



COMMONWEALTH OF VIRGINIA  
*Virginia Board for People with Disabilities*


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TO: Holly Mortlock, Policy Director  
Policy & Public Affairs Division  
Dept. of Behavioral Health & Developmental Services

FROM: Heidi L. Lawyer 

RE: State Board of Behavioral Health and Developmental Disabilities Policy 1036 (SYS) 05-3  
Field Review Comment

I am writing on behalf of the Virginia Board for People with Disabilities (VBPD) to offer commentary on the State Board of Behavioral Health and Developmental Services' (the Board's) field review of Board Policy 1036 (SYS) 05-3 Vision Statement. VBPD strongly urges the Board to revise the vision statement and accompanying policy to better reflect the diversity of individuals encompassed by the policy, and emphasize the right of people with disabilities of all kinds to receive services and supports in the most integrated setting appropriate to their needs. We believe that the proposed changes would better align the Board's vision statement and accompanying policy with the Commonwealth's obligations under federal law and the DOJ Settlement Agreement.

*The current vision statement's emphasis on "recovery" is confusing when applied to the many people with developmental disabilities served by the Department of Behavioral Health and Developmental Services (DBHDS), its hospitals and training centers, and Community Services Boards (CSBs). DBHDS serves a large number and variety of constituents. Encompassed by the policy in question are people with mental illness, people with developmental disabilities, and people with substance abuse disorders. While some of these individuals have impermanent or*

variable conditions from which recovery is the desired outcome, many of these individuals, including people with developmental disabilities, have lifelong disabilities. This fact is important, because the needed services and supports for these individuals are different in kind and in duration than those focused on “recovery.” Therefore, VBPD encourages the Board to change the language of its vision statement to better reflect this diversity of constituency.

*The vision statement and accompanying policy should emphasize the rights of the Board’s constituencies.* People with disabilities, including people with mental illness, developmental disabilities, and substance abuse disorders, have a right to be treated with dignity, to be free from abuse, neglect and unnecessary institutionalization, and to receive supports in the most integrated setting appropriate to their needs. These rights should be recognized by the Board’s vision statement and accompanying policy. VBPD encourages the Board to recognize these rights in its vision statement and accompanying policy.

*The vision statement and accompanying policy should be informed by the DOJ Settlement Agreement.* Virginia entered into a settlement agreement with the United States Department of Justice (DOJ Settlement Agreement) in January 2012. Under the terms of the settlement agreement, the Commonwealth agreed to provide services to people with intellectual and other developmental disabilities in the most integrated setting appropriate to their needs and to improve the system of services and supports that ensure people with disabilities can be integrated into their communities and live fully included. VBPD believes that the goals of this settlement agreement must be reflected in the Board’s vision and accompanying policy.

For each of these reasons, VBPD recommends the following vision statement and accompanying policy:

### **Vision Statement**

*Our vision is of a system of services and supports that respects the rights of people with mental illness, developmental disabilities, and substance abuse disorders to dignity, self-determination and full inclusion in the life of the community; to be free from abuse, neglect and unnecessary institutionalization; and to receive services and supports in the most integrated setting appropriate to their needs consistent with the Americans with Disabilities Act as interpreted in *Olmstead v. L.C.*, 527 U.S. 581 (1999).*

### **Policy**

*It is the policy of the Board that its vision statement shall guide the development and operations of the public mental health, developmental, and substance abuse services system; and that its vision statement shall be integrated and implemented in the services provided by, and the instructions, contracts, and documents issued, entered into, and distributed by the Department,*

*the state hospitals and training centers operated by the Department, and CSBs. In order to conform to the Department's vision statement, the Department, state hospitals, training centers, and CSBs shall ensure that people with mental illness, developmental disabilities, and substance abuse disorders are informed of their rights; meaningfully participate, to the greatest extent possible, in decisions about their healthcare, behavioral healthcare, service providers, place of residence, employment, and all other decisions that affect their lives; and receive services and supports in the most integrated setting appropriate to their needs.*

*It is also the policy of the Board that the Department, state hospitals and training centers, and CSBs shall seek feedback from individuals receiving services, family members, and advocacy groups about the extent to which they have implemented this policy and report the results of this feedback to the Board at least annually.*

Thank you for the opportunity to comment on this policy during the policy review process.