

# VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION

## CHAPTER 523

*An Act to amend and reenact §§ 51.5-31 and 51.5-33 of the Code of Virginia, relating to Virginia Board for People with Disabilities; membership; powers and duties.*

[S 1111]

Approved March 23, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 51.5-31 and 51.5-33 of the Code of Virginia are amended and reenacted as follows:**

**§ 51.5-31. Board created.**

There shall be a Virginia Board for People with Disabilities, responsible to the Secretary of Health and Human Resources. The Board shall be composed of 39 members, to include the head or a person designated by the head of the Department for Aging and Rehabilitative Services, Department for the Deaf and Hard-of-Hearing, Department of Education, Department of Medical Assistance Services, Department of Behavioral Health and Developmental Services, and the Department for the Blind and Vision Impaired; one representative of the protection and advocacy ~~agency~~ *entity*; one representative of the university-affiliated ~~facility~~ *center for excellence in developmental disabilities*; one representative each, to be appointed by the Governor, of a local governmental agency, a manufacturing or a retailing industry, a high-technology industry, a public transit interest, and a nongovernmental agency or group of agencies ~~that provide~~ *concerned with* services for persons with developmental disabilities; a banking executive; one person with disabilities other than developmental disabilities; and 24 persons with developmental disabilities ~~or the~~ *parents or guardians of such persons children with developmental disabilities, or immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves.* Of the last 24 persons, ~~at least eight~~ *one-third* shall be *a combination of (i) parents or guardians of children with developmental disabilities and (ii) immediate relatives or guardians of persons adults with mentally impairing developmental disabilities who cannot advocate for themselves;* and ~~at~~ *one-third* shall be *a combination of (a) persons with developmental disabilities, (b) parents or guardians of children with developmental disabilities, and (c) immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves.* At least one person shall be *either (1) an immediate relative or guardian of an institutionalized a person who resides in or previously resided in an institution or (2) a person with a developmental disability who previously resided in an institution. Such persons shall not be employees of the Virginia Board for People with Disabilities or "managing employees," as defined by the Social Security Act (42 U.S.C. § 1320a-5), of any other entity that receives funds or provides services under Subtitle B of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (P.L. 106-402).*

Each member appointed by the Governor shall be appointed for a four-year term. Members so appointed shall be subject to removal at the pleasure of the Governor. Any vacancy other than by expiration of a term shall be filled for the unexpired term. No person appointed by the Governor shall serve for more than two successive terms.

The Board shall elect its chairman.

**§ 51.5-33. Powers and duties.**

The Board shall have the following powers and duties:

1. To advise the Secretary of Health and Human Resources and Governor on issues and problems of interest to persons with disabilities and on such other matters as either the Secretary or the Governor may request;

2. To submit every three years to the Governor, through the Secretary of Health and Human Resources, an assessment of the needs of persons with disabilities in the Commonwealth, the success in the preceding three years of the state agencies in meeting those needs, programmatic and fiscal recommendations for improving the delivery of services to persons with disabilities, and an assessment of the triennial economic cost and benefit to the Commonwealth of the services and rights afforded persons with disabilities as established in this title;

3. To serve as the State ~~Planning~~ *Council on Developmental Disabilities* for the administration of certain federal public health and welfare laws as provided in 42 U.S.C. § ~~6000~~ *15001*;

4. To perform all duties and exercise all powers designated by federal law for such state ~~planning~~ *councils on developmental disabilities*, including the responsibility for planning activities on behalf of all developmentally disabled persons in the Commonwealth; for receiving, accounting for and disbursing federal funds; for developing and approving the state plan; and for monitoring and evaluating the implementation of such plan for the provision of services and facilities for persons with developmental disabilities;

5. To be responsible for obtaining information and data from within the Commonwealth, and from time to time, but not less than annually, to review and evaluate the state plan and submit such state plan, and revisions thereto, to the Governor and to the U.S. Secretary of Health and Human Services;

6. To ~~appoint~~ *hire* and supervise the Director of the Board and prescribe his duties; *including:*

7. ~~To hire~~ *a. Hiring* such staff and ~~obtain~~ *obtaining* the service of such professional, technical, and clerical personnel necessary to carry out ~~its~~ *the Board's* powers and duties; and

8. ~~To accept~~ *b. Accepting* gifts and grants on behalf of the Commonwealth, in furtherance of the purpose of this Board.