

Updated: [Tribute to Louise Underwood, 1936-2008](#)

VOR Weekly E-Mail Update

October 3, 2008

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1. Financial Stimulus Package Update, plus Congress passes Continuing Resolution

Last week in the VOR update we reported that Congress was poised to pass a financial stimulus package which we hoped would include an increase in federal Medicaid funding for states (FMAP). The House did pass a stimulus bill, including a provision which would increase FMAP for states. Specifically, the House measure would provide states with \$14.4 billion in fiscal relief by providing temporary additional federal support of state Medicaid programs. Unfortunately, the Senate was NOT able to pass it stimulus package, which proposal contained \$19.6 billion in temporary additional federal support for state Medicaid programs. The future of the Stimulus package - and federal Medicaid support - is uncertain this Congressional session.

Just 3 days before the end of the budget year on Sept. 30, Congress did pass a Continuing Resolution (CR) to fund the federal government through March 2009. The President is expected to sign this measure. The CR prevents the need for appropriations bill to be completed; most federal programs will be funded at current fiscal year levels until new appropriations bills are completed. Some believe that passage of the CR makes a "lame duck" session after the elections unlikely.

2. KENTUCKY: Oakwood Re-Certification Update

Oakwood gets mixed review from federal inspectors

September 21, 2008 Lexington Herald-Leader

Three of four facilities at The Communities of Oakwood passed a federal inspection this week, an important step toward regaining about \$42 million in federal funding, state officials said.

The fourth facility at the state's largest home for the mentally handicapped was given a Type A citation -- the most serious kind -- for failing to protect a resident from neglect.

The resident, who has a history of hurting herself, had an injury under her eye at the time of the inspection, state officials said.

Vikki Franklin, a spokesperson for the state Cabinet for Health and Family Services, said the fourth facility, where 62 residents live, will continue to operate while state and federal officials determine its future.

"It's a bit of uncharted territory for us," Franklin said. The fourth facility probably will have to pass a new series of inspections, but "we just don't know what the process will be."

The state is awaiting a post-inspection report from the federal Centers for Medicare and Medicaid, which had inspectors at the Somerset campus all last week.

The report is expected to detail the federal agency's plans and when a new inspection of the fourth facility might occur, she said.

Federal inspectors are likely to return in 30 to 120 days for a second look at the three facilities that passed last week's inspection, Franklin said. Federal funding to those three might be restored if they do well on the second inspection.

Despite the uncertainty over the fourth facility, the results of last week's inspection were considered a good sign.

"I'm hopeful that we're heading down the right road," said cabinet Secretary Janie Miller.

Don Putnam, president of the Parent-Relative Organization for Oakwood Facilities Inc., or PROOF, said he was "very pleased with the results. I look forward to the coming surveys and the restoration of the Medicare funding."

Putnam, whose group represents the families of Oakwood residents, said the Bluegrass Regional Mental Health-Mental Retardation Board is "doing a great job" running Oakwood and he believes the board will correct the problems in the fourth facility before it is reinspected.

Oakwood lost its federal funding on May 15th after state and federal inspectors found serious problems in prior years. Among other things, two residents died at the facility.

In all, Oakwood has about 200 residents.

3. VIRGINIA: Training Center's future at center of discussion

The News Advance

September 25, 2008

MADISON HEIGHTS, VA - Planners at Central Virginia Training Center have \$43 million to spend on renovations, but what the to-do list will look like is the new issue.

First on the list will be eliminating life-safety risks in resident living areas. But after that, the question is whether the remaining

money should go only into more modifications to old buildings or into developing new options like state-run group homes.

"The future is not going to be the same for CVTC," said Dr. James Reinhard, commissioner of the Department of Mental Health Mental Retardation and Substance Abuse Services.

Reinhard was at the training center Thursday for the first meeting of a renovation committee - the group hoping to help plan the use of \$43 million the General Assembly and the governor made available after plans to build a new facility proved too costly.

"There's not total agreement with what should happen with large institutions," said Reinhard, noting that many advocates want small group homes in the community, although others want training centers to remain. Some states have closed their large institutions and rely only on community-based care.

CVTC, with 460 residents, is the largest of five state residential programs for people with intellectual disabilities and also is Amherst County's largest employer.

Thursday's meeting drew about 50 people - parents, CVTC and state staff, and representatives of several Community Services Boards, Centra, and Amherst County - all interested in developing a strategic plan.

"We have gone from a program of replacing the training center with a price tag of \$160 million," said Del. Shannon Valentine, D-Lynchburg. "Today we're working on renovation for about a fourth of the price tag, focused on life-safety code issues . making sure that those here at the training center live in a safe environment."

At least four buildings with living areas are under consideration for renovation now. CVTC has 90 buildings with a variety of uses.

"The reality is we've got to keep people safe," said Denise Micheletti, CVTC director. " For some of us who have been here on those dark nights when our power goes out and we have no generators and we've got people . who can't help themselves at all and we have no power, and no sprinklers, it's very scary."

Some of the residents don't have traditional bedrooms, but live areas with sectioned off half-walls - which means little protection against fast-moving fire.

Reinhard spoke of the need for flexibility in spending the \$43 million, and said that the endpoint didn't have to be decided right now.

But that didn't sit easily with many parents.

"I had the impression the \$43 million was designated for improvements at CVTC," said Joan Milnor of Lynchburg. "When you talk about someone going out into the community, you can't just look at the home they're going to live in. What about the team that works with (the individual)?"

In the community, "that service is simply not out there. It is here, not out there."

Currently, 42 CVTC residents have authorization to move into the community, but appropriate settings haven't been found that meet their complex needs.

The CVTC parents' organization has been at odds with The Arc of Virginia, a nonprofit organization that advocates for people with intellectual disabilities.

The differences are a misunderstanding, said Jamie Trosclair, The Arc of Virginia executive director.

The \$43 million would still be at CVTC but instead of spending it on the buildings, "CVTC might start doing community-based housing in addition to large buildings renovation."

She said that CVTC employees could provide the services, and that the facility could offer additional services hard to find for the residents moving into the community. "We're not just looking at the structure itself."

Reinhard said that if all a person knows is a large institution, people don't know there are options.

Neither the community nor a state facility is a guarantee of quality care, he said.

"The very fact that the Department of Justice is coming this fall speaks to that - everyone has to pay attention to quality," Reinhard said, making a brief reference to the upcoming Department of Justice investigation at CVTC.

Reinhard said that that the Department of Justice hasn't released any specific information about what triggered the upcoming investigation. The state was notified in late August that the investigation was planned.

4. CALIFORNIA: Group home to be built in Los Gatos neighborhood; neighbors complain

By Judy Peterson

Los Gatos Weekly-Times

09/22/2008

A state-funded organization called Hallmark Community Solutions plans to build a group home for five developmentally disabled adults on Mulberry Drive in Los Gatos.

The home is being built because the Agnews Developmental Center in Santa Clara is closing.

State law mandates that a licensed group home serving six or fewer residents must be treated as if it were a single family home, which means Los Gatos cannot regulate the home's use.

"The government has shoe-horned this thing into our neighborhood," Thomas Lugaresi said of the project planned between La Rinconada and Lora drives. "And we feel it just doesn't upgrade our neighborhood. It downgrades our neighborhood. They've called a non-family a family and we're out of luck. It's a sad thing for us."

The town does have control over the home's site and architectural plans, which were recently approved by the planning commission. And although commissioners had little power to impose parking restrictions, several neighbors brought that issue to the forefront.

"Where are the visitors going to park?" Dennis Chambers asked. "There is no parking there."

Chambers lives next door to where the home will be built and shares its driveway. He says parking is an ongoing problem. "A lot of times the cars that come visit will park behind my cars, blocking me in so I can't get out," he said. "I've almost gotten into fistfights because they wouldn't move their cars."

Kawar says it has been shown that other group homes in the Bay Area can support the five individuals living there, along with

around-the-clock caregivers and visitors. "As it stands now, our property is designed to accommodate two parking spaces with a backup area at the front of the home," she said. "However, if necessary, to prevent parking along the street or shared driveway, up to four parking spaces would be available on-site which would accommodate our home."

The home will be run by an organization called California Mentor, which operates 50 group homes statewide.

"This is a pilot project in the state of California and everybody wants to come visit," Mentor's Greg Clark acknowledged. "We're not going to be allowing a lot of traffic up and down that street. We will ask that visitors coordinate their visits to the home."

Tamie Hopp

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