

**Public Guardian and Conservator Advisory Board Meeting
Department for Aging and Rehabilitative Services**

**Virginia Division for the Aging
1610 Forest Avenue, Suite 100
Henrico, VA 23229**

June 12, 2014, 10:00 am - 2:00 pm

MINUTES

Members Present

Demaris Miller, R.N., Ph.D., Chair, Karen Fortier, Lisa Moore, John Powell, Kathryn Pryor, Mira Signer, Thelma Bland Watson, Lynne Williams

Members Absent

Debra Holloway
Lisa Linthicum
Cynthia Smith

DARS/Virginia Division for the Aging Staff

Amy Marschean, Senior Policy Analyst
Cecily Slasor, Administrative Support
Kathy Miller, Director of Long Term Care
Janet James, Esq., Public Guardian Program Director

Guests

Paige McCleary, Program Consultant, APS
Andrea LaHaye, MPA, Public Guardianship Coordinator
Sydney Fleischer, COO/Home Care Administrator
Nancy Diehl and her fiance

Welcome and Introductions

Chair Miller called the meeting to order at 10:00 a.m., welcomed members and guests and asked them to introduce themselves. Ms. Marschean said that Commissioner Rothrock was unable to attend the meeting.

Review/Approval of March 2014 Meeting Minutes

Chair Miller asked if members had reviewed the March meeting minutes and if there were any corrections. There were no corrections requested. John Powell made a motion to approve the minutes and Karen Fortier seconded the motion. Members voted unanimously to accept and approve the meeting minutes.

Nominating Committee

Dr. Thelma Watson, Chair

Dr. Watson reported that the Nominating Committee met prior to this board meeting and discussed the Slate of Officers for July 2014. The slate is as follows:

Chair - Demaris Miller

Vice Chair - Lisa Moore

Secretary - Lisa Linthicum

Dr. Watson made a motion to accept the slate of officers. John Powell seconded the motion and the slate of officers for the board was accepted by acclamation.

Jewish Family Services of Richmond (JFS) Presentation (Handouts)

Andrea LaHaye, MPA

Sydney Fleischer, Ph.D.

Dr. Fleischer has been with JFS for 20 years. Ms. LaHaye has been the public guardian program coordinator for two years. The program has 10 restricted slots and 10 unrestricted slots. The restricted slots are approved by Janet James. The unrestricted slots are those that JFS will consider for individuals in the service area referred for public guardianship who are indigent and deemed incapacitated.

The multi-disciplinary panel includes nine members. The panel is composed of professionals in the local area, including social workers, elder law attorneys, and physicians. Members are recruited through the JFS network and contact is maintained throughout the year updating members on the program census and other issues as needed. The panel meets twice a year and as needed.

JFS staff created a Multi-Disciplinary Panel review form to evaluate clients. JFS has received some pro-bono help from elder law attorneys on a few cases. Ms. Moore mentioned *discharge assistance funds* that are available sometimes for persons in the southwest Virginia area. Petitioning fees can be around \$1,200.00.

The JFS Public Guardian program has an Ethics Committee. The committee began as a requirement for JCAHO accreditation for Skilled Care and transitioned to an Ethics Committee for the whole agency in 2001. The primary purpose of the committee is to provide a means of resolving ethical dilemmas within the Agency. Meetings of the committee are called as needed.

There was discussion about the DOJ Settlement with the Commonwealth and the effects of the closing of the training centers.

Public Guardian and Conservator Program (Handout)

Janet James, Director

Mrs. James distributed a handout that outlines her typical presentation on Guardianship. The handout provides a definition of guardianship, public guardianship, what distinguishes public guardianship from private or volunteer guardianship, and some statistics on populations served and geographic coverage areas.

As of May 2014, there are 15 programs and 606 public guardian slots for Virginia. Mrs. James has received an increase in calls from hospitals. The hospitals are inquiring about

guardianship for patients. They want to “get the patient out of the hospital” and believe guardianship will do that and they will not have any additional involvement. Dr. Fleischer commented that at JFS they are hearing more about these hospital cases also.

Mrs. James reported an increase in the complexity of cases they are getting, as well as the fact that the clients are coming into the program younger than ever before. The cases, therefore, are also more time intensive for the public guardian programs.

The complaint form that was discussed last year is still being developed. She hopes to be able to share a draft of the form at the September board meeting.

In July, a training for public guardians will be held here in Richmond and this year marks the tenth annual training event for the program. This is an annual training organized by Mrs. James. Mr. Powell and Ms. Pryor will attend and present. Chair Miller will attend to represent the Board.

Adult Protective Services Presentation (Handout)

Paige McCleary

Ms. McCleary provided a presentation on Adult Protective Services in Virginia. A valid APS report must have

- An identifiable adult who is
- Age 18-59 incapacitated or 60+
- Alleges abuse, neglect or financial exploitation and
- The correct jurisdiction

Since 2009, APS reports have seen a 12% increase, yet the APS budget has been stagnant over the last several years. Ms. McCleary also reported data on mandated reporters. During the 2014 General Assembly, DARS was asked by House Health Welfare and Institutions Chairman Delegate Robert Orrock to report on Adult Abuse in the Commonwealth. DARS has been asked to “secure input from stakeholders and offer any recommendations regarding strategies and programs to improve the safety, financial stability, and overall well-being of elderly individuals and adults with disabilities, throughout the Commonwealth.” The report is due on the first day of the 2015 General Assembly in January. The lack of public guardian slots was a big concern for local Departments of Social Services and other stakeholders at the first listening session on May 28 at the Virginia Coalition for the Prevention of Elder Abuse conference in Virginia Beach. A second listening session will be held in October at Woodrow Wilson Rehabilitation Center in Fishersville.

Public Comment

Chair Demaris Miller asked if there were any comments from citizen guests.

Ms. Nancy Diehl introduced herself to board members and wanted to provide information on the situation with her brother who is a public guardian client of JFS of Tidewater. She stated she has a court date in Newport News Circuit Court on July 25th to substitute herself in as guardian for her brother. She has been through this experience

previously as she has been trying to obtain guardianship for her brother for years. She stated a previous Guardian *ad litem* report compiled on Ms. Diehl contains many discrepancies and she blames JFS of Tidewater for her not being appointed her brother's guardian years ago.

Recently, her brother was hospitalized for kidney failure and it took her 9 days to obtain information on his condition. She commented that JFS of Tidewater is not fully cooperating with her. Ms. Fortier asked Ms. Diehl if she was working with an attorney. Ms. Diehl indicated that she could no longer afford an attorney. Ms. Fortier encouraged her to maintain communication with the court. Chair Demaris Miller thanked Ms. Diehl for sharing her experience.

New Business

Demaris Miller

Amy Marschean announced the 2014 Best Practices Awards from the Commonwealth Council on Aging. First place and \$5,000 was awarded to the *Foundation Equipment Reuse/Recycling and Gifting Program* in (Roanoke) F.R.E.E. helps Virginians in need regain their mobility and with it their independence by giving them needed rehabilitation mobility equipment. The majority of those served by F.R.E.E. are older Virginians.

Second place and \$3,000 was awarded to *Supplies for Seniors*. Supplies for Seniors is to enhance the quality of life by providing basic necessities to homebound seniors during winter months. Third place and \$2,000 was awarded to a program through the Alzheimer's Association Central and Western Virginia Chapter called *Arts Fusion*. The program provides cultural and creative opportunities for persons with memory loss. Second, Ms. Marschean thanked new board members who participated in the new board member training at the Capitol on April 22.

Finally, Ms. Marschean noted that the budget bill, HB5002, has additional Public Guardian program money in the amount of approximately \$314,000, which is in addition to \$99,000 from the Governor's introduced budget. Funding could be in jeopardy. The General Assembly budget compromise was to be announced later that day.

Meeting Adjournment

Demaris Miller

There being no other new business, Chair Miller adjourned the meeting at 1:00 p.m.