



COMMONWEALTH of VIRGINIA
Department for the Aging

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January 29, 2008

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Note: The web addresses (links) in this document may change over time. The Department for the Aging does not attempt to refresh the links once the week has passed. However, this document is maintained on the web for a period of time as a reference. Some links may require registration.



08-43

COMMONWEALTH of VIRGINIA
Department for the Aging

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Tim M. Catherman
Director of Administrative Services

DATE: January 29, 2008

SUBJECT: For Profit Adult Day Center

Here is a link about an interesting country club type setting for and Adult Day Center.

[Adult day care is going upscale](#)

Charlotte Observer - Charlotte, NC

"As boomers age, there's going to be more diverse taste in what people expect," says Fay Radding, a senior gerontologist with MetLife Mature Market ...



COMMONWEALTH of VIRGINIA
Department for the Aging

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Ellen Nau, Human Services Program Coordinator

DATE: January 29, 2008

SUBJECT: Caregiving

Virginia Department of Social Services Caregiver Grant

The Virginia Caregivers Grant Program, authorized by Senate Bill 910 (1999), provides an annual grant to caregivers who provide assistance to a person with a mental or physical impairment. This application is for care that was given to a relative in the year 2007. Approved applicants will receive their grants on or before December 31, 2008 in *one payment* of up to \$500, *if funds are appropriated by the General Assembly*. The IRS considers this grant as taxable income and may be used at the caregiver's discretion. Both the caregiver and the person receiving care must meet certain eligibility criteria. A list of those requirements is attached to the application. The application is available at: <http://www.dss.virginia.gov>. Applications must be postmarked between February 1 and May 1, 2008.

Chris Jones, Family Caregiver Resources Specialist at Senior Services of Southeastern Virginia notes that the applications for the 2008 Virginia Caregivers Grant are also available and can be downloaded from the SeniorNavigator Website: <http://www.seniornavigator.com>

VA Announces \$4.7 million to aid Caregivers

The VA will support caregiver assistance pilot programs in eight locations across the country. Key services provided to caregivers will include: transportation, case management, respite care, service coordination, personal care, social and emotional support, and home safety evaluation.

Many projects will utilize technological systems including computers, web-based training, video conferencing and teleconferencing to educate caregivers on a variety of topics including accessing community resources and legal assistance, securing financial support; and time-management. The United States Department of Veteran Affairs website, <http://www.va.gov>, has a news release noting the eight pilots and their projects. None of the pilot projects are located in Virginia.

CMS Proposed Rule to Allow Self-Directed Personal Assistance Services

The Centers for Medicare & Medicaid Services (CMS) announced a rule change on January 14, 2008 that would allow states to adopt a self-directed personal assistance services plan option in their Medicaid programs. This option would permit Medicaid beneficiaries who qualify for personal care services to receive a cash allowance that could be used to hire, direct and train their own personal care workers - **including qualified family members** - rather than receiving home care services from an agency. Many states currently have such options allowed under temporary waivers in their Medicaid programs. This rule change would allow such programs to become permanent state options. The notice of proposed rulemaking was published in the January 18, 2008 issue of the *Federal Register*. Public comments regarding the proposed rule change are due February 19, 2008. Consult: <http://www.cms.hhs.gov/>



06-45

COMMONWEALTH OF VIRGINIA

Department for the Aging

Linda L. Nablo, Commissioner

MEMORANDUM

TO: Executive Directors & Program Managers
Area Agencies on Aging

FROM: Faye D. Cates, MSSW, Human Services Program Coordinator

DATE: January 29, 2008

SUBJECT: 2008 JOINT CONFERENCE ON GUARDIANSHIP, ELDER RIGHTS & DISABILITY SERVICES

The *Joint Conference On Guardianship, Elder Rights & Disability Services* will be held April 7-8, 2008, at the Sheraton Richmond West Hotel. Attached you will find a copy of the conference brochure. It is also posted on the Virginia Guardianship Association web site under the "Conference" link, www.vgavirginia.org. Please share the conference information with your staff. We have planned an interesting series of workshops that we hope will benefit them.

1610 Forest Avenue, Suite 100, Richmond, Virginia 23229
Toll-Free: 1-800-552-3402 (Voice/TTY) · Phone: 804-662-9333 · Fax: 804-662-9354
E-mail: aging@vda.virginia.gov · Web Site: www.vda.virginia.gov



2008

Joint Conference

on

Guardianship, Elder Rights, and

Disability Services

*** * * * ***

Presented by

Virginia Guardianship Association

Virginia Elder Rights Coalition

and

Virginia Department of Mental Health, Mental

Retardation and Substance Abuse Services

*** * * * ***

April 7 and 8, 2008

Sheraton Richmond West Hotel

The Executive Secretary of the Supreme Court of Virginia has approved this conference for seven and one-half hours of continuing education credit for lawyers who are already qualified as guardians ad litem for incapacitated persons. Approval is pending through the Virginia State Bar for MCLE credits for attorneys and through the National Association of Social Workers for CEUs for social workers.

Virginia Guardianship Association Federal ID #: 54-1655346.

*** Indicates sponsorship by the Virginia Board for People with Disabilities.**

Monday, April 7, 2008

8:00 – 9:00 REGISTRATION

9:00 – 10:15 **KEYNOTE ADDRESS: DISASTER ETHICS: PREPARING FOR MANMADE AND NATURAL EMERGENCIES**
..... Michael A. Gillette, Ph.D., Bioethical Services of Virginia

This session will present an overview of the most interesting and difficult ethical issues that we will face in dealing with disaster situations. We will consider both human-caused events, such as terrorist attacks and natural events, such as influenza pandemic. We will pay special attention to the likely impact on the most vulnerable members of our society: those who are dependent upon others for decisional authority and care.

10:15 – 10:30 BREAK

10:30 – 12:00 WORKSHOP SESSION I

(1) **GUARDIANSHIP PROCEEDINGS UNCENSORED**

.....Chuck Vasaly, Esq., Chair
.....Ann M. Green, Esq.
.....Nancy Mercer, MSW, LCSW, Arc of Northern Virginia and VGA
.....Jean Pearson, MSW, APS, Greene County DSS

This session will be a candid panel discussion of actual guardianship proceedings where things went awry or otherwise raised panelist's concerns with the players and/or the process. Audience will also be asked to share experiences and views. This is a reality check on how well rights are being protected and whether the provisions of *Virginia Code §37.2* are adequate. Among questions we will ask:

- ◆ Are the examples discussed minor anomalies or do they suggest systemic flaws?
- ◆ Do some examples involving lawyers require changes in the lawyer disciplinary rules?
- ◆ Are legislative fixes in order?
- ◆ What about cost and fee extremes?

(2) **RE-IMAGING ELDERCARE: STORIES FROM THE CULTURE CHANGE MOVEMENT**

..... Beth Baker, Journalist
..... Joani Latimer, LTC Ombudsman

Journalist Beth Baker tells the story of a new generation of visionary advocates and practitioners who are transforming both the culture of nursing homes and the way we view aging. Drawing on themes of her new book, *Old Age in a New Age – The Promise of Transformative Nursing Homes*, Beth takes participants on a journey into some of the best places in the U.S. for elders to live, and she challenges us to reflect on how we can get involved.

(3) **IMPROVING THE SOCIAL SECURITY REPRESENTATIVE PAYEE PROGRAM: DISCUSSION OF A NATIONAL ACADEMY OF SCIENCE REPORT**

..... Nancy Coleman, MSW, MA

The National Academy of Sciences recently released a National Study of Misuse by representative payees in the Social Security Program. This workshop will look at the policy implications of this study.

Monday, April 7, 2008

***(4) I WANT A GOOD LIFE**
.....Dana Yarbrough, Partnership for People with Disabilities

Attendees will meet some of Virginia's self-advocates as they discuss (through video and PowerPoint presentations) the stepping-stones to a good life in Virginia.

12:00 – 12:15 BREAK

12:15 – 1:30 LUNCHEON ADDRESS: **MENTAL HEALTH, AGING, AND CAREGIVING**
..... Courtney Tierney, MSW, CIRS-A
.....Prince William Area Agency on Aging

Learn through dramatic monologue how the sister of Mary Todd Lincoln faced caregiving and legal issues when the First Lady faced her mental health and aging.

1:30 – 1:45 BREAK

1:45 – 3:15 WORKSHOP SESSION II

(5) THE FAIR HOUSING ACT: PROMOTING THE GOAL OF AGING IN PLACE
.....Michael Allen, Relman & Dane, PLLC

At its heart, the Fair Housing Act (FHA) is about promoting choice. Vigorous enforcement is critical to the "aging in place" movement. Far too many seniors are unaware how the disability provisions of the FHA can help them overcome restrictive screening, occupancy, transfer, and eviction policies of senior housing providers. Fewer providers are aware of their obligations under the FHA and so fail to meet those obligations. This session will provide a forum for educating advocates and challenging them to "push the envelope" in service of their clients.

(6) ASSESSING CAPACITY AND ADVOCATING FOR THE MEDICAL NEEDS OF INCAPACITATED ADULTS
..... Rebecca Bigoney, M.D.

This session will include discussion of how to make medical decisions for the person who lacks capacity, as well as how to determine capacity for a specific decision. Medical guidelines, risks, and benefits of specific treatment decisions, including "Do Not Resuscitate" status, feeding tubes, and the decision to move to a comfort care philosophy will be presented.

(7) NEW INITIATIVE IN GERIATRIC MENTAL HEALTH SERVICES: RAFT REGIONAL OLDER ADULT FACILITIES MENTAL HEALTH SUPPORT PROGRAM.
..... Thomas Gleeson, LCSW, RAFT Program Director

This workshop will focus on a program that provides intensive mental health treatment and support to a cluster of long-term care facilities for older adults with serious mental illness.

***(8) VIRGINIA LONG TERM CARE PARTNERSHIP**
..... Teja Stokes, Department of Medical Assistance Services

Virginia's Long-Term Care (LTC) Partnership is a public-private venture designed to encourage and reward Virginians for planning ahead for the future. Learn how Virginians can use the LTC Partnership to plan ahead to ensure that the widest array and highest quality of services will be available to them.

Monday, April 7, 2008

3:15 – 3:30 BREAK

3:30 – 5:00 Workshop Session III

(9) **WHEN TO “HOLD ‘EM”, “WHEN TO FOLD ‘EM”: WHAT DIRECTION DO APS WORKERS TAKE AFTER DETERMINING SOMEONE HAS THE CAPACITY TO REFUSE SERVICES?**

- Betty Bazemore, Moderator, Spotsylvania County DSS
- Panelists: Terry Onderick, Arlington County Department of Human Services
- Dinah Ditton, Loudoun County DSS
- Joyce Martin, Charlottesville DSS
- Susan Umidi, Henrico County DSS
- Karen Kirby, Chesterfield County DSS

APS workers often deal with clients who have the capacity to make decisions (albeit poor ones) and refuse services. They choose to continue to live in high-risk situations. At what point do the workers cease trying to intervene and close these cases? These cases also often involve intense pressure on the workers and agencies from third parties (neighbors, family members, code enforcement, fire, landlords, etc.)

* (10) **OLMSTEAD V. L.C. – A NEW WAY HOME**

- William Fuller, Ph.D., Virginia Housing Development Authority

This will be an overview of changes in housing policy as a result of the Supreme Court ruling, including the newest *Money Follows the Person Initiative* and the impact for frail elders and people with disabilities living in nursing homes.

(11) **HELP FOR THOSE WHO ARE INDIGENT, INCAPACITATED AND ALONE - THE VIRGINIA PUBLIC GUARDIAN & CONSERVATOR PROGRAM AS AUTHORIZED BY THE CODE OF VIRGINIA AT §2.2-711 THRU 2.2-713.**

- Faye Cates, MSSW, Moderator
- Janet James, Esq.
- Lee Price, DMHMRSAS
- Panelist from Public Guardian Programs

This session explores the parameters of the Virginia Public Guardian & Conservator Program. What is it? Who's eligible? What is the process involved? This session will also include a panel of eight public guardian professionals representing a variety of types of local programs throughout the Commonwealth, and it includes a PowerPoint presentation demonstrating an actual case history.

(12) **NUTS AND BOLTS OF GUARDIANSHIP LAW**

- John M. Powell, Esq., Powell & Cheyney, LLC
Virginia Guardianship Association

This workshop is designed to introduce individuals to the basic law that governs the process for obtaining the appointment of a guardian or conservator for an incapacitated person in Virginia courts. The target audience is attorneys with little or no experience in the field of guardianship or other professionals with experience in the field of mental health but who are unfamiliar with the law of guardianship.

5:00 – 6:30 RECEPTION

You are invited to join the VERC and VGA Boards for hors d'oeuvres and networking.

Tuesday, April 8, 2008

8:00 – 9:00 Registration
Continental Breakfast

8:45 – 10:00 Plenary Session: **GUARDIANS OF THE GREATEST GENERATION**
..... Terry W. Hammond, Esq., National Guardianship Association

This address will focus on the very unique opportunity that guardianship practitioners have at this time to serve as guardians of the Greatest Generation. The passing of this generation creates special duties and obligations for guardians, attorneys, judges, and allied professionals to render special care to the Greatest Generation in the last season of their lives.

10:00 – 10:15 BREAK

10:15 – 11:45 Workshop Session IV

(13) **SURROGATE DECISION MAKERS FOR PERSONS WITH DEMENTIA**
..... Maxcine C. Maxfield, PhD. APRN, BC

Patients have the right to participate in decisions, and they also have a right to advocacy when they are experiencing varying levels of dementia and are lacking in the ability to appreciate the consequences of their decision. This training will examine the ethical, legal, and clinical responsibility of surrogate decision makers while assisting in making safe and wise decisions and to ascertain the patient's authentic wishes, goals, values, and preferences when making decisions for them.

(14) **CLIENTS, CAPACITY, AND CONFLICTS: ETHICAL ISSUES IN GUARDIANSHIPS AND OTHER CASES**
..... Professor Rebecca Morgan, Boston Asset Management Faculty,
Chair in Elder Law

This interactive presentation will use video clips and an audience polling system to illustrate the typical ethical problems faced daily by elder law attorneys. The audience discussion will cover application of the ethics rules and practice options as resolutions to these problems.

* (15) **RESPECTING PEOPLE WITH DISABILITIES AS RESPONSIBLE ADULTS**
..... Ed Turner, Office of the Governor

Presenter will share his own personal experiences about how he has had to overcome prejudice and concerns about his abilities as a professional. Strategies on effective ways to relate to people with disabilities as responsible adults will be described. He will also discuss myths about people with disabilities that have led to many misconceptions about the competency of this population.

(16) **ADVANCED DEMENTIA AND COMPASSIONATE END-OF-LIFE CARE: WITHHOLDING ARTIFICIAL FEEDING AND OTHER TREATMENT CHOICES**
..... Hank Dunn, M.Div

Advanced dementia, including end-stage Alzheimer's, can present what appear to be difficult treatment choices for surrogate decision-makers. A common problem at this phase of the disease is the loss of the ability to swallow and an increased risk of aspiration pneumonia. About one-third of these patients receive artificial feeding tubes even though the medical research shows they provide no benefit to the patient and increase the burden of living. This workshop will look at the evidence for withholding artificial feeding and explore ways of providing more compassionate care.

Tuesday, April 8, 2008

11:45 – 12:00 BREAK

12:00 – 1:15 Lunch

Annual Meeting for VGA
Presentation of VERC’s annual Elder Rights Award

1:15 – 1:30 BREAK

1:30 – 3:00 Workshop Session V

*** (17) FROM INSTITUTION TO COMMUNITY: AN UPDATE ON VIRGINIA’S OLMSTEAD, SYSTEMS TRANSFORMATION AND MONEY FOLLOWS THE PERSON INITIATIVE**

..... Julie A. Stanley, J.D., Community Integration for People with Disabilities,
Office of the Governor

Many Virginians with disabilities who live in institutions want to – and can – live in the community. This session will address what Virginia has been doing to make community living a reality, through an ongoing, state “Olmstead” initiative, a cross-governmental, cross disability strategic plan, a major Systems Transformation Grant, and a *Money Follows the Person* demonstration.

(18) CONSENSUAL SEX AND INCAPACITATED PERSONS

..... Professor Rebecca Morgan, Boston Asset Management
Faculty Chair in Elder Law

This session will explore issues faced by a guardian when an incapacitated adult engages (or wishes to engage) in consensual sex, and it examines potential issues facing guardians when incapacitated adults act out inappropriately in residential facilities.

(19) ALTERNATIVES TO GUARDIANSHIP WITH A FOCUS ON MENTAL HEALTH AND MENTAL RETARDATION

..... Elizabeth L. Wildhack, Esq.
..... Kathy Pryor, Esq.
..... Ken Labowitz, Esq.

This will be a panel discussion among legal services advocates, private elder law attorneys, and guardians. It is a look into alternatives to guardianship and what has worked or failed in mental health and mental retardation cases specifically.

(20) ANNUAL TRAINING FOR SERVICE PROVIDERS – VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR PROGRAM.

..... Faye Cates, MSSW, Virginia Department for the Aging

This is a mandatory closed-session training for public guardians and conservators and not open to the general conference. We invite you to attend Workshop #11 on Monday entitled “HELP FOR THOSE WHO ARE INDIGENT, INCAPACITATED AND ALONE - THE VIRGINIA PUBLIC GUARDIAN & CONSERVATOR PROGRAM AS AUTHORIZED BY THE *CODE OF VIRGINIA* AT §2.2-711 THRU 2.2-713.”

For Your Information . . .

Conference Accommodations The Sheraton Richmond West Hotel is offering room rates for the conference of \$102 single or double. To get this special rate, room reservations must be made by March 7, 2008. The toll-free number for room reservations is 1-800-325-3535. **Early reservations are recommended.**

Join Virginia Guardianship Association We invite you to join Virginia Guardianship Association. One year membership fees are as follows: (You may add your membership fees to your conference registration fee.)

Individual: \$35

Organization: \$50 (This membership entitles employees of your organization to register for the conference at member rates.)

Membership benefits include:

- ◆ Reduced VGAVERC Conference fees
- ◆ Quarterly newsletter
- ◆ Virginia Guardianship Handbook
- ◆ VGA voting privileges
- ◆ Association with a network of professionals working to strengthen guardianship and related services
- ◆ Support of legislative advocacy for guardianship issues.

Join Virginia Elder Rights Coalition VERC welcomes your membership. Ask for a membership form at the membership table.

Scholarships Funds for conference scholarships for eligible individuals are made available through two sources:

- ◆ **The Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services.** Eligible recipients of scholarships include individuals with intellectual disability, their parents, guardians, and/or caretakers. Scholarship funds may be used to cover the cost of conference registration, a hotel room, transportation and payment of a caretaker if the person with mental retardation will require a caretaker to attend the conference and if the person with mental retardation is not receiving MR Waiver services.
- ◆ **Virginia Board for People with Disabilities.** A limited number of scholarships to cover registration fees are available on a first-come basis to eligible individuals with disabilities. VGA and VERC recognize that families of youth who are in high school and who are transitioning to live independently may need information on guardianship in order to support the least restrictive guardianship or an appropriate alternative. Options could include a circle of support, temporary or limited guardian, conservator or other. Family members are encouraged to attend this highly informative 2008 conference to learn more.

Eligible persons may apply for a scholarship by emailing joyduke@msn.com or telephoning 804-261-4046. Funds for scholarships are limited and are available on a first-come basis.

Free Continuing Education Credits Attorneys, Social Workers, and Guardians ad litem who are registered for the conference are eligible for continuing education credit without additional cost. (See front of this brochure.)

Interpreter Services: Requests for Interpreter Services or other special services must be made by March 15, 2008. Call the VGA office at (804) 261-4046 or email joyduke@msn.com to make a request.

Vegetarian Meals: If you desire a vegetarian meal, please note that request on your registration form or contact joyduke@msn.com.

- ◆ Albemarle County
- ◆ Centene Corporation
- ◆ Commonwealth Community Trust
- ◆ Department of Mental Health, Mental Retardation and Substance Abuse Services
- ◆ Family and Children's Trust Fund
- ◆ Family Management Services
- ◆ Project 2025
- ◆ Virginia Board for People with Disabilities

With grateful appreciation, we acknowledge and extend our thanks to the following organizations for their sponsorship:

2008 Conference Sponsors

Virginia Guardianship Association
P. O. Box 9204
Richmond, VA 23227

Place
Postage
Here

Address Label

2008 CONFERENCE REGISTRATION FORM

Print or type your name as you want it to appear on your nametag.
Please submit a separate form for each attendee.

Name _____ Title: _____
 Organization _____ Email _____
 Mailing Address _____
 City _____ State _____ ZIP _____ Phone _____

Concurrent Workshop Selections

Please check the workshop(s) you wish to attend.

Workshop Session I	Monday, April 7 — 10:30 a.m.	<input type="checkbox"/> #1	<input type="checkbox"/> #2	<input type="checkbox"/> #3	<input type="checkbox"/> #4
Workshop Session II	Monday, April 7 — 1:45 p.m.	<input type="checkbox"/> #5	<input type="checkbox"/> #6	<input type="checkbox"/> #7	<input type="checkbox"/> #8
Workshop Session III	Monday, April 7 — 3:30 p.m.	<input type="checkbox"/> #9	<input type="checkbox"/> #10	<input type="checkbox"/> #11	<input type="checkbox"/> #12
Workshop Session IV	Tuesday, April 8 — 10:15 a.m.	<input type="checkbox"/> #13	<input type="checkbox"/> #14	<input type="checkbox"/> #15	<input type="checkbox"/> #16
Workshop Session V	Tuesday, April 8 — 1:15 p.m.	<input type="checkbox"/> #17	<input type="checkbox"/> #18	<input type="checkbox"/> #19	<input type="checkbox"/> #20

VGA/VERC CONFERENCE FEES

There will be no refunds of registration fees after March 30, 2007.

	VGA MEMBERS	NON-VGA MEMBERS
	Registration fee	Registration fee
	If postmarked <u>ON OR BEFORE</u> March 30, 2008	
Full Conference fee (2 days)	<input type="checkbox"/> \$160	<input type="checkbox"/> \$210
Monday or Tuesday ONLY	<input type="checkbox"/> \$120	<input type="checkbox"/> \$170
	If postmarked <u>AFTER</u> March 30, 2008	
Full Conference fee (2 days)	<input type="checkbox"/> \$210	<input type="checkbox"/> \$250
Monday or Tuesday ONLY	<input type="checkbox"/> \$170	<input type="checkbox"/> \$210

VGA Conference Fee	\$	<p>Unfortunately, VGA <u>cannot</u> accept credit cards.</p> <p>Mail this conference registration form with your check made payable to VGA to:</p> <p>VGA 2008 Conference P. O. Box 9204 Richmond, VA 23227</p>
2008 VGA Membership Fee (See inside information)	<input type="checkbox"/> \$35.00 Individual	
	<input type="checkbox"/> \$50.00 Organization	
TOTAL AMOUNT ENCLOSED	\$	