

**Commonwealth Council on Aging  
First Quarter Meeting  
July 13, 2016**

DARS/Virginia Division for the Aging (VDA)  
1610 Forest Avenue, Suite 100, Henrico, VA 23229

**Meeting Minutes**

**Present**

Beth Barber, Chair  
Robert Blancato (phone)  
Carter Harrison  
Valerie L'Herrou  
Brenda K. Nelum  
Valerie S. Price  
Roberto Quinones  
Kathryn Reid  
Beverly Soble  
Vernon Wildy  
Veronica Williams  
Terry Smith, Ex-Officio  
Tara Ragland, Ex-Officio  
James Rothrock, Commissioner, Ex-Officio

**Absent**

Kyle Allen  
Mitch Davis  
David Farnum  
Joni Goldwasser  
Richard Lindsay  
William Massey, Ex-Officio  
Shewling Moy  
Sandra Williamson-Ashe

**Guests**

Erica Wood, JD, ABA Commission on Law & Aging  
Nicole Poulin, Family & Children's Trust Fund  
Megan Grey, DARS  
Joani Latimer, DARS  
Martin Pottle, Loudon County Council on Aging  
Lisette Carbajal, Office of the Governor

**Staff**

Amy Marschean, JD, Senior Policy Analyst  
Cecily Slasor, Administrative Support

**Welcome and Introductions**

Chair Barber called the meeting to order at 10:10 am and asked that members and guests introduce themselves. She passed around sign in sheets for members and guests.

**Approval of Meeting Minutes**

Chair Barber asked if members had reviewed the May 1 meeting minutes and if there were any corrections. Valerie L'Herrou commented that on page 5 should be 10% on

line 13. Veronica Williams asked that on page 10, the sentence read: “client was *threatened* with foreclosure.” Ms. Reid moved to approve and accept the minutes. Ms. Williams seconded the motion. The minutes were approved and accepted with changes.

### **Washington DC Update (Handout)**

#### **Robert Blancato**

Congress is about to break on July 15 until after Labor Day. Funding for the federal government fiscal year begins October 1. The 2-year budget agreement preventing sequestration is still in effect, but may have to pass a short term bill in September. Early indications are that the House bill for aging programs is better than the Senate. Senate bill would eliminate SHIP funding and cut SCSEP by \$34 million. It freezes most other spending, rejected most Obama increases except for elder justice at \$10 million. The House bill would restore funding for SHIP and restore the cut in SCSEP. The House also adds money for nutrition, community service block grant & other programs. The goal is to avoid a government shutdown on October 1. The question is how long to fund the stop gap bill, December or March.

The OAA became law in April. Rep. Bobby Scott was a key player. This was a 3-year renewal of the program. It provides more training in elder abuse prevention for the aging network. It also promotes greater evidence-based support. Use more fresh fruits & vegetables in nutrition program and utilize registered dietitians. It seeks to identify modernized senior centers as models

Administrator for ACL and Asst. Sec. for Aging Kathy Greenlee will retire the end of July. Edwin Walker will take her place. Secretary Greenlee emphasized elder justice and it will continue. DOJ has new guidelines to have more funds from Victims of Crime Act will go to underserved victims, including victims of elder abuse. There is a new Elder Justice AmeriCorps which is a \$2 million grant program to provide legal assistance and support services to victims of elder abuse. New lawyers and paralegals will be helping older adults. House passed Senior Safe Act of 2016 that is aimed at reducing financial abuse. For more go to [www.elderjusticecoalition.com](http://www.elderjusticecoalition.com)

Big federal legislative issues to come are the opioid crisis and Zika funding, plus mental health legislation and chronic care legislation led by Senator Warner.

Social Security trustees say it is solvent through 2034. Medicare trustees report that Medicare Part A hospital funding could be insolvent by 2018, which is two years earlier than last year’s projection, but eight years longer than before ACA passed.

### **Loudoun County Commission on Aging: Proposal to Council (Handout)**

#### **Martin Pottle, Martin Thomas International**

Council member Roberto Quinones was invited to speak as a Council representative at a meeting of the Loudoun County Commission on Aging. Mr. Quinones introduced Mr. Pottle who discussed how to compile information on all of the local councils or commissions on aging, with a goal of creating a list or database of the groups and

coordination of similar projects. Valerie L'Herrou wondered if there is a listserv that people can subscribe to? Veronica Williams commented that listservs create a "think tank" environment as the information goes to all subscribers. Mr. Pottle proposed taking on the work of contacting the local commissions and councils on aging to share information and coordinate initiatives.

### **Family & Children's Trust (FACT) Fund (Handout)**

#### **Nicole Poulin, Executive Director**

FACT was created by the General Assembly in 1986 as a public-private partnership to raise funds for the prevention and treatment of family violence, including child abuse, and neglect, domestic violence, dating violence, sexual assault, and elder abuse and neglect. FACT is governed by a board of trustees appointed by the Governor.

#### **FACT Strategic Goals:**

- Serve as the data clearinghouse on family violence throughout VA.
- Support organizations and communities to build capacity and promote collaborative responses to family violence.
- Conduct comprehensive fundraising efforts to support prevention and treatment of family violence statewide.
- Enhance marketing efforts to promote FACT's mission and service to the community.
- Ensure FACT is a high quality and high performing organization.

Ms. Poulin would like to work on elder abuse issues with the Council on Aging moving forward.

### **Commissioner's Report**

#### **James Rothrock**

Lisette Carbajal with the Governor's office was with Commissioner Rothrock and he introduced her to members. Commissioner Rothrock updated the members on next year's Governor's Conference on Aging next May in Roanoke. A steering committee to plan the event is meeting. The information gathered on the three focus areas of Livable Communities, Elder Safety, and Culture Change will be evaluated over the coming months and, working with Mark Rubin who facilitated this year's conference, the information will be distilled and refined at the next conference and then shared with legislators.

One issue that has been keeping the Commissioner busy is addressing the conflict of interest between the Ombudsman Program and the ombudsmen who are employees of the AAAs, many of whom are the providers of long term care. There is a task force working on this for DARS and they are looking at a possible budget amendment.

State budget has a \$266 million shortfall that triggered a reforecast. Additional cuts may be necessary moving forward.

DARS just received a \$900 million (federal) grant for the CDSME program and it will focus on Alzheimer's patients and their caregivers. It is a popular program and has been very effective for participants, including the Commissioner. DARS hopes to receive additional respite funding. This would help to continue the respite voucher program.

The position of the Director of the Division for the Aging is currently being recruited and closes on July 15. The position of Public Guardian Program Coordinator has been posted and interviews will be held July 15.

### **Governor's Conference on Aging Discussion**

#### **Beth Barber**

Beth Barber reminded all the Governor's Conference on Aging was held on May 2nd & 3rd. There were a number of workshops. The themes were:

- Culture change and Long-Term Supports and Services
- Safety
- Livable Communities

She asked for Council members to provide feedback on the conference.

Mr. Harrison said the conference was good overall, particularly the community piece in the wake of the federal HCBS rule and MLTSS. There are a lot of opportunities for the future.

Mr. Quinones commented that he wondered about the council's role in the conference. The speakers were not posted before the conference was sold out. He wondered at the 10-year planning cycle. There were issues with the website and not being a part of the process.

The Commissioner said the conference being sold out was indicative of high interest. There were concerns about the size of the audience and not being able to handle too large an event this first time.

Mr. Quinones commented further that the sessions were good, with the exception of the final event on diversity. He felt it was too much an AARP infomercial and much of the same thing and not providing where to get information on multicultural caregiving.

Guest Erica Wood attended as a representative from the Arlington Commission Aging. She enjoyed the sessions and thought it went well. She thought the Elder Abuse session was excellent and had a different opinion from Mr. Quinones on the diversity panel.

She particularly thought Veronica Lee was great. She would have preferred if the exercise from the second day might have been shared prior so that answers might have been sharpened. Commissioner Rothrock said that issues/results from the conference will be shared before the conference next May. At the second day of the conference next year, we will get sharper and down into the weeds of the proposals.

Terry Smith attended the conference and thought it was a great conference. She said two staff from DMAS have offered to help with the next conference and it should be

marketed in a big way. It would be good to learn from other state attendees. She believed the VA provider focus of this year allowed for great networking.

Ms. Marschean noted that the next conference will be held in Roanoke at the Hotel Roanoke on May 22nd & 23rd, 2017.

Kathryn Reid said she enjoyed the conference although she felt like an outsider. She believes it was more for the 'insiders' to come together and feels no negativity about that. Ms. Reid does wish that it was open more to the public, because there is an opportunity to engage more people and to help older adults and their caregivers. Ms. Reid stated she would like to see the objectives and evaluations from the conference.

Ms. Barber suggested off-site fees to have access at the AAA's/CIL's/senior centers or perhaps hold public slots. Commissioner Rothrock said they will re-visit the streaming option for the next conference.

Mr. Wildy enjoyed the conference and came away feeling very informed.

Mrs. Nelum asked about Willard Scott and why he did not attend to accept an award. It turns out that Mr. Scott was very ill. Perhaps the next steering committee can set criteria for the first awardee.

Veronica Williams especially enjoyed the presentation by Matt Paxton from the television show 'Hoarders'. As a speaker at the conference on an elder abuse panel, she wanted to empower her audience and she felt she did so.

Mr. Quinones asked what will make the conference unique – make it a Governor's conference if the Governor does not attend and the usual people attend? He thought for the public tax dollars spent, a wider spectrum of the populace should have attended.

Mrs. Barber asked if information from the second day would be available that the council could use in their discussions for the council's legislative platform. The Commissioner noted that it is not in a format that can be shared. Ms. James informed her that all presentations were on the website: <http://vgcoa.com/2016-presentations/>. The Governor's video is also on the website.

## **Virginia's WINGS Initiative (Handout)** **Erica Wood, JD**

### **WINGS: Working Interdisciplinary Networks of Guardianship Stakeholders** **What is WINGS?**

- Court/community partnerships
- Evaluation of "on the ground" practices
- Ongoing forum

#### **Ten hallmarks of WINGS**

- Ongoing and sustainable
- Broad-based & interdisciplinary
- Problem-solving
- Highlight changes in practice

- Start with “low hanging” fruit
- “Mutually reinforcing” activities
- Focus on rights and person-centered planning
- Transparent to public
- Collect data, evaluate and adapt
- Part of a national network

### **Examples of WINGS stakeholders**

- Judges, court staff
- Bar association, legal services
- State unit on aging, AARP, Alzheimer’s Assn.
- Protection & advocacy agency, developmental disability council
- APS
- State hospital representatives, long term care providers
- State guardianship associations and agencies
- Professional guardians;family/lay guardians
- Social Security (rep. payees) & V.A. regional offices
- People with disabilities who are self-advocates

### **Guardianship**

- *Parens Patriae* – a concept from fourteenth century England; paternalistic, protective
- Directs the Court to care for those unable to care for themselves
- People who have no voice and may be isolated

### **Guardianship as a Last Resort**

- Removes basic rights
- Constant inherent tension
- Protection vs. autonomy
- Rights vs. needs
- It is a double-edged sword. Society’s most extreme intervention.
- Since 1988, there have been revisions in codes of all states
- Majority of states have enacted new or substantially revised code
- There are a number of state task forces, handbooks, curricula

### **Challenges to Lasting Adult Guardianship Reform**

- Increased Need: increases in population in need and resource constraints

- Diverse Practices and Interests: wide variation in practice within and across states, Inter-disciplinary in nature, broad range of stakeholders
- Complexity of cases: multiple aspects to address, both pre-appointment and post-appointment, inherent tension in guardianship concept
- Staffing: constant turnover of stakeholders with ongoing need for re-education and training, inertia; ingrained practices

### **Key Aspects of Guardianship Reform**

- Less-restrictive decision-making options
- Procedural safeguards
- Determination of capacity
- Limited orders
- Guardian standards & qualifications
- Court monitoring
- Public guardianship

Mr. Wildy asked why there is no data available on guardianships. Mrs. Wood said all of the state programs are different, guardians fail to file reports, technology is a big part it and should change things for many states like Virginia.

Mrs. Williams said she was seeing abuse of the guardianship role. For example, hospitals were using guardianships for discharge of long-term patients merely to get persons discharged.

### **Legislative Discussion**

**Beth Barber**

**Amy Marschean, JD**

The Legislative Committee will meet before the September meeting. Governor's recommendations are due October 1.

Chair Barber asked for a document from the Legislative committee for council members. This would include information and tips on how to approach legislators, for example.

Ms. Marschean again shared copies of the Best Practices Awards anniversary booklet, highlighting the ten years of the initiative. She noted she also took copies down to the General Assembly so each legislator would have a copy.

Mrs. Nelum encouraged members to make the face to face visits to their legislators over the summer.

Valerie L'Herrou commented that preparing a list of legislators that would be affected by certain legislation could be helpful. Ms. Marschean said that she can provide that information about committee memberships. It is all available on the General Assembly website.

Mr. Quinones asked his legislator during a visit if there was a House Aging Caucus and if not how would that get started.

Ms. Marschean shared information from Dr. Allen on two states, Utah and South Carolina, who have student loan repayment programs for persons who go into the study of gerontology. Dr. Allen successfully asked Sen. Stolle to put this in the Virginia Code in 2013, but to date it has not been funded. Ms. Marschean thought this might be a good issue for the Council to take up in the legislative platform.

Mrs. Barber mentioned that she and Dr. Lindsay have been contacted by Gordon Walker and Jane King, who are seeking grant funding to work on livable communities in Virginia and they want to perhaps collaborate with the Council. Mr. Harrison suggested inviting Gordon Walker to come speak to the Council at its next meeting.

### **Future Meeting Dates**

#### **Beth Barber**

September 21, 2016

2017 Meetings Calendar: January 25, April 12, July 12, September 20

### **New Business**

Veronica Williams will share something in writing about an issue that could affect seniors in VA and around the country. Municipalities are changing senior citizens tax relief procedures from *complete exemption* to *real estate tax deferral*.

There is an unanticipated consequence for seniors in some areas, resulting in foreclosures and near-foreclosures resulting in large tax bills. Puts seniors in conflict with rules regarding reverse mortgages that mandate that taxes be paid. Taxes come due within 30 days in most cases and can cost seniors upwards of \$7-\$8,000. Chair Barber asked Mrs. Williams to summarize and send a document to Amy Marschean that she can share with Council members. Ms. Williams did not want to be disparage reverse mortgages, which for many seniors can be used to age in place. For example, reverse mortgage money can supplement paying for home care, which is not paid by Medicare.

### **Public Comment Period**

There were no public comments.

### **Meeting Adjournment**

Chair Barber adjourned the meeting at 2:10 p.m.