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**THE IL EDGE**  
 SPRING 2018 - WVSILC - PO Box 625 - Institute, WV 25112

# SILC UPDATE

The Legislative session ended on March 10th with few big surprises – but the budget was passed prior to the end of the session for the first time since 1982! The best news about the budget was that most of the programs we follow were not cut – unfortunately, past cuts were not restored either. In the end, there was no cuts to Medicaid which is good news for people with disabilities and poor people. Legislative Interim dates were scheduled for:

- April 16th
- May 20-22nd
- June 24-26th
- September 16-18th
- November 11-13th
- December 9-11th

So, pay close attention to the agendas, talk to your legislators while they are back home – the best time to get their full attention – and make sure your voice is heard. Be sure to VOTE in the Primary Election on May 8th – another way to make sure your voice is heard!

Spring has sprung – and Summer is just around the corner. Summer means growth – so be sure to take advantage of growth opportunities this summer. Join the Fair Shake Network <http://fairshake.org/jointoday.html>. Participate in activities at your local CIL – or talk to your legislator about why you need a CIL in your area! Take advantage of national trainings like the NCIL Conference July 23-26th <https://www.ncil.org/2018-annual-conference-on-independent-living/> and other training opportunities <http://www.ilru.org/upcoming-trainings> - and have a great Summer!

From the desk of:

Ann McDaniel  
Executive Director

### MISSION

*“To ensure persons who have disabilities have access to community-based resources that promote personal choice and facilitate the achievement of their independent living goals.”*



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### WV Centers for Independent Living

**Appalachian CIL**  
 Elk Office Center  
 4710 Chimney Dr.  
 Charleston, WV 25302  
 1-800-642-3003

**Northern WV CIL**  
 601-603 East Brockway Ave.  
 Suite A & B  
 Morgantown, WV 26505  
 1-844-212-3464

109 Randolph Ave.  
 Elkins, WV 26241  
 304-636-0143

**Mountain State CIL**  
 821 Fourth Ave.  
 Huntington, WV 25701  
 1-866-687-8245

329 Prince St.  
 Beckley, WV 25801  
 304-255-0122

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## April was Autism Awareness Month

Source: [Autism Society](#)

### What is Autism?

Autism spectrum disorder (ASD) is a complex developmental disability; signs typically appear during early childhood and affect a person’s ability to communicate, and interact with others. ASD is defined by a certain set of behaviors and is a “spectrum condition” that affects individuals differently and to varying degrees. There is no known single cause of autism, but increased awareness and early diagnosis/intervention and access to appropriate services/supports lead to significantly improved outcomes. Some of the behaviors associated with autism include delayed learning of language; difficulty making eye contact or holding a conversation; difficulty with executive functioning, which relates to reasoning and planning; narrow, intense interests; poor motor skills’ and sensory sensitivities. Again, a person on the spectrum might follow many of these behaviors or just a few, or many others besides. The diagnosis of autism spectrum disorder is applied based on analysis of all behaviors and their severity.

In 2016, the Centers for Disease Control and Prevention issued their ADDM autism prevalence report. The report concluded that the prevalence of autism had risen to 1 in every 68 births in the United States – nearly twice as great as the 2004 rate of 1 in 125 – and almost 1 in 54 boys. The spotlight shining on autism as a result has opened opportunities for the nation to consider how to serve families facing a lifetime of supports for their children. In June 2014, researchers estimated the lifetime cost of caring for a child with autism is as great as \$2.4 million. The Autism Society estimates that the United States is facing almost \$90 billion annually in costs for autism. (This figure includes research, insurance costs and non-covered expenses, Medicaid waivers for autism, educational spending, housing, transportation, employment, related therapeutic services and caregiver costs.)

**Know the signs: Early identification can change lives**

## Legislative Wrap Up

by Ann McDaniel, March 26, 2018



WV Legislative Photography. Photo by Perry Bennett

During the 2018 Legislative Session, 1,778 bills were introduced – 635 in the Senate and 1,143 in the House of Delegates.

We followed 146 of those bills, 54 Senate bills and 92 House bills. Of the bills we followed, 26 passed – 14 in the Senate and 12 in the House of Delegates.

Governor Justice had 5 days to act on bills passed during the session and 15 days to act on bills after the end of the session – except for the budget and appropriations bills, upon which he had 5 days to act. If the Governor does not act on a bill within those time limits in automatically becomes law.

The following is a list of the bills we followed that passed. Bills with a \* have been signed by Governor Justice. As of this date, Governor Justice had vetoed only HB 4199 which would permit nursing homes to use trained individuals to administer medication.

### Senate:

- SB 152\*** Budget Bill – The Senate and House Budget Bills were passed with identical content so there was no need for a conference committee or for a Special Session. This is the first time that has happened since 1982. The Budget Bill was approved by Governor Justice with reductions on March 15, 2018. According to the Governor’s press release, the only changes to the budget bill were four technical line item vetoes that were deemed necessary by a law that was passed by the House and Senate (HB 4338). Those four line items dealt with food purchases from the Department of Agriculture by the Division of Corrections, Division of Juvenile Services and Department of Health and Human Resources.
- SB 359\*** Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates – Gives the WV Supreme Court authority to establish curricula, eliminates specific requirement that course include instruction on the manifestations of mental illness & addiction.
- SB 379\*** Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR
- SB 382\*** Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund
- SB 384\*** Decreasing and increasing appropriations from State Fund, General Revenue to DHHR
- SB 385\*** Decreasing and adding appropriations out of Treasury to DHHR and MAPS

# Sheltered Workshop Ordered to Pay Back Wages

Source: [The Inter-Mountain](#)



ELKINS — Local officials say a recent federal judgment ordering the Randolph County Sheltered Workshop to pay \$119,000 in back wages to employees may jeopardize the future of the program, but also point out that the court case is not completed, and an appeal of the decision may still be filed.

“This matter is not finished,” attorney Harry A. Smith III, who has represented the Sheltered Workshop in the court proceedings, told The Inter-Mountain this week. “The program benefits 31 local people who without this program may not have this opportunity to work and be productive members of society.”

The federal judgment on Feb. 21 ordered the Elkins nonprofit to pay the back wages to 34 employees, finding that the organization violated the minimum wage provisions of the Fair Labor Standards Act

The mission of the Sheltered Workshop, which has been in operation since 1980, is to provide employment for mentally and physically challenged people. In recent years, the workshop has had three primary employment programs. The first is providing janitorial services for the Division of Natural Resources and other state agencies, and employs several workers who are high-functioning mentally and physically challenged people. The second program involves screenprinting t-shirts and hats and also employs a few people.

The third program, which employs the most people, involves assembling fishing lures for the Leland's Lures company. This program has employed more than 30 people in recent years, and provides employment for low-functioning mentally and physically challenged people, officials said.

“The sheltered workshop has been operating for 38 years,” Smith said. “That whole time, the workshop has been testing and evaluating the clients we have ... to figure out the ratio of what the average person could do, and pay our clients a percentage based on the rate at which they can perform. The results of the testing are documented.”

The federal case hinges on the workshop not having a special certificate that would allow the nonprofit to pay its workers less than minimum wage.

When the workshop was created in 1980, officials contacted the federal

(Autism continued from p2)


Autism is treatable. Children do not “outgrow” autism, but studies show that early diagnosis and intervention lead to significantly improved outcomes.

The characteristic behaviors of autism spectrum disorder may be apparent in infancy (18 to 24 months), but they usually become clearer during early childhood (24 months to 6 years).

As part of a well-baby or well-child visit, your child's doctor should perform a “developmental screening,” asking specific questions about your baby's progress. The National Institute of Child Health and Human Development (NICHD) lists five behaviors that warrant further evaluation:

- Does not babble or coo by 12 months
- Does not gesture (point, wave, grasp) by 12 months
- Does not say single words by 16 months
- Does not say two-word phrases on his or her own by 24 months
- Has any loss of any language or social skill at any age

Any of these five “red flags” does not mean your child has autism. But because the disorder's symptoms vary so widely, a child showing these behaviors should be evaluated by a multidisciplinary team. This team might include a neurologist, psychologist, developmental pediatrician, speech/language therapist, learning consultant or other professionals who are knowledgeable about autism.

For more information on developmental milestones, visit the CDC's [“Know the Signs. Act Early”](#) site. 





## WV Primary Election May 8, 2018

by Michelle Norweck  
Source: <https://www.timeanddate.com>

West Virginia's primary election, also known as primary election day, is listed as a state holiday in which state government offices in West Virginia are closed. West Virginia's primary election occurs on the second Tuesday of May during even years.

Polling Places are usually open from 6:30am to 7:30pm local time on primary election day in West Virginia. Voters eligible to vote in West Virginia's primary election must be United States citizens and residents in West Virginia.

West Virginia's primary election day this year is Tuesday, May 8, 2018 and is listed as a state holiday in which the state government is closed. It is also a holiday for some university employees.

### ***Know your voting rights...***

Workers who do not have a holiday can request up to three hours off from their employer, without taking leave or a deduction of pay, if they do not have at least three hours before or after work that they can go to the polls to vote. This request must be made in writing and be given to employers at least three days prior to Election Day.

### ***Understand the process...***

A primary election is a preliminary election in which voters nominate party candidates for office. Voters in a jurisdiction select candidates for subsequent elections. It is one way that a political party nominates candidates for a following general election. They are common in the United States and are conducted by the government on behalf of the parties.

West Virginia has a closed primary, meaning that voters can only vote the ballot of the party in which they are registered, although some parties allow unaffiliated voters to vote their ballots upon request. A party change must be filed by the close of registration before a primary or general election for voters to be eligible to vote the new party's ballot.

## Legal Aid Ready to Assist Victims Affected by Conn Disability Scam

Source: [West Virginia Record](#)



CHARLESTON – Legal Aid of West Virginia is working to help former clients of Eric C. Conn, the Kentucky attorney who is accused of helping obtain disability benefits for people who might not have actually qualified for them.

As investigators continue to determine which cases were fraudulent and which were not, the Social Security office has told many of Conn's clients they may lose their Social Security benefits, according to Legal Aid of West Virginia.

"What we are looking at is can we find evidence to show that the person who had been represented by Conn in fact was disabled," said Bruce Perrone, senior lawyer with Legal Aid of West Virginia. "Can we prove that now? Sometimes that can be very difficult years and years later, but we can find the evidence now to show that they in fact were disabled."

Perrone said it could be especially difficult to prove the clients' case if Conn burned up the evidence. In some cases, however, Perrone said it may be possible to go back to the original doctor and collect evidence that can help the people who are actually disabled.

"The real victims in this situation are the people who are, in fact, disabled that are now being put through this because of Conn's fraud," Perrone said.

If people approach Legal Aid and believe they have a valid case, Perrone said they will dig into existing records to make sure they can help the person.,

"There's no dispute that Conn committed fraud and there are plenty of people who probably got benefit because of his fraud," Perrone said. "We're not interested in helping people who aren't disabled. If people come to us, we'll make that clear up front."

So far, however, Perrone said he is surprised that more people haven't come for assistance.

"We were trying to put out the word that we are available for West Virginia residents who were represented by Mr. Conn who believe they are disabled to assess their case and determine whether there's enough to go forward,"

## Bacchus initiatives of NASPA



### Region II Conference

by Emily Robinson

Council member Emily Robinson went with her CHOICES Peer Educators to Buffalo, NY on March 23-25 to present on the opioid epidemic and the chaos following it. They gave an hour long presentation then answered many questions.

West Virginia continues to lead the nation in overdose deaths per capita. Driving this health crisis is the opioid epidemic taking a significant toll on individuals, families, communities, and government resources. The presentation included an investigation of the scope of the problem highlighting the resulting issues including a rise in human trafficking cases, opioid overdose in veterans, the stress endured by first responders to overdose and how they are trying to cope with it. Presenters also reviewed how naloxone is used to reverse the effects of an opioid overdose including a demonstration of administration procedures, as well as a closing statement of details of the Opioid Response Plan for the State of West Virginia developed by the WV Department of Health and Human Resources, Bureau of Public Health.

West Virginia suffers from the highest rate of drug overdose mortality in the United States, with 884 deaths in 2016. Driving this public health crisis is the opioid epidemic, a dual challenge involving both prescribed opioids, such as oxycontin, and illicit opioids, including heroin and fentanyl. By 2017, it appeared likely there were over 1,000 overdose deaths in WV, far surpassing the 884 overdose deaths recorded in 2016.

Another tragic element of the opioid crisis is the increase West Virginia has seen recently in human trafficking. Presenters explored the prevalence of the issue, how someone may be trafficked and the medical community's response to the issue.

Additionally, the magnitude of the opioid crisis in the veteran population was highlighted, as well as, the stress of responding to overdoses firefighters, EMS, and police are suffering and ways they are learning to combat it.

Lastly, details of the Opioid Response Plan for the State of West Virginia developed by the WV Department of Health and Human Resources, Bureau of Public Health was provided.

(See NASPA p10)


## Transition Navigator Position

### WVSU

### Metro Area Agency on Aging

Metro Area Agency on Aging is looking for a Transition Navigator to assist individuals interested in transitioning from a Nursing home or facility back into the community. The position requires a Bachelor's Degree in Social Work or related field or 3 years' experience in working with community resources. The position requires reliable transportation for some travel within a multi-county area. To apply, please submit a cover letter and resume, including contact information for 2 professional references to: Brenda Landers, Director Metro Area Agency on Aging at [Brenda.K.Landers@wv.gov](mailto:Brenda.K.Landers@wv.gov) or


WVSU Metro Area Agency on Aging  
1400 Ohio Ave. Suite B  
Dunbar, WV 25064

Applications must be received by 4 p.m. April 27, 2018. 

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(Primary continued from p4)

### Do your homework...

Many organizations around the state will host Candidate Forums. A candidate forum is a public event where candidates running for office are invited to express their positions on public interest issues. The forum is facilitated by an official and the public is usually welcomed to ask questions and/or the candidates are given a set time in which they can state their political platform and position on areas of interest specific to their community and state. Attending a candidate forum can give you a sense of who is the best choice for serving the interests of your state or county for the position they are running. Check the community section of the newspapers, Social Media and Advocacy Group Websites for dates and locations of Public Forums. 





## Position Available Community Resource Advocate

Mountain State Centers for Independent Living is looking for a qualified person with a significant disability to serve as a Community Resource Advocate to assist people with disabilities work on a consumer chosen level of independence. Position available in Huntington office.

### Responsibilities:

- teach independent living skills
- assist in finding proper housing, help with transitioning into the community
- provide job readiness training
- assist students who are transitioning from school to work and/or community living
- assist individuals with finding solutions to defer them from going into a nursing home
- provide individual and systems advocacy

MTSTCIL is an equal opportunity employer, but having a significant disability and being able to meet the essential functions of the job will carry additional weight. Please briefly describe your disability in your cover letter.

Send resumes to:  
Mountain State CIL  
Employment Services Division  
821 Fourth Avenue  
Huntington, WV 25701  
Email: [aoweeks@mtstcil.org](mailto:aoweeks@mtstcil.org)



# Blog Your Way to a Successful Career – Q and A with Molly Spence

Source: [telecom toolbox](http://telecomtoolbox.com)

In this Telecom Toolbox Blog, we emailed with Molly Spence, a freelance writer and disability advocate about how she used her blog Molly’s Zone to build her confidence and experience. Since starting her blog in 2015, Molly has written articles for The Mighty, Project Wednesday, and now, Telecom Toolbox.

Telecom Toolbox (TT): Hi Molly! Can you tell us a little about yourself?

Molly Spence (MS): Hi! Thank you so much for having me!

My job has evolved in the last few years. I first became a writer, and then the whole disability advocacy aspect of the journey seemed to just fall right into my lap and it has been an amazing ride so far. I have an extremely mild form of cerebral palsy, but I haven’t let that stop me in any way, shape, or form. You can’t. You just have to keep pushing. I’m a 25 year old from Hurricane, West Virginia who is just striving to make a positive impact on the disability community.

Aside from the blog, I also serve on the West Virginia Statewide Independent Living Council. I love my life and the joy it brings; there is nothing better than reaching that point in life where you accept yourself for who you are! I want to inspire others to have the same attitude.

(TT): Why did you decide to start a blog? How long have you been blogging?

(MS): Truth be told, becoming a writer wasn’t my first choice. I had always enjoyed my English classes and teachers begged me to pursue a career in journalism, but as I was going through that “trying to do my own thing” phase, I ignored that silent tug on my heart. My first choice was to do anything I could possibly do in pursuit of normalcy; at that point, I hadn’t accepted my disability for what it was just yet.

I earned a 2-year secretarial degree, hoping that I would achieve the goal of being viewed as your average individual. I graduated and subsequently returned for a second degree in medical coding. Job-hunting was not going well and my additional educational pursuits were leading to nothing but dead ends. I felt hopeless so I did the only thing I knew to do and that was to pray; I had never prayed that intensely in my entire life.

I was at my aunt’s wedding reception when I got offered the chance to start Molly’s Zone through a company called Next Right Steps, LLC, which is owned by a family member I kept in contact with through Facebook, as she had moved away in recent years. I knew nothing of her occupational therapy business venture, but as she was telling me about it, she remarked that she needed someone to be a cheerleader and an inspiration to her clients. She had noticed my writing ability via Facebook and thought I would be the perfect fit. She advised me to think it over, but without hesitation I said yes to her offer. It was so out-of-the-blue, and the craziest, most wonderful thing I’ve ever experienced.

That conversation took place on July 3, 2015 and Molly’s Zone first launched on September 1, 2015. Next Right Steps, LLC was not a paying opportunity,




## “Overcoming the Challenge of Self Acceptance as Someone with A Disability”

The challenge of self-acceptance is one part of maturing that I feel everyone goes through in some form or fashion. As a person with cerebral palsy, I have braved this battle and have first-hand experience with overcoming the “wanting to fit in” phase of the disability journey. I want to share what has pulled me through the hardest of times and to the state of mind that is accepting of myself. Sure, I continue to be faced with this struggle from within. I want my life to be a reflection of light and love.

First of all, gaining wisdom from those around me has been crucial to my daily life of constant learning and evolving. My mother has never failed to provide me with helpful advice during the times when I least expected it. She always knows what to say. Friends from my present and my past have also served as teachers of lessons I needed to learn in order to be the person I am today. I have truly become a much better person from all of my experiences.

Age is another aspect that has played a definite role in the development of self-acceptance. I am not sure how else to put it into words, but life seems to eventually position you into a head space where you realize that your happiness and contentment solely depend on YOU. Your thought processes change drastically. Others’ opinions become minuscule in size. Your focus becomes centered around finding out who you are and what you can do to contribute to society.

Lastly, finding my place in the world as a writer and meeting so many wonderful people who have disabilities and are successful with what they do in life has served as such an inspiration to my soul. My writing career has opened many doors that I am thankful for, including my career in the independent living field. I have grown in my confidence. Life slows me down at times but nothing will ever completely stop me. Don’t ever give in to your mind and who you think you are. You are so much more. Focus on what you CAN do, not what you can’t.

The possibilities are limitless. 




~written by [Molly Spence](#)

## WVSILC Recognizes Kathi Young’s 20th Anniversary



April 2018 marks twenty years since Kathi Young began her employment at the SILC as Administrative Assistant. It has been wonderful to watch Kathi grow, learn, and take on responsibilities that make her a key part of our operations. In 2013, Kathi’s position was upgraded to Office Manager, including a salary increase, to match the work she was actually doing. Always quick with a smile and a caretaking attitude toward her work and those around her, Kathi is a valued and beloved member of the SILC team.

Congratulations on 20 years, Kathi, and we look forward to having you with us for many more! 



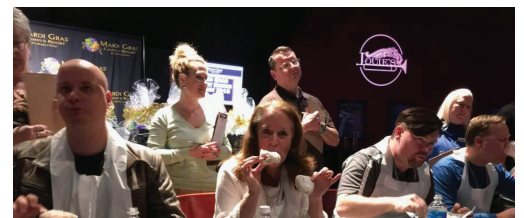
The Caucus Queen



Disney World



Counting the money



Beignet eating contest



# Artist Wanted



Goodwill Industries of Kanawha Valley is pleased to offer **The Prosperity Center** as a prime display venue for local artists with barriers to employment.

We are looking for amature or professional artists in the following WV counties:

**Boone, Braxton, Clay, Greenbrier, Jackson, Kanawha, Logan, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnum, Raleigh, Roane, Summers, Webster, Wood, Wyoming**

If you have put forth your best effort in your art, then we would like to see it for consideration.

Artists may put prices on their art and keep 100% of their profits. We do not charge any fees.

Please contact the Director of Mission Services at 304.346.0811 ext 1062 or write to:

**Goodwill Prosperity Center  
209 Virginia Street West  
Charleston, WV 25302**



# You Donate. We Train. Lives Change.

*(Wrap Up continued from p2)*

- SB 388\*** - Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration
- SB 397** Creating crime of impersonating blind or disabled person – Creates a misdemeanor offense for fraudulently representing yourself as the owner or trainer of a service animal - \$100 fine and 20 hours of community service in the service of people with disabilities for first offense - subsequent offenses \$200 fine and 40 hours community service.
- SB 401** Requiring specified coverage in health benefit plans for treatment of substance abuse disorders – Adds definition of substance abuse disorder and requires parity in accident & sickness insurance, group accident & sickness insurance, etc.
- SB 408** Licensing of nursing homes and assisted living residences – Establishes the requirement for certain information to be readily available on a website available to the Governor, the Legislature and the public.
- SB 469** Converting Addiction Treatment Pilot Program to permanent program – Establishes Adult Drug Court as a permanent program, rather than a pilot program - requires an annual report.
- SB 510** Designating hospitals for stroke treatment – Adds designation as “trombectomy capable stroke center” to improve stroke care in WV.
- SB 575** Approving additional beds for intermediate care facilities – Provides 24 additional ICF beds - is actually in violation of the Hartley decree - DHHR will have to petition the court for permission to proceed - amendments being made to make the ICFs transitional, to reduce size of the ICFs to 4 persons and providing for a Monitoring Committee to ensure transition of the individuals from the ICF to most integrated settings in the community. This will likely be challenged in court.
- SB 603** Relating to proceedings for involuntary custody for examination – Provides immunity from civil liability to government or behavioral health facilities unless there is gross negligence or willful or wanton misconduct of the facility, its directors, officers, employees, or contractors.

### House:

- HB 3104\*** Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund – This transfers the TBI/SCI Rehabilitation Fund from DRS to DHHR and abolishes the TBA/SCI Rehabilitation Fund Board.
- HB 4006** Revising the processes through which professional development is delivered for those who provide public education – This bill eliminates the Department of Education and the Arts; moves the Division of Rehabilitation Services and the Division of Culture & History to the Department of Commerce; establishes Educational Broadcasting and Volunteer WV and independent entities under the Governor’s Office; moves the duties for Professional Development to the Department of Education; moves the TBI/SCI Rehabilitation Fund to the Department of Commerce and modifies the membership of the TBI/SCI Board; and moves the Assistive Technology Revolving Loan Fund to the Department of Commerce.
- HB 4016** Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency
- HB 4035\*** Creating a legislative coalition to study and report to the Legislature on palliative care – The coalition is to study and provide a report on end of life care and palliative care (reducing the suffering of dying patients). After concerns arose about “quality of life” in the bill, we sat down with folks from the DD Council, Alzheimer’s Association, Fair Shake Network, and AARP WV to discuss our concerns. They understood our concerns and agreement on amendments to address our concerns was reached. The AARP folks talked to Senator Takubo who agreed to the amendments and the amendments were made in his committee – the Senate Committee on Health and Human Resources. Steve Wiseman of the DD Council met with Delegate Summers,



(Sheltered continued from p3)

Department of Labor, and were told the workshop did not need such a certificate because it was not involved in interstate commerce.

The workshop began its arrangement with Leland's Lures several years ago when the lure company was based in Belington. The company then moved to Arkansas, however, and the continuing program drew the attention of the Department of Labor.

The workshop was assembling the lures and shipping them to the purchasers. Leland's Lures was selling the product, not the workshop, but in the government's eyes the shipping process meant the workshop had become involved in interstate commerce, local officials said.

"As soon as we found out we needed one of these pieces of paper, we got it," one Sheltered Workshop board member told The Inter-Mountain this week. "And we had it for two years while we were working to try to resolve the case. At the end of two years it expired, so we applied for it again. Again, we fully qualified for it, but the Department of Labor said, 'No, we're in litigation.' And they didn't give it to us."

"And that's the only reason we don't have the certificate now, is because we challenged them," Smith said. "Because we did challenge them, they've made us pay for it."

"Why all these folks from D.C. want to do this to one little sheltered workshop in West Virginia, I have no idea," the board member said.

Before the trial went to the jury phase, U.S. District Judge John Preston Bailey, in his final jury instructions, pointed out that not having the certificate was the only rule the Sheltered Workshop had violated.

"The Department of Labor has admitted that other than the failure to possess a 14(c) certificate, defendant has committed no other regulatory or statutory violations of significance," Bailey said in his final jury instructions.

"Defendant Randolph County Sheltered Workshop admits it did not apply for a special certificate for the period of Oct. 21, 2012, through Sept. 19, 2014, and it is undisputed that defendant Randolph County Sheltered Workshop was not in possession of a special certificate that covered the period of Oct. 21, 2012, through Sep. 19, 2014.

"Even though you may have found that the defendant may have violated the Fair Labor Standards Act by paying less than minimum wage without a special certificate, the defendant may assert what is called the 'good faith defense' which, if proven, would excuse the payment of back wages," Bailey said.

It was a discretionary decision for the government to file the civil action, Smith said.

"I believe that they could have approached the workshop and said, 'Listen, it appears that you guys don't have the certificate although you're doing things correctly. You'd better get that certificate and if it's not in place and you're not doing things right, we're going to come down on you.' They did not have to bring this action. They could have handled it in a much less formal manner than they did."

"Clearly, the government has admitted that, if we had that piece of paper, we're

(See Sheltered p10)

(Wrap Up continued from p8)

the sponsor of the bill, and explained our concerns and she agreed to the amendments – and the House concurred with the amendments.

**HB 4183\*** Relating generally to standardized testing requirements for nonpublic schools – Requires most recent version of nationally normed standardized achievement test for same grade levels and subject areas as public schools. Includes schools exclusively for special education students or students with learning disabilities. May test more grade levels and/or subject areas if they choose.


**HB 4199** Permitting a nursing home to use trained individuals to administer medication – Allows nursing homes to use AMAPs (approved medication assistive personnel) - delegation by RN required.

**HB 4279** Relating to adult protective services system – To prevent, reduce, and eliminate financial exploitation of residents of nursing homes and facilities.

**HB 4376\*** Expiring funds to the balance of the Department of Health and Human Resources – Includes an appropriation of \$36.9 million to DHHR Medical Services

**HB 4385\*** Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services – Makes an appropriation (spending authority) of \$70 million in federal funds to DHHR Medical Services.

**HB 4386\*** Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Community Mental Health Services – Makes an appropriation (spending authority) of \$700,000 to Community Mental Health Services from federal block grants.

**HB 4509** Relating to the establishment of substance abuse treatment facilities – Requires peer-based services when beds are established for substance abuse treatment including: - peer-to-peer counseling - access to a peer-support specialist peer-led workshops. 





(Sheltered continued from p9)

fine. If we don't have that piece of paper, we're not fine. It's really a triumph of form over substance, as I see it, and I was hoping the jury would see it that way as well," Smith said.

It remains unclear what the future will hold for the Sheltered Workshop's employment program arrangement with Leland's Lures.

"We have talked about what we can do, but we're still in the talking stages," the board member said. "We could stop working with Leland's Lures, but that would do away with the jobs for local low-functioning people."

The board member also said it is not clear if or when the Sheltered Workshop will receive a 14(c) certificate.

For now, Smith points out, the court case has not been finalized.

"Because post trial motions haven't been filed, or motions for a new trial, this case is not at an end in trial court, and of course there is a potential appeal that may be considered," he added.



(Legal Aid continued from p4)

Perrone said. "We have not gotten nearly as many as I think all of us were afraid of at the outset."

Perrone said fraud is a terrible crime in many ways, but it's especially difficult because disabled people are being told that they have to pay back thousands of dollars they have received throughout the years.

"It is important for justice to be served for people who are disabled to get help in showing that they are in fact disabled and leave the people who are not disabled to the fate they earned when they trusted Eric Conn," Perrone said.



(NASPA continued from p5)

Also, while at this conference Emily won an award for "Outstanding Peer Educator for the NASPA initiatives of Bacchus Region II". Reasons for Emily being selected for the award included:

Ms. Robinson, as a CHOICES Peer Educator, is polite, caring, and well-liked by her peers. She continually strives for academic excellence while readily volunteering to assist with numerous social and educational activities. She has fine-tuned her ability to work well with others, as well as fulfill the role of leader when the occasion arises. She has led many of our presentations and activities.

While in office, Ms. Robinson has demonstrated responsibility, compassion and dependability while leading several community service projects. During her presidency of the Peer Educators, she has laid groundwork for the student organization's mission of raising alcohol awareness campus-wide to expand into other areas including Mental Health Wellness, Violence Prevention and Safer Sex. She serves as an excellent role model and mentor and always reminds the membership of inclusion of all people during planning of events.

Ms. Robinson is liked by both staff and faculty at West Virginia State University. She is readily approachable and eager to learn. As a senior Education major with a Special Education focus, she has a 3.4 overall grade point average and serves as a member in Kappa Delta Pi Education Honor Society, a member of Alpha Kappa Mu, and WVSU Beta Zeta Chapter (honor Society).

In addition to her academic achievements, she serves on a variety of community advocacy agencies. In her capacity as the Youth Board Member of the WV Statewide Independent Living Council, the Chair of the Central WV Action Network, Co-chair of the National Council on Independent Living Education Sub-committee, and member of the Association of Programs for Rural Independent Living. She is a member of the WVSU Coordinated Campus Response Team, and local SART team as well. Ms. Robinson has presented at numerous regional and national conferences on advocacy and inclusion such as the Human Rights Conference, the APRIL Conference (for two years), and the Student Affairs Administration in Higher Education Conference.

Emily also started a student organization called Student Access Advocates. It is a group that is made up of students who promote acceptance, education, advocacy, and empowerment by sharing their stories of adversity and resilience. These students are dedicated to advocate for equal access for all students, particularly those with disabilities. The Student Access Advocates has a set of values, principles, and beliefs in exemplifying advocacy, education, and opportunity to those with disabilities and a label free campus. These values include: self-help, self-determination, equal access, and individual and systems advocacy in order to maximize the leadership, empowerment, independence, productivity of individuals with disabilities, and integration and full inclusion of individuals.

Emily helped and led the development of a Day of Activities About Inclusion and Respect at WVSU as student of WVSU CHOICES Peer Educators, which included activities and presentations as a collaboration mainly between other WVSU CHOICES Peer Educators, and many other groups such as Student Access Advocates, Disability Services, SILC, and the Fair Shake Network to promote inclusion and awareness of people with disabilities.

Going above and beyond, Ms. Robinson volunteers in numerous community service projects including the Special Olympics, Mountaineer Spina Bifida

(Spence continued from p6)

but I got to share my life stories, such as my battle with depression, life with cerebral palsy, and ways that my faith in God has worked in my life. The blog pulled me out of a severe depression and opened up a whole new world for me. I wrote for them to encourage and inspire others. That is the foundation of my passion for what I do.

(TT): What kinds of topics do you write about?

My blog really hasn't changed much. I still try to cover several kinds of topics on my blog—mostly stories of my experiences as someone with a disability, exciting things that are going on in my life, my faith, and inspirational posts. I am hard at work hoping to break into the disability rights realm, and would like to do more posts on disability-related topics in the future.

As far as choosing topics, I typically like to browse and brainstorm a week before I start working on a new blog post. Sometimes, I can have something come to me in minutes and other times I have to sit and think for a good while. I'm still pursuing new platforms to publish on. I originally posted once a week, but since my career has grown into more than just writing, I keep up with the blog as much as I can. I still write at least three or four posts a month.

In addition to writing for several platforms, I am now a member of the WVSILC as well as the Social Media Liaison/Co-Chair of the Association of Programs for Rural Independent Living (APRIL)'s Youth Steering Committee. I love it! It entails weekly communication through emails, phone calls, and meetings. Fulfilling all of these duties has really helped me to evolve from a talking standpoint.

(TB): How has starting a blog helped you develop your confidence?

(MS): I am a relatively quiet person, and the blog has served as a way for me to express myself. Seeing the success of my writing has helped me to want to keep pursuing writing as much as I can.

(TT): What kinds of opportunities have you had because of your blog?

(MS): I have had the amazing opportunity to become part of the Independent Living movement. I attended the APRIL 2017 conference this past October in Spokane, WA, and that was a blast! I met so many inspiring fellow advocates and made a lot of new friends; a lot of cool connections were also made! I have grown so much advocacy-wise since attending the APRIL conference. My blog has led to so many amazing opportunities.

(TT): How do you use your blog to advocate?

(MS): Molly's Zone from an advocacy standpoint stems from my personal experiences; that, to me, is the most relatable form of advocating. I am not a very outspoken advocate, but the written word can serve to be even more effective. I have several pieces published on the blog, as well as on the website The Mighty. I recently wrote and published an article on my vitamin D deficiency struggles. The Cerebral Palsy Foundation picked it up and I was amazed at how much of an impact it has made. That was a true blessing! I am evolving as I go along, but it is exciting! I can't wait to do more of everything!

(TT): What other kinds of online tools do you use?

(MS): I have recently become a huge Twitter fan! (My Twitter handle is


## Saying Goodbye to a Former WVSILC Member

Karen Skeen Davis, 73, of Charleston passed away on Wednesday, February 14, 2018 at Hubbard Hospice House. Karen was a member of the WV Statewide Independent Living Council from 1999-2005 and 2007-2013 and was generous with her time and her personal experience to the benefit of our work. She also served on the Board of Directors of the Fair Shake Network, the Ron Yost Personal Assistance Services Board, the WV Developmental Disabilities Council, and other boards and committees.



Karen often shared her personal story of living in, and escaping from, a nursing home in such an eloquent way that policymakers and legislators truly understood her frustration and her determination to remain in her own home. She provided testimony at legislative committee meetings, went from office to office delivering her story in writing, and spoke at conferences and trainings.

Karen met and married her husband, Delmar, while living in a nursing home and together, they moved out and built a life. The Home of Your Own project helped them achieve their dream of owning their own home, built on a vacant lot Karen traveled past daily and picked as the site.

While no one can replace Karen, she served as a role model to many new leaders in the disability rights movement that are helping to fill the gap. Her work as an advocate for herself and others will continue to improve the lives of people with disabilities in West Virginia. Karen was always ready with a smile and never let her disability keep her from being involved, active, and productive. She will be missed by all who knew her. 



Delmar & Karen Davis



(NASPA continued from p10)

Shake Network to promote inclusion and awareness of people with disabilities.

Going above and beyond, Ms. Robinson volunteers in numerous community service projects including the Special Olympics, Mountaineer Spina Bifida Camp, volunteer reading in elementary schools, Girl Scout Troop Leader, and the annual WVSU Cares Day.

(Spence conclusion)

my content a great deal.

(TT): Do you have any resources you'd recommend to others who want to start their own blog?

(MS): The Mighty has been a great outlet for me. I have been a contributing writer there for almost two years and I love their community. Blogspot is the platform I use for Molly's Zone. It is so easy to handle. The website is www.blogger.com. WordPress and Wix are also two easy personal blog platforms I've worked with in the past. Blogspot, WordPress, and Wix all let you set up a blog for free.

(TT): Thanks for sharing your knowledge and experience with us Molly! It's been wonderful to chat with you and we can't wait to read more of your writing in the future!

(MS): Thank you for having me! It was a blast!



(Spence continued from p11)

@mollys221. I am not on it often but I share my blog posts on there as well as my personal Facebook. I have a LinkedIn account as well but I haven't quite figured it out just yet! Instagram is another platform I use. I have done a lot of networking through being a part of The Mighty as I've met and became friends with so many talented writers; they've helped me to find many new platforms and have been such a support to me as well and I'm thankful. I wouldn't be doing what I'm doing without all the love and support I've received from everyone around me. I am very blessed.

(TT): How do you make sure your online presence is professional?

(MS): One HUGE piece of advice I would give here is to be extremely careful what you post online! As I am beginning to network and grow my career, I am always cautious with what I write, whether it's a blog post, an article for a big publication, or a post on my personal profiles. It is the reason why sometimes a piece takes a little longer to do; you have to consider your audience, what you are trying to convey, and you have to keep as much of your personal life out of your content as you possibly can. It is okay to share a little bit, but don't overshare. Even on my Instagram, Facebook, and Twitter you will see very little of my personal life. I mostly post about topics I'm writing on, my new writing endeavors, etc. Always try to stay professional, because you never know who could be watching. The written word can't be retracted once it's out there.

(TT): How have your blog and social media helped you to network? How has this networking helped with your writing career and with your advocacy?

(MS): Molly's Zone and all of my social media profiles have helped me to grow immensely. I found The Mighty randomly one day while on Facebook. I clicked on the website link, sent one of my blog posts in, and the next thing I knew I was a published writer. I had no idea you could become a contributing writer for a website; I thought it was a one-time deal.

My blog led me to a spot on the WVSILC and to all things Independent Living. I found out about the WVSILC through a longtime family friend who had read my blog and asked me to contribute to their newsletter; of course, I said yes! I started attending the council meetings, ended up applying to be on the council, and I've now been a member for almost a year!

(TT): How do you think starting a blog could help someone who isn't a writer?

(MS): Well, a blog doesn't necessarily have to be in written format; some people are into film, so perhaps becoming a YouTuber might be a possibility. I've also seen blogs where people post artwork or their musical talents. Blogs are so simple to start nowadays; you can virtually post any variety of content. Social media has become awesome in that way. By sharing their talents, anyone can gain the confidence to do amazing things.

(TB): What advice would you give to someone who wants to start a blog?

(MS): My advice to anyone is to follow their passion no matter what it is; if you want to do a fiction blog, go for it. If you want to do YouTube, go for it. The sky is the limit and you have to push yourself to try as much as you can in this life. As a writer, I would say to really choose your topics wisely and let your mind sit on your ideas for a while. Don't try to rush a piece. Let the material come to you. I have found that there are a ton of platforms to get published on; try them all. Becoming published really helped my passion to blossom and enhanced

# UPCOMING EVENTS



## The Annual V100 Spring Yard Sale 5.12.18

Join us for the Annual V100 Spring Yard Sale! Saturday May 12th, at the parking lot at Elizabeth St and Piedmont Rd (across from Laidley Field)

Contact [Bobbie.Spry@wvradio.com](mailto:Bobbie.Spry@wvradio.com) to reserve your space for the annual V100 Spring Yard Sale. First come, first served until spaces run out.

Proceeds go to benefit the Fair Shake Network of West Virginia, a disability advocacy organization.

FSN will be the beneficiary of the V100 Annual Yard Sale again this year. This year's Yard sale will be May 12, 2018. Go to <http://v100.fm/the-annual-v100-spring-yard-sale-5-12-18/> for more details and to get your space.

1. Buy A Space to Sell Your Goods
2. Donate Bake Goods and Drinks for Us to Sell
3. Stop By Our Table And Purchase Some Baked Goods
4. Spread the Word.

### SILC Meeting Schedule:

June 6, 2018  
August 1, 2018  
October 3, 2018  
December 5, 2018

#### Location:

9:00 AM - 5:00 PM  
Division of Rehabilitation Services  
10 McJunkin Drive  
Nitro, WV

### 2018 TBI Conference:

*Connecting the Dots After TBI*  
May 10-12, 2018  
Days Inn Conference Center  
Flatwoods, WV.

For more information and to register, visit: [https://wvu.qualtrics.com/jfe/form/SV\\_54t7mMjmgrx65f](https://wvu.qualtrics.com/jfe/form/SV_54t7mMjmgrx65f)

### Fair Shake Network

Membership Meeting  
Wednesday, May 30, 2018  
10:00 am  
DRS District Office-Kanawha City  
4701 MacCorkle Ave. SE  
Charleston, WV

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AmazonSmile is a simple and automatic way for you to support your favorite charitable organization every time you shop, at no cost to you. When you shop at smile.amazon.com, you'll find the exact same low prices, vast selection and convenient shopping experience as Amazon.com, with the added bonus that Amazon will donate a portion of the purchase price to WVSILC. To shop at AmazonSmile simply go to smile.amazon.com from the web browser on your computer or mobile device and choose WV Statewide Independent Living Council

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