

## **Virginia State Report, 2018**

**By Robert and Jane Anthony**

As the news reports, Virginia finally passed Medicaid expansion, which we have heard enabled 1,700 more waiver slots to be funded rather than the typical 300 or so per year. Whether this expansion of community capacity will continue remains to be seen as the urgent waiting list is over 3,000 and the total list is about 10,000.

Virginia continues to implement a supplemental dental program statewide for those on Medicaid waiver. The state contracts with local dentists to provide those services including full anesthesia for routine cleanings if necessary.

The Assistant Commissioner for Quality Management and Development seems willing to work with Bob Anthony of VOR to refine the data sets and analysis of mortality during the downsizing of Virginia's Training Centers. If this analysis can be done, it is a unique opportunity to track a population of Training Center residents as they transition and stabilize in the community. The analysis should reveal comparative mortality between center and community settings, effects of a transition that was done quite carefully, and any excess mortality among those who are more vulnerable as measured by several different indicators. This ends the good news.

Virginia continues to downsize two more of its state-run Training Centers while the families of those at the largest center slated to close continue to fight to preserve their center. The Settlement Agreement between Department of Justice and the Commonwealth of Virginia guarantees that anyone in a center who requests to remain in a center be offered a slot in a center, although it might be a different center from their current residency. Central Virginia Training Center families engaged Tom York to represent them in pressing for this option.

The battle over keeping two of the three remaining Training Centers open continues. The Settlement Agreement between Virginia and the Department of Justice declares that one of the three centers will remain open, while the residents of the other two have a right to Training Center residency but not the right to choose a particular center. In a convoluted ploy, the Department responsible for serving those with I/DD and the Governor together declared a state-run nursing facility, Hiram Davis, was now also a "Training Center," although it does not have the specialists to serve this population. The Federal judge hearing the case declared it is Virginia's responsibility to define a Training Center since Settlement Agreement failed to designate Training Centers as ICF/IDD facilities per se.

In response, the Central Virginia Training Center families successfully lobbied the Senate to pass legislation declaring that Training Centers referred only to the original five at the time of the court order. If passed by the House of Delegates, CVTC would have to remain open to provide the necessary capacity. Nonetheless, the Department successfully lobbied the House committee chair handling the Senate bill to not bring it to a vote. This has outraged the Senate that threatens to retaliate against House passed legislation, and Tom York is now taking the case to state court. The battle is ongoing.

On top of all this, the newly appointed director of CVTC declared that all residents must go off campus to day programs. However, off campus day programs do not have the capacity or ability programs to handle many of the residents with challenging conditions, this means those CVTC residents will have no day program. The pettiness of all this is painful.