

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 503

An Act to amend and reenact §§ 51.5-23, 51.5-24 and 51.5-25 of the Code of Virginia, relating to community services for persons with disabilities.

[H 2101]

Approved March 16, 2003

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.5-23, 51.5-24 and 51.5-25 of the Code of Virginia are amended and reenacted as follows:

§ 51.5-23. Awarding of grants; purposes; eligible applicants.

A. The Department is authorized, subject to other requirements of this law, to make grants or enter into contracts, in accordance with rules and regulations of the Commissioner, for the following purposes:

1. To ~~assist in the establishment and~~ *promote a philosophy of independent living, including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities and the integration and full inclusion of individuals with disabilities into the mainstream of society by:*

a. Providing financial assistance for expanding and improving the provision of local independent living services;

~~2. b. Providing financial assistance to develop and support a statewide network of centers for independent living centers in the provision of services to the disabled;~~

~~3. 2. To provide personal care assistance to persons with severe significant disabilities; and~~

~~4. 3. To assist employers in employing, training, and providing other related services to persons with severe significant disabilities.~~

B. Applications for the grants and contracts authorized in ~~subdivisions~~ *subdivision A 1 and A 2* above may be made by ~~any county, city, or combination thereof or any local public or private nonprofit agency, organization or facility. No applicant shall be eligible for a grant authorized by subdivisions A 1 and A 2 unless its plan and budget have been approved (i) by the governing body or bodies of each political subdivision of which it is an agency or by the governing body, if any, of the private nonprofit agency, organization or facility making such application and (ii) by the Department. eligible agencies. Applicants will be eligible if they are a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency that (i) is designed and operated within a local community by individuals with disabilities, and (ii) provides an array of independent living services. Each applicant shall be established for the sole purpose of operating the center for independent living. Each applicant shall establish a governing board, the majority of whose members shall be persons with disabilities, for the sole purpose of operating the independent living center.~~

C. Applications for the grants and contracts authorized in ~~subdivision A 3 hereof~~ *2* may be made by persons with ~~severe significant disabilities who are gainfully employed an average of at least twenty hours per week or will be so employed within three weeks of~~ *for the provision of personal care assistance.*

D. Applications for the grants and contracts authorized in ~~A 4 hereof~~ *subdivision A 3* may be made by employers in the Commonwealth who wish to take affirmative steps to employ and advance in employment persons with disabilities.

~~E. An advisory committee shall be established for the purpose of administering subdivisions A 1 and A 2 of this section. The committee shall consist of representatives of relevant agencies and groups, independent living centers, and disability organizations and shall provide consultation and guidance on matters including statewide planning, development of policies, procedures and regulations, funding, and auditing.~~

§ 51.5-24. Independent living services.

~~A. Independent living services provided pursuant to this chapter may include provision of:~~

~~1. Intake counseling to determine the client's need for specific rehabilitation services;~~

~~2. Referral and counseling services with respect to attendant care;~~

~~3. Counseling and advocacy services with respect to legal and economic rights and benefits;~~

~~4. Independent living skills, counseling and training, including such programs and training in the maintenance of necessary equipment and in job-seeking skills counseling on therapy needs and programs, responsible consumerism training and special programs for visually-impaired or hearing-impaired persons;~~

~~5. Housing and transportation referral;~~

~~6. Surveys, directories, and other activities to identify appropriate housing and accessible~~

transportation and other support services;

7. Health establishment and maintenance programs;

8. Peer counseling;

9. Community group-living arrangements;

10. Education and training necessary for living in the community and participating in community activities;

11. Individual and group social and recreational activities;

12. Attendant care and the training of personnel to provide such care; and

13. Other programs designed to provide resources, training, counseling services, or other assistance of substantial benefit in promoting the independence, productivity, and quality of life of persons with disabilities.

B. In making grants for the services listed herein, the Department shall involve those persons to be served in the planning and provision of those services. *shall be provided in accordance with the federal Rehabilitation Act of 1973, as amended.*

§ 51.5-25. Centers for independent living.

A. Services provided through grants or contracts with *centers for independent living centers* pursuant to this chapter ~~may~~ *shall* include:

1. Advocacy for disabled persons;

2. ~~Job development~~ *Peer counseling*;

3. ~~Equipment maintenance and evaluation~~ *Independent living skills training*; and

4. ~~Other services as specified in § 51.5-24~~ *Information and referral.*

Services may include other services deemed necessary by the local consumer base.

B. *Centers for independent living centers* funded in whole or in part by the Department shall be staffed by persons *with disabilities who are trained to assist individuals with disabilities in achieving social and economic independence in the philosophy of independent living.* The majority of management staff shall include as large a proportion of persons with disabilities as is practicable.