

**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**  
**March 26, 2015 9:30 a.m. - 1:30 p.m.**

**Meeting Minutes**

**Members Present**

Lisa Linthicum, Naila Alam, James Almand, Paul Izzo, George McAndrews, Rose Palmer, Mira Signer, James Talbert, Cathy Thompson, Thelma Bland Watson, Lynne Williams, Veronica Williams

**Members Absent**

Lisa Moore

**DARS/Virginia Division for the Aging Staff**

James Rothrock, Commissioner  
Robert Brink, Deputy Commissioner  
Amy Marschean, Senior Policy Analyst  
Cecily Slasor, Administrative Assistant  
Kathy Miller, Director of Long Term Care  
Janet James, Esq., Public Guardian Program Director  
Charlotte Arbogast, Dementia Services Coordinator  
Paige McCleary, Program Consultant  
Ali Faruk, Special Assistant to the Commissioner

**Guests**

Carrie Ottoson, for Debbie Smith, DBHDS

**Welcome and Introductions**

Vice Chair Lisa Linthicum called the meeting to order at 9:30 a.m., welcomed members and guests and asked them to introduce themselves.

**Review/Approval of November 20, 2014 Meeting Minutes**

Vice Chair Linthicum asked if members had reviewed the November meeting minutes and if there were any corrections. Rose Palmer made a motion to approve the minutes

and Judge Almand seconded the motion. Members voted unanimously to adopt the meeting minutes.

### **Nominating Committee**

*Action: Adopt Members*

The Nominating Committee consists of five members and three are elected by the board and two are appointed by the Chair. Lynne Williams, Mira Signer, and Rose Palmer volunteered to serve. George McAndrews moved those three members as the board's elected members to the nominating committee and Judge Almand seconded. The motion passed unanimously.

### **Deputy Commissioner's Report**

#### **Robert Brink**

Deputy Brink provided some background on his 17 years of service as a member of the House of Delegates from the Arlington area. Because of this background, he was asked by the Secretary of Health and Human Resources (HHR) and the Governor to work in the Governor's office during the General Assembly session. Deputy Brink began work downtown in December and continues to meet with the Governor and the Governor's staff as the budget and legislation are finalized. The veto session is scheduled for April 15. He also continues to remain involved with the day to day operations of the Division for the Aging. This afternoon, the Governor will sign the budget without any amendments. This is the first time in many years a budget has been signed without amendments. Of course, the biggest news for this board was the additional \$500,000 provided for the PG program. This will help fund unserved incapacitated persons. Deputy Brink also noted that \$50,000 was provided to DCJS for training of law enforcement and first responders to address behavioral issues related to persons with Alzheimer's Disease and related dementias. There was also a bill passed to codify the position of the State Search and Rescue Coordinator at VDEM, which will aid persons with dementia who go missing.

### **Four Year Plan for Aging Services**

#### **Amy Marschean**

In 2012, legislation aligned the reporting requirements for federal and state agency reports for aging services. Part of the state reporting requirement was to assess the impact on the aging population on every state agency. Last fall, a letter was sent by the HHR Secretary to the head of every state agency requesting information on the impact of Virginia's aging population on state services. A Listening Session on the State Plan was held in Fishersville, VA at Woodrow Wilson Rehabilitation Center on February 13, 2015, with access to the meeting from four satellite locations. The session was well-attended and organizers received good comments.

DARS convened a work group of 38 stakeholder groups from various state agencies on

March 6 to begin working on the plan. Goals were discussed and livable communities emerged as the overarching issue for the State Plan. The next work group will be meeting on April 17. The Chair from each of VDA's boards were invited to participate as stakeholders.

### **Legislative Report/Bylaws Revisions (Handouts)**

*Action: Adopt Revised Bylaws*

Ms. Marschean stressed the importance of the advisory board to the Public Guardianship Program (PGP) and asked all members, especially new members, to please contact her anytime if they had questions or concerns. Some funding and budget language of interest to the aging network and the board:

- MEOC Pharmacy Connection funding restored
- Brain Injury research funding
- Center for Independent Living funding restored
- Housing Trust Fund and Rapid Rehousing received \$8,000,000
- Report on Commonwealth Coordinated Care program administered by DMAS
- Change the definition for the Alzheimer's waiver in order to expand the program's use
- Compensation for victims of sterilization
- Public Guardianship - \$500,000 this year and \$99,000 from last year
- DCJS - Law enforcement and first responder Alzheimer's and related dementia training in the amount of \$50,000

A few pieces of legislation of note include a bill carried by AARP known as the Model Care Act that required a caregiver be named in the patient record and trained at the point of discharge. The VA Hospital & Healthcare Assn worked with AARP on this bill and it passed. Another bill of note was the formation of local and regional Adult Fatality Review teams.

Ms. Marschean talked about the Bylaws that need to be amended in order to permit members to participate electronically under Virginia Code § 2.2-3708.1. Members received a copy of the bylaws at the prior meeting and a final version by email before the meeting. The new language is at the end of the document in Section 8. A motion to accept the revised Bylaws was made by George McAndrews and was seconded by Judge Almand. Members approved the Bylaws as amended unanimously.

The advisory board will be discussing new legislative initiatives that will be made part of its biennial report to the General Assembly due October 1. The Four Year Plan for Aging Services may "feed into" initiatives by all three boards.

Cathy Thompson addressed the members and reported that the VA Guardianship Association (VGA) on which she has served as President for the last four years has begun the process to dissolve. The mission of the VGA was to provide education about guardianship and conservatorship and it was successful in doing that. The VGA provided education through publication of the booklet on guardianship and conservatorship.

The VGA representative is a named member to the advisory board in the Virginia Code so one potential initiative for the biennial report may be to propose legislation next year about its membership. Also, the Code requires that a study be done of the need for public guardians in the state every four years and a study has not been done since 2007.

### **Presentation of Certificates and Governor's Pins to New Members**

#### **James Rothrock, Commissioner**

Commissioner Rothrock welcomed new members and thanked them for their service. He commented on the past works of the board and the recent support of this board for additional funding for public guardianship programs. The award of \$500,000 in funding for the program this General Assembly session was a great thing for the program. The Commissioner presented a certificate and a Governor's pin to each new member and a picture of the group with the Commissioner will be posted on the DARS Facebook page.

### **Virginia Public Guardian and Conservator Program (Handout)**

#### **Janet James, Director**

Mrs. James thanked Ms. Marschean for all of her hard work and thanked board members for their service. Mrs. James expressed a sincere thank you to board members for their efforts in supporting additional funding for the PGP. She stated that the work done by this board does have an impact on the lives of the people DARS serves in the PGP.

Mrs. James will send members a copy of the history that was provided at the 2014 annual training for public guardians if they request one.

The Values History research project is underway. The Values History form is mandatory for use in the PGP and it is based on person-centered practice. Dr. Teaster, Erica Wood and others worked tirelessly to create a quality Public Guardian program in Virginia. Dr. Teaster has returned to VA and is working at VA Tech. Her knowledge and expertise will be an immense help to Virginia's public guardian programs and she is spearheading the research project.

Next month DARS will hold the annual statewide training for public guardians. The training will be held for three days and the first day of training is for public guardians only. The Chair and Vice Chair of the board are invited to attend the training.

Mrs. James thanked current and past board members who have helped her in developing the training for this year. We are seeing trends in people seeking Powers of Attorney, emergency orders, placements for individuals with aggressive behaviors, and

having to move clients out of their areas or origin. Moving clients can be a real issue because the programs oftentimes do not have sufficient funding. The disAbility Center of VA has agreed to help the PGP.

Mrs. James also gave an overview of the monitoring process for the PGP, which is conducted annually on each program. Mrs. James distributed blank forms that she uses in her program monitoring and went over some of the requirements. Mrs. James distributed an actual monitoring report for Commonwealth Catholic Charities and told members that she can address questions at the next board meeting. When files are reviewed during monitoring, the file must contain a note giving the date that a client was referred to the program and must indicate that the person is an *appropriate* referral to the program.

The current waiting list for the PGP as of 12/31/14 is 986 persons.

### **Working Lunch: Adult Protective Services 2014 Legislative Report**

#### **Paige McCleary, MSW**

Ms. McCleary reported the Adult Abuse Report for 2014 was submitted to the House of Delegates Health, Welfare & Institutions Committee. Del. Orrock sent a letter to Commissioner Rothrock requesting the study and a group of interested parties attended two meetings, the first to provide input and the second to provide comment on the draft report. A survey was also sent to local DSS/ Adult Protective Services (APS) workers to obtain their input. The report resulted in 15 recommendations, many of them funding requests: As noted previously, legislation this year provided the authority to create local and regional Adult Fatality Review Teams. The Office of the Attorney General (OAG) supported this legislation, but there was no funding attached to this. The localities will have to fund the teams themselves.

Another recommendation was funding for PGP, which did succeed. Ms. McCleary noted that one DSS locality is guardian to 15 persons because of the lack of funding for public guardians. They are also the designated entity to receive guardian (fiduciary) reports. There was another bill presented that would address financial exploitation, but it did not pass. Ms. McCleary noted there is no database on private adult guardianship. Many guardians reported not being aware that they needed to send in an annual report as a fiduciary.

### **Dementia Best Practices Legislative Report (Handout)**

#### **Charlotte Arbogast**

Delegate Orrock requested a dementia care best practices study, which was conducted from February through September 2014. DARS staff conducted a literature review and developed a stakeholder workgroup comprised of 24 stakeholder organizations with 42 participating representatives. Stakeholders unanimously approved the final report and it was submitted to Delegate Orrock and Delegates Keam and O'Bannon on October 1, 2014.

The study identified:

- Guiding principles for Best Practices
- Roles of Virginia’s Health and Human Resources agencies in supporting people with dementia and caregivers
- Expected Practice Themes and Components
- 40 Best Practices and Programs from 31 Virginia-based organizations
- 13 recommendations

Veronica Williams asked if there is any mention in the report of using behavior modifications for actions attributed to the disease in lieu of chemical restraints?

Ms. Arbogast cited several behavioral modification programs that are currently being used by various facilities and organizations. There is some detail in the report.

Ms. Arbogast referred members to the Alzheimer’s Commission’s website AlzPossible at [www.alzpossible.org](http://www.alzpossible.org) to see the full report.

Ms. Linthicum asked about the \$50,000 in funding for training of first responders. Who will provide the training? Ms. Arbogast responded that the training is provided by the Department of Criminal Justice Services (DCJS).

Ms. Alam commented about a patient that had dementia and faced challenges with communication because of a language barrier.

### **Public Comment**

Vice Chair Lisa Linthicum asked if there were any comments from citizen guests. There were no public comments.

### **New Business**

Ms. Linthicum asked if there was any new business.

### **Meeting Adjournment**

#### **Lisa Linthicum**

There being no new business, Ms. Linthicum asked for a motion to adjourn the meeting. Judge Almand made the motion to adjourn and the members agreed. Ms. Linthicum adjourned the meeting at 1:25 p.m.