV negotiated corrective action with five retailers including a chain retailer which agreed to fix the parking at all stores in the chain.

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:

1. Provide training on supported decision making for the Region Five Human Rights Consortium.
2. Publish a web-based training on supported decision making on the dLCV webpage.
3. 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.
4. 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.
5. Represent individuals in proceedings to prevent, modify, or terminate guardianship where there is evidence of capacity.
6. Provide STA to 40 individuals negotiating Social Security benefits or reviews.

Collaborative Efforts: Region Five Human Rights Consortium, Community Services Boards, VOCAL, National Alliance on Mental Illness (NAMI), Institute of Law, Psychiatry, & Public Policy (ILPPP), Department of Behavioral health and Developmental Services (DBHDS), Mental Health America Virginia (MHAV), Social Security Administration

Number of Cases Handled: 22

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

1. dLCV met with 11 participants from 5 different Community Services Boards (CSBs). dLCV taught the participants about supported decision making and best practices for working with clients who have substitute decision makers. All 11 participants reported that they learned something new as a result of dLCV's training. This training protected the rights of people with disabilities to participate in decisions regarding their care and services from the CSBs.
2. dLCV collaborated with its advocacy partners (see collaborators above) to create a PowerPoint training on advance directives. dLCV amended the training materials to make them accessible and we are posting them on dLCV's website.
3. dLCV developed the iAPPEALS guide to educate social security applicants or beneficiaries of their right to dispute a decision made by the Social Security Administration using their new online appeal system. This will benefit people who are unable to travel to a social security office due to disability, finances, or other extenuating circumstance. Taking advantage of the new online appeal system could also expedite an appeal.

4. dLCV frequently receives calls from people in institutions regarding their benefits. dLCV created a guide on social security benefits when discharged from an institution. This guide educates the person with a disability, a caregiver, or even professionals and provides a step-by-step guide for a smooth transition back into the community with benefits reinstated.

5. You Gave Me My Life Back

A resident of a nursing home, Aretha, asked dLCV to help her terminate her guardianship so she can live in the community. dLCV prepared her case and helped her make an advance directive. dLCV then successfully represented her in court, and obtained a court order terminating her guardianship. She hugged the dLCV representative and exclaimed: "dLCV has given me my life back." Aretha is currently working with a placement agency to transition to her own apartment.

A Momentous Day

Burt's guardian approached dLCV requesting assistance with terminating his guardianship and conservatorship, as he did not believe that Burt was in need of either. dLCV filed a petition requesting that the court terminate Burt's guardianship and conservatorship and represented Burt during the hearing. dLCV provided the court with examples of Burt's ability to manage his day to day affairs and finances. The Judge ruled in Burt's favor stating that this was a momentous day and she hopes that Burt understands the importance of this proceeding as it is not often that people are able to come before the court and have their rights restored. dLCV congratulated Burt on having his rights restored and said goodbye as Burt and his prior guardian headed to the social security office to place Burt back in charge of his social security checks.

6. Dream Big

dLCV provides short term assistance to people who need guidance on the process of applying for or maintaining benefits from social security. Sometimes this guidance involves weighing the pros and cons of benefits, giving clients the tools they need to make their decision.

Margot is a young woman with narcolepsy. Margot and her mother asked dLCV for help with her claim for Supplemental Security Income (SSI). Her doctor recommended she apply but despite needing frequent sleep, she worked in a fast food restaurant for over one year. She is also returning to community college soon to continue her education. After explaining the criteria used by the Social Security Administration to decide a case, Margot and dLCV explored the pros and cons of continuing her claim vs. focusing on work and school. She received encouragement to connect with the community college's Office of Disability to self-advocate and explore accommodations in the academic setting. Margot agreed that someone is always better off working and that the benefit she might qualify for would likely be less than she could earn. Thanks to dLCV, Margot now understands all the options available to her and has resources and strategies to be successful in school and work.

Get the Message

Verne waited over a year for reinstatement of his social security disability (SSDI) after losing his job. Each visit to the Social Security office leads to frustration as they fail to provide him an ASL interpreter and instead rely on his daughter to provide interpretation. In frustration, he contacted dLCV in hopes of better understanding the delay. dLCV reviewed his documentation and learned that the delay was due to SSA needing to do another disability determination which required a new hearing exam. Once he met that requirement, SSA reinstated his benefits. In the meantime, SSA recommended he also apply for SSI since his SSDI benefit was below \$750. Verne misunderstood and thought SSA was making him re-apply all over again. If SSA had provided an interpreter, he would have understood the process all along and avoided this delay. dLCV made sure he and his daughter understand that SSA must provide a live interpreter since that is his preferred form of effective communication allowed by the ADA.

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 including colleges and universities.

Indicators for Success Include the Completion of the Following Objectives:

1. Educate students, staff, and parents at private colleges and universities about ADA rights to reasonable accommodations and physical access.
2. 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.
3. 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.
4. Create a social media campaign whereby Virginians with disabilities and others can report inaccessible places of public accommodations, provide details, and upload photographs.
5. 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.

Collaborative Efforts: Randolph Macon University, Roanoke College, Sweet Briar College, Hollins University, Bryan and Stratton University, and Virginia Union University

Number of Cases Handled: 8

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

1. dLVCV set out this year to provide presentations to five private colleges and universities about dLVCV services, classroom accommodations, and accessibility. dLVCV reached 50 individuals including faculty, staff, and students at 6 different universities.

2. The Letter of the Law

Jerry is a proud military veteran with a bad hip. He asked his mail carrier to deliver his mail to the door when he became unable to walk to his mailbox. The request got lost. When he called dLVCV, his advocate wrote to the local Postmaster and the Postmaster General of the United States to ask for an accommodation. Jerry's local Postmaster immediately replied with the appropriate form and agreed to ensure delivery to the door.

Dirty Laundry

Charlotte is a wheelchair user who lives independently in an urban area. Like many low income people with disabilities, she uses a laundromat near her apartment to do her laundry. However, Charlotte could not go inside of her local laundromat because there were multiple steps at the entrance and no ramp. Charlotte contacted the dLVCV for assistance. dLVCV conducted an accessibility survey of the location and found that, in addition to the issue identified by the client, there was no accessible parking and a huge hole in the middle of the parking lot! dLVCV contacted the laundromat and after a brief conversation with the attorney representing the laundromat, they agreed to install the ramp and repair and repaint the parking lot. This laundromat is now accessible not only to Charlotte but all people with disabilities in her neighborhood who rely on the laundromat for their independent living.

Big Picture

Anthony called dLVCV with complaints about his local movie theater; specifically, he got stuck in the door because it was too heavy and inaccessible. He first attempted self-advocacy by emailing the building manager and city council. The city council person acted on his email and reported to him that the theater fixed the doors. Unfortunately, when he returned to the theater they were still too heavy. dLVCV contacted the theater and they agreed not only to adjust their doors to make them easier to open for people with disabilities, but also to install a mechanical door for people with disabilities, and to relocate and update their parking spaces to make them compliant with the Americans with Disabilities Act (ADA) and the Virginians with Disabilities Act (VDA).

3. See Section I

4. See Section IV

5. See Section IV

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. 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.
2. 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.
3. 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.

Collaborative Efforts: Department of Health Office of Licensing, dLCV volunteers

Number of Cases Handled: 9

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

1. See Section I

2. **Crowd Control**

Neil is a veteran with multiple disabilities. He is receiving services multiple times a week at his local veteran's hospital. Unfortunately, each time he goes there he has to contend with an overcrowded parking lot caused by construction of a parking deck. Extremely concerned for Neil's health and safety, his wife, who transports him to the hospital, called dLCV after getting ticketed for improper parking and spending over an hour in the valet line. dLCV surveyed the hospital parking lot and found multiple violations, including lack of appropriate access aisles and proper signage. dLCV wrote to the customer service department and escalated our complaint to the hospital's director. When the director finally responded, he said he believed the hospital was compliant with the Architectural Barriers Act. dLCV did not give up. We pursued complaints to the Joint Commission on Health Care, the Department of Veterans Affairs, and the Inspector General for Veterans Affairs. Ultimately, the garage opened and Neil and his wife have had an easier time parking. Neil was pleased dLCV helped voice his grievance.

Bad Medicine

Robin has mental illness and was receiving treatment from his local Community Services Board (CSB), who had been prescribing him lithium. Robin and his power of attorney (POA) became concerned when they learned he was going into renal failure. It seemed that the CSB was not properly monitoring the levels of lithium in his blood. Unable to place trust in this CSB, Robin requested a transfer to a neighboring CSB. Robin and his POA contacted dLCV for assistance after the CSB told them they would need a special waiver from the Department of Behavioral Health and Developmental Services (DBHDS) to make that happen. dLCV obtained his treatment record and wrote to DBHDS who clarified that no waiver was necessary. A Deputy Director from DBHDS personally straightened this issue out. Robin will now get the services he needs from a provider he can trust.

Policy Changes

Kate and her mother contacted the dLCV to report that her local medical center and CSB both denied her request for an ASL interpreter. They were not seeking corrective action on an individual level for Kate instead; they wanted to educate these providers on the right to effective communication for people with hearing impairments. dLCV wrote letters to the local medical center, CSB, and the crisis service provider. The CSB and crisis service provider both revised their policies and sent them to dLCV and Kate for feedback. Kate and her mother provided additional suggestions to improve the policies. Thanks to Kate and dLCV's advocacy, the services from the CSB and crisis service provider are now more accessible to people with hearing impairments.

3. dLCV used three volunteers to assist with research and data regarding the opioid crisis and its effect on people with disabilities. dLCV compiled the data, wrote a report, and shared it with over 100 service providers, state agencies, and programs.

B. Priorities and Objectives for Fiscal Year 2019-

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: Government Programs Remove Architectural Barriers and Provide 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 including access to government buildings and barriers to vote.

Indicators for Success Include the Completion of the Following Objectives:

Provide training to DOC staff on rights protected under the ADA.

Conduct accessibility surveys of DMV agencies. Obtain corrective action against offices that are not accessible to people with disabilities.

Monitor the Lottery's compliance with the terms of the settlement agreement, by reviewing findings of inaccessible locations in Lottery surveys. Take corrective action against locations.

Investigate whether all localities that are required to have an ADA coordinator comply. Notify non-compliant localities, and take further corrective action as necessary.

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 issues including Social Security, self-determination, guardianship and advanced directives to allow for maximized individual choice.

Indicators for Success Include the Completion of the Following Objectives:

Provide training to advocacy groups on supported decision making with an emphasis on transition-age youth.

Create and publish short videos on supported decision-making and alternatives to guardianship on the website.

Conduct social security clinics

Provide STA to individuals contacted through above social security clinics

Conduct general social security trainings to disability advocacy organizations

Train CSB Case Managers on helping their clients access social security to increase rates of approval.

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, prevention or termination of guardianship where there is evidence of capacity.

Identify barriers to discharges from nursing homes to less restrictive settings.

Provide STA to individuals negotiating Social Security benefits or benefit reviews.

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

Focus Area: People with Disabilities have Equal Access to Public Accommodations

Needs/Issues/Barriers Addressed: dLVCV 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:

Create short videos on how to complete access surveys of parking lots, access aisles, path of travel, and entrances to Title II and III entities.

Research whether Transportation Network drivers in Virginia are required to provide assistance to disabled passengers.

Survey entertainment venues (movie theaters, concert halls, community theaters) , including those that provide Spanish-speaking programs, for physical accessibility for people with disabilities and obtain policies on provision of accommodations to individuals with vision and hearing impairments. Obtain corrective action against those that are not accessible to people with disabilities.

Investigate one chain retailer that sells Lottery products and that has a pattern of noncompliance with the ADA. Take appropriate corrective action.

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

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

Focus Area: People with Disabilities Have Access to Healthcare

Needs/Issues/Barriers Addressed: This Focus Area allows dLVCV to address the need for greater architectural access, assistive technology, effective communication for people with disabilities accessing healthcare facilities and services.

Indicators for Success Include the Completion of the Following Objectives:

Educate medical service providers of their legal obligations under Title III of the ADA.

Publish a Social Security guide(s) on dLVCV's social security webpage about accessing public health insurance.

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

Provide self-survey to every Opioid Treatment Program in Virginia regarding physical access and other disability-accessibility-related questions, with detailed ADA requirements.

Investigate whether people with disabilities are being denied access to healthcare in jails due to a denial of assistive technology, interpreters, or other accommodations.

Represent individuals to receive appropriate healthcare or assistive technology in local or regional jails.

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

A. Sources of funds received and expended

Source of Funding	Amount Received	Amount Spent
Federal	\$380,869.00	\$380,869.00
State	0	0
Program Income	0	0
Private	0	0
All other funds-carryover	24,272.34	24,272.34
Total (from all sources)	\$405,141.34	\$405,141.34

B. Budget for the fiscal year covered by this report

Category	Prior Fiscal Year-FY17	Current Fiscal Year FY18
Wages/salaries	\$365,460	\$249,451.25
Fringe benefits (FICA, unemployment, etc.)	108,000	64,732.15
Materials/supplies	2,500	2,500

Postage	1,500	1,500
Telephone	3,060	1,870
Computer/IT	4,900	2,000
Rent -	36,000	22,000
Travel	15,500	15,800
Copying	250	200
Equipment (rental/purchase)	2,880	1,100
Temporary Personnel Services	500	0
Miscellaneous	35,430	28,740
Total	\$575,970	\$389,893.40

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

Type of Position	FTE	% of year filled	Person-years
Professional			
Full-time	31	75	29
Part-time			
Vacant			
Clerical			
Full-time	5.75	90	5
Part-time	.5	25	0
Vacant			

G.

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 is to

advise the protection and advocacy system on policies and priorities protecting individuals with disabilities concentrating on those with mental illness.

E. Grievances filed under the grievance procedure-

dLCV received 3 PAIR Grievances in FY 18. The dLCV Executive Director and dLCV Board of Directors reviewed and responded to the grievances. One issue related to suspected Social Security fraud, another to facility access, and the final grievance related to timely receipt of therapy services. The Executive Director and Board of Directors upheld the agency decision to provide I&R only for these individuals.

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.

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