



# FAIR SHAKE NETWORK

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Quarterly Newsletter

Winter 2013

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**Paul Smith**

**Fair Shake Network**  
**PO Box 354**  
**Institute, WV 25112**

**Phone:**  
**304-766-0061**  
**1-800-497-4746**

**Email**  
**Wvfn@suddenlink**  
**mail.com**

**Website:**  
**Fairshake.org**

**And on Facebook**

*“Never doubt that a small group of thoughtful, committed people can change the world. Indeed it is the only thing that ever has.”*  
*–Margaret Mead*



## 2013 Legislative Wrap Up

*By Ann McDaniel*

As the 2013 session of the West Virginia Legislature drew to a close on April 13<sup>th</sup>, our one remaining concern was what would happen with the budget. We had many victories this session getting good bills passed and keeping bad bills from passing! The following is a listing of bills we followed and the results for each:

### Senate Bills:

- 21** – Creating Health Care Provider Transparency Act – **Vetoed by Governor 4-21-13** This bill created a requirement that all health care provider personnel wear a name tag. An exception was included for behavioral health care providers in the case where the tag could cause injury or be used as a weapon.
- 143** – Budget Bill – this bill was amended in to HB 2014 – the bill went to conference committee, the conference committee reached agreement and HB 2014 was passed with the agreed language and amounts.

*Continued on page 2*

**2013 Legislative Wrap Up Continued from Page 1**

- 158** – Creating Complete Streets Act – **Approved by Governor 4-19-13** – effective 7-9-13 This bill was the top priority for AARP WV this year and encourages the consideration and use of “complete street” model policies; establishes an Advisory Board; requires annual reports; establishes that transportation projects receiving federal or state funds should strive to improve safety, access, and mobility for all users; and establishes that accommodation for all users should be considered in planning, design, construction, reconstruction, rehabilitation, maintenance, and operations of all transportation projects.
- 195** – Removing tax rate expiration date on eligible acute care hospitals – **Approved by Governor 4-30-13** – effective 7-1-13  
This bill removes the expiration date for the provider tax on acute care hospitals and does not provide any future expiration date – so it keeps the tax in place indefinitely.
- 335** – Permitting certain hospitals exemption from certificate of need – **Approved by Governor 5-1-13** – effective 4-13-13  
This bill allows for an application for an exemption from the certificate of need process for: private office practices that don’t include major medical equipment, surgical centers, MRI, radiation therapy, etc.; first aid stations; creation of new primary care services in underserved communities; birthing centers; research facilities; etc. Each of these provisions has many details and requirements included in the bill. The intent is to increase the availability of health care services.
- 359** – Relating generally to reforming public education – **Approved by Governor 4-10-13** – effective 6-20-13  
This is Governor Tomblin’s big education bill. It requires the adoption of specific college- and career-readiness standards; modifies the requirements for high-quality education for student, school, and school system performance; removes No Child Left Behind annual measures; eliminates the Process for Improving Education Council; establishes clear state-level leadership of professional development; removes salary limit for State Superintendent of Schools; requires early childhood education to be available five days a week for full day; addresses school calendar issues; provides a salary bonus for teachers with national certification; provides scholarships and loan assistance for teachers in critical need areas; and a host of other issues.

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## ***NOTICE***

**The Fair Shake Network reserves the right to edit articles or not print content that does not reflect the mission and values of the Fair Shake Network.**

**Thank you.**



**2013 Legislative Wrap Up Continued from Page 2**

- 371** – Relating to prison overcrowding – **Approved by Governor 5-2-13** – effective 7-12-13  
 This bill requires the Division of Corrections to perform graduated mental health screens, appraisals, and evaluations on persons committed to its custody; to develop and implement a cognitive behavioral program for inmates in regional jails; adds a representative from the Bureau of Behavioral Health and Health Facilities to the community corrections subcommittee of the Governor’s Committee on Crime, Delinquency and Corrections; adds a member with a background in substance abuse treatment and services to the community criminal justice boards; requires probation officers to perform random drug and alcohol tests of persons under their supervision; requires policies and procedures for developing a rehabilitation treatment plan including the use of substance abuse assessment tools; provides standards and limitations under which judges may order treatment supervision for drug offenders; requires the use of appropriated funds for substance abuse treatment; requires development of standards for drug abuse assessments and certified drug treatment; and a host of other things.
- 425** – Relating to mental health treatment alternatives – **This bill did not pass** – it dealt with “treatment compliance orders” – we had many concerns about this bill, lack of due process, and violation of civil rights.
- 481** – Relating to juvenile mental health treatment – **Approved by Governor 4-30-13** – effective 7-11-13  
 This bill relates to juvenile mental health, intellectual disability, and addiction; allows for a notarized application in lieu of in-person application for certain voluntary hospitalizations; requires parents or guardians to transport minors for voluntary hospitalization; creates exemptions to that requirement if the minor is combative, violent or the parent or guardian is otherwise unable to transport, by affidavit to circuit court, mental hygiene commissioner, or magistrate court then requiring transportation by county sheriff.

House Bills:

- 2014** – Budget Bill – **Approved by Governor 4-22-13** – effective 4-17-13

The issues we followed in the Budget Bill ended up as follows:

- Independent Living Services – restored to FY 13 amount - \$500,000
- Supported Employment Extended Services – same as FY 13 - \$100,000
- Ron Yost Personal Assistance Services – same as FY 13 - \$388,698
- Employment Attendant Care Program – same as FY 13 - \$156,065
- IDD Waiver – same as FY 13 amount - \$88,753,483
- Aged & Disabled Waiver – same as FY 13 amount - \$45,660,078
- Family Support Act – cut 9.9% now \$985,078
- Early Intervention – Birth to Three – cut 7% - now \$3,075,550

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## **Division of Rehabilitation CAC Conference 2013**

This year's Division of Rehabilitation CAC Conference will be held for one day on October 10, 2013 from 9:00am-3:30PM. Sponsorships for lodging, travel and meals will **only** be provided for CAC members. The conference will be held at the Holiday Inn and Suites in South Charleston. There is no registration fee for this conference but everyone must fill out a registration form. There will be a working lunch provided but due to budget cuts no other refreshments will be provided.

*Registration and details are coming soon.*

## **2013 Legislative Wrap Up Continued from Page 3**

### **2108 – Making the offense of failure to wear safety belts a primary offense – Approved by Governor 4-22-13 – effective 7-9-13**

Current law requires seat belts to be worn but allows for citations for not wearing seat belts only if an officer of the law pulls a vehicle over for some other reason. This bill makes failure to wear a safety belt a primary offense which means a vehicle may be pulled over solely for that reason.

### **2395 – Relating to Senior Services – Approved by Governor 4-17-13**

The bill amends legislation requiring the Bureau of Senior Services to establish a registry of in-home care workers, including criminal background checks but provides that participation in the registry is voluntary – meaning if an in-home care worker does not want to be included in the registry they may not be included.

### **2463 – Repealing the article that permits the sterilization of persons deemed to be mentally incompetent – Approved by Governor 4-22-13- effective 7-8-13**

A law permitting the involuntary sterilization of “mentally incompetent” persons (those with cognitive disabilities) has been in state code since 1929. This bill repeals or deletes that section of code so that it is no longer legal to have someone sterilized against their will, whether they have a disability or not. This bill was the top priority of the Developmental Disabilities Council and they did a great job educating legislators and staff on this issue.

### **2470 – Relating to sign support specialist or an educational sign language interpreter in the education of exceptional children – Approved by Governor 4-30-13 – effective 7-1-13**

This bill provides qualification requirements, classifications, and pay grades for sign support specialists and educational sign language interpreters I & II; it provides a waiver for interpreters without certification to work in the school system while achieving certification; it provides better compensation for interpreters and should increase the availability of qualified interpreters in schools.

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## 2013 Fair Shake Network Annual Training Day

FSN with the assistants of our partners presented the 2013 FSN Annual Training Day on February 26, 2013. This year's training focused on Community Organizing. It was held at The Blessed John's XXIII Pastoral Center in Charleston, WV.

The Keynote Speaker for the training was Shannon Jones. Shannon is the former Executive Director of the Statewide Independent Living Council of Kansas (SILCK), an organization that advocates for the civil and human rights of people with disabilities.

She has been active as a disability rights advocate since the late 1980's. Until 1992, Jones was the director of community education and advocacy at a Center for Independent Living in Kansas City, Mo. Ms. Jones developed programs for businesses, property owners and government officials on implementation of the Americans with Disabilities Act (ADA).



Ms. Jones has been very active in advocating for the development and implementation of laws and policies, which protect the rights of persons with disabilities on a state and national level. In addition to serving as a board member of the National Council on Independent Living (NCIL), Jones is a member of many consumer and professional organizations at a national, state and local level. After the Keynote Speaker a panel of local advocates discussed the issues in the 2013 Disability Agenda. Presenters were, David Stewart, Ann McDaniel, Tina Maher, and Christy Black. The training was attended by 109 people.

FSN staff, board, and members thanks our co-sponsors for helping to bring this training to you, WV Developmental Disabilities Council, the WV Division of Rehabilitation Services, WVU Centers for Excellence in Disabilities, and WV Advocates. FSN also thanks the staff at Blessed John's XXIII Pastoral Center for their hospitality. Last but not least we would like to thank those individual FSN members that volunteered their time to help put the training together, without your devotion and support the training would have not have been a success. Thank you.

Please join us next year on February 18, 2014 for this important and exciting event.

### **FSN Meeting Schedule for 2013**

**2013 FSN Board Meeting Schedule:** All Board Meetings will be held at the WVSILC/FSN Office and/or by Conference Call. Meetings will begin at 1:30 pm. on the following dates:

June 19 August 14 November 13

**2013 Membership Meeting Schedule:** All meetings will be held at the Kanawha City WVDORS District Office and will begin at 10:00 am. on the following dates:

June 26 September 25 November 20



## 2013 Fair Shake Network Disability Advocacy Day

FSN 2013 Disability Advocacy Day was held on February 27, 2013. The purpose of the event is to release the Disability Agenda and bring together the disability community of WV to advocate on issues that affect them and their lives. This year approximately 170 people gathered at the State Capitol for the event. The morning began with an enthusiastic rally. Rally speaker Shannon Jones addressed the crowd. With loud applause and chants the people let

their voices be heard. "Save People, Save Money" rang through the corridors of the Capitol Building.

After the rally individuals were encouraged to attend the floor sessions where proclamations were read in both the House and the Senate proclaiming February 27, 2013 as Disability Advocacy Day. Receiving the proclamations from the Senate were FSN members, Kelly Simpson, Tiffany Farley, and Greg Bilonick. On the House side was FSN members Bob Waybright, Allen Elkins, and Jeannie Elkins.

Following the sessions a boxed lunch was served from Subway. The rest of the day was spent visiting with legislators and discussing the issues.

There were 28 vendor exhibits that were spread across the second floor rotunda of the Capitol the vendors came from throughout the state to offer information about their programs and products, and issues

The day ended with a wrap up lead by Ann McDaniel. Attendees were encouraged to inform the audience of their visits with legislators and the results of those meetings.

FSN staff, board, and members thanks Dennis Stewart and his staff at Capitol General Services, Subway in Kanawha City, and all the WONDERFUL VOLUNTEERS who helped make this day a great success!

We hope you will join the disability community next year on February 19, 2014 to advocate and make your voices heard!

**JOIN  
TODAY!**

**Join The Fair Shake Network Today!**

**JOIN  
TODAY!**

**There is no better time to join the FSN then right now!**

Join the FSN today and become part of the disability movement in WV. You will be informed of news and updates on local, state and national issues that affect people with disabilities. You can find a membership application on page 9 of this newsletter or go to [www.fairshake.org](http://www.fairshake.org) and download one from our web site.



## 2013 Fair Shake Network Ice Cream Social

The Fair Shake Network held its Annual Ice Cream Social on April 10, 2013 at the State Capitol. The Ice Cream Social is held annually to thank the WV Legislators and their staff for working with the disability community during the session on issues important to people with disabilities and their families. FSN served approximately 580 sundaes during the hours of 2:00 pm and 4:00 pm. FSN thanks the State Capitol General

Services staff for all their help in making the day a success. A great big thanks to our co-sponsors, Chris Marr and Rob Casto with CRW Management Group, United Dairy, Town Center Mall Dairy Queen, and the Elkview McDonalds. A special thanks to David Stewart and Kathi Young for overseeing the event in Jan and Paul's absence. Last but not least thanks to all of the WONDERFUL VOLUNTEER'S who helped to set up and serve the ice cream, without YOU this annual event would not happen! We hope to see you and next year's Ice Cream Social on March 5, 2014 at the State Capitol.



## WV Developmental Disabilities Council Seeking Applications for Partners in Policymaking

The WV Developmental Disabilities Council is currently accepting applications for the 2013-14 Partners in Policymaking® (PIP) Class. PIP is a national leadership training program for people with developmental disabilities and parents of young children with developmental disabilities. It provides the most current information about disability issues and develops the skills necessary for effective advocacy to influence public policy at all levels of government.

National and State leaders in the developmental disability field will provide information on current issues and state-of-the-art practices important to individuals with developmental disabilities. The Council covers expenses for participants' training, lodging, meals and travel for eight training sessions between the months of September 2013 and May 2014. All training sessions will be held in the Charleston area.

For more information or to obtain an application, please go to WVDDC website at [www.ddc.wv.gov](http://www.ddc.wv.gov) or contact Christy Black, PIP Coordinator by phone at 304-558-0416, email at [Christy.D.Black@wv.gov](mailto:Christy.D.Black@wv.gov), or TDD at 304-558-2376. Applications are due by June 30, 2013. Applicants will be notified by August 1, 2013 if they are selected for the program

## Mark Your Calendars

### People First Conference Marks 20th Anniversary

This year's People First Conference, set for September 4th, 5th and 6th at Jackson's Mill, will be celebrating the 20th annual conference. For more details about the conference contact Kevin Smith, People First Coordinator at 304-422-3151.

### Mountain State Center for Independent Living Events

MT. State CIL Walk for Independence 2013 will be held on Saturday July 20, 2013 at Ritter Park in Huntington, WV. This year they have added a 5K run. 10% of monies raised will go to the Boston Center for Independent Living.

For more information about these two events contact Anne Weeks or Dee Delancy at 304-525-3324.

## 2013 Legislative Wrap Up Conclusion

**2512** – Reforming the state Medicaid subrogation statute – **Approved by Governor 4-29-13** – effective 7-12-13

This bill clarifies that DHHR has a right to reimbursement for medical expenses from third party resources (not including Medicare benefits) and that DHHR has priority for recovering costs before anyone else, including the recipient of services.

**2553** – Authorizing the Secretary of State to administratively dissolve certain business entities – **Approved by the Governor 4-22-13** – effective 7-9-13

This bill allows the Secretary of State to dissolve or revoke authority of certain businesses if they fail to pay fees imposed by law; the business has to be notified; allows charge of bad check fees; allows for dissolution if professional licenses have been revoked and are required for the continued operation of the business; and allows for dissolution if the business is in default with the Bureau of Employment Programs.

**2731** – Regulating the performance of health maintenance tasks by unlicensed personnel – **Approved by Governor 5-3-13** – effective 4-13-13

This bill expands what may be delegated by a nurse to unlicensed personnel to include not only administration of medication but also administration of health maintenance tasks including glucometer tests, gastrostomy tube feedings, enemas, and ostomy care including skin care and changing appliances – it also allows administration of insulin with prefilled insulin or insulin pens – it also established an advisory council to provide recommendations for further expansion to include ventilator care, tracheostomy care, and administration of oxygen.

**2861** – Relating to continued enrollment of at-risk student in public school – **Approved by Governor 5-3-13** – effective 7-1-13

This bill provides that disruptive students who are at risk of not succeeding in the traditional school structure may be placed in alternative education – that legislative rules be developed – establishes 5 pilots – that such students may remain enrolled in the traditional school and may achieve a diploma while in alternative placement – and that the goal is to learn appropriate behaviors and return to a regular classroom.



**Join Us or Make a Donation to the FSN  
FAIR SHAKE NETWORK Membership Application**

Please complete all sections of this form.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

County: \_\_\_\_\_ Phone# \_\_\_\_\_

E-mail Address: \_\_\_\_\_

How did you hear about the Fair Shake Network? \_\_\_\_\_

**Due to the time sensitivity of some information will be sent by e-mail unless you prefer another method. If you cannot receive information by email please fill out the information below.**

\_\_\_\_ Fax #:

\_\_\_\_ I do not have a fax machine, but can receive faxes at Fax #:

\_\_\_\_ I do not have access to a fax, please **mail** me the information.

*I need materials in the following alternative format:*

**This section is optional and is for grant and statistical data purposes only.**

**Please mark all that apply:**

\_\_\_\_ I am a person with a developmental disability (DD)

\_\_\_\_ I am a person with a disability (Not DD)

\_\_\_\_ I am a parent/family member of person with a developmental disability (DD)

\_\_\_\_ I am a parent/family member of a person with a disability (Not DD)

\_\_\_\_ I am from an agency/a friend/an advocate/an interested person (Circle one)

**DUES/CONTRIBUTIONS:**

\_\_\_\_ Advocate Membership: \$20 per year    \_\_\_\_ Independence Membership: \$250 per year

\_\_\_\_ Assembly Membership: \$50 per year    \_\_\_\_ Freedom Membership: \$750 per year

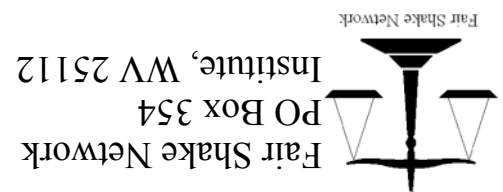
\_\_\_\_ Alliance Membership: \$150 per year    \_\_\_\_ Justice Membership: \$1,500 per year

\_\_\_\_ Liberty Lifetime Membership: \$5,000 One-time Lifetime payment

\_\_\_\_ **\*\* I would like to set up an installment plan – please contact me**

\_\_\_\_ I am not interested in joining at this time but would like to make a donation to support the Mission and goal activities.

**Your contribution supports the important work/activities the FSN engages in to protect and improve the civil rights of West Virginians with disabilities and to promote best practices in public policies.**



# **FSN**

## **2013 Winter Edition 2013**

### **Newsletter**

Funds for the Fair Shake Network and their activities is provided by grants from the WV Developmental Disabilities Council, WV University Center for Excellence in Disabilities, WV Division of Rehabilitation Services and from membership dues, and other contributions.