

**Public Guardian and Conservator Advisory Board Meeting**  
**Department for the Aging & Rehabilitative Services**  
**1610 Forest Avenue, Suite 100, Henrico, VA 23229**  
**November 20, 2014, 09:30 am - 2:00 pm**

**MINUTES**

**Members Present**

Lisa Moore, Thelma Bland Watson, Lisa Linthicum, Veronica Williams, Demaris Miller, R.N., Ph.D., Mira Signer, James Almand, Rose Palmer, James Talbert , George McAndrews, Paul Izzo, Carrie Ottoson (DBHDS), Cathy Thompson (on telephone)

**Members Absent**

Naila Alam  
Lynne Williams

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

Robert H. Brink, Deputy Commissioner  
Amy Marschean, Senior Policy Analyst  
Cecily Slasor, Administrative Support  
Janet James, Esq., Public Guardian Program Director

**Guests**

Demaris Miller  
Lisa Furr, Office of the Attorney General  
Kathy Pryor, Esq., Virginia Poverty Law Center

The meeting convened at 9:30 for new advisory board member orientation. Ms. Marschean reviewed Virginia Code sections for the board and program. She also briefly reviewed the FOIA public meeting and records requirements, minutes from the last two meetings, board reports, Roberts Rules, travel reimbursement forms, and the DARS organizational chart.

**Welcome and Introductions**

**Action: Review and approval of September 18, 2014 minutes**

**Lisa Moore, Vice Chair**

Vice Chair Moore called the quarterly meeting to order at 10:35 a.m. and welcomed members and guests. Members and guests introduced themselves. Vice Chair Moore asked if members had reviewed the September meeting minutes and if there were any edits or changes to be made. Dr. Watson motioned to approve the minutes. Mira Signer seconded the motion. The minutes were adopted.

**Elections**

Lisa Moore asked Dr. Watson to speak to the election of a new Chair as outgoing Chair Demaris Miller was not reappointed. Dr. Watson moved Lisa Moore as Chair, Lisa

Linthicum as Vice Chair, and herself as Secretary to serve through June 30, 2015. The motion was seconded by Judge Almand. The new officers were unanimously approved.

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

#### **Robert H. Brink**

Deputy Brink thanked members, especially new members, for being here and talked about the important work of the board. Other updates were:

- The state budget has changed dramatically over the last 6 months. Mid-way through the spring, one revenue source related to capital gains was significantly lower than expected. The state was forced to tap into the rainy day fund to shore up the shortfall. It was hoped that the Public Guardian (PG) program would see about \$300,000 increase in funding for each year of the biennium as approved in the House budget, however it was stripped from the final budget. Of course, the need still exists for additional funding for the PG programs.
- The Governor will present his budget on December 17. The session convenes on January 14, 2015 and this is a short session that is scheduled to conclude February 28. DARS hopes the PG program will receive favorable attention.
- Deputy Brink talked about his recent visits to some of the Area Agencies on Aging. In southwest VA, he saw firsthand the need for transportation services. He attended a training session for law enforcement officials in Bristol, VA. The session focused on helping law enforcement officials to recognize financial exploitation and other crimes against the elderly.
- DARS is working to encourage age-wave planning in local communities. There are currently 7 areas with age-wave plans in place.
- DARS is working with partners on a Governor's Conference on Aging in the fall of 2015, the first since 2003. The themes being discussed include transportation, housing, and aging in place.
- There was a Board Leadership summit meeting on October 30<sup>th</sup> held in Richmond at the War Memorial. The leadership of all the boards for DARS attended. Susan Massart of House Appropriations and Joe Flores of Senate Finance presented. Mr. Flores is now a Deputy Secretary of Health & Human Resources.
- We have advocates for aging issues in the General Assembly. One of them is Delegate Chris Peace who serves the Hanover area. Delegate Peace attended the Board Leadership meeting in October and he discussed how taking care of his grandmother gave him firsthand experience of the service needs for the elderly.

### **Virginia Public Guardian & Conservator Program Overview**

#### **Janet James, Esq., Public Guardian Program Coordinator (Handouts)**

Mrs. James thanked both old and new members for their service. The PG program is a program of last resort for vulnerable persons 18 years of age and older. Only a Circuit

Court can make a determination that an individual needs a Guardian. Civil rights are automatically removed unless preserved. There is direct administration of client services by the PG programs, with oversight and technical assistance provided by DARS. There are regulatory requirements, contractual requirements, annual monitoring that includes random selection of individuals visited face-to-face by a DARS reviewer. Mandatory statewide training is held annually for program directors and other staff may attend. The Public Guardian & Conservator Advisory Board meets quarterly and has 15 members and is in an advisory role for the PG Program. There is a General Assembly reporting requirement for DARS and the advisory board. There are currently 15 programs with 606 slots. 307 slots are unrestricted funds, 40 slots are Mental Health/Intellectual Disability fund slots, and 259 slots are allotted to DBHDS clients. There is a waiting list of 967 persons as of August 21, 2014. 161 of those persons are for DBHDS slots. Ms. Linthicum asked who the individuals are who are considered for the DBHDS slots. Mrs. James said a request would go to DBHDS and their staff person would contact Mrs. James.

Mrs. James noted some trends she is seeing in the program that include more individuals aging out of foster care needing guardians and additional funding needed for petitioning costs and updated evaluations. Basically there was a 5% cut in funding in 2008 and that was never replaced. Many local programs subsidize their funding to maintain the program. Funding increases are needed to serve the underserved areas of the states and for the persons on the waiting list.

Mrs. James also provided an update on the Complaint Process and Procedure form. The form was reviewed by the PG board at the September 18 meeting. Member Veronica Williams, an attorney who works in Elder Law, provided some input and suggestions for the form as a result of her discussion about the complaint form with the Commonwealth Council on Aging (Council). Mrs. James discussed the Council's suggestions regarding an emailed complaint form in lieu of mail process and the multi-disciplinary team's inclusion in the complaint process.

## **Working Lunch**

### **Service Awards & Bylaws Revisions**

#### **Deputy Brink and Amy Marschean (Handout)**

Deputy Brink presented outgoing Chair Demaris Miller with a plaque in appreciation of her service to the board. Deputy Brink also presented outgoing member Kathy Pryor with a certificate of appreciation for her service to the board.

Ms. Marschean provided an overview of revisions to the board bylaws. In addition to technical changes to reflect the department name change, the FOIA laws regarding video, telephone attendance at board meetings were changed in the 2014 General Assembly. The law required the bylaws of the public body to include a policy for electronic meetings and an approval process for electronic participation. There are three choices for the approval process: by vote of the full board, by the chair or automatic approval. Ms. Marschean will send out a follow-up email to board

members before the March meeting to get a sense of the type of approval the board wants for electronic meetings.

### **Virginia Elder Rights Coalition Legislative Platform**

#### **Kathryn Pryor, Esq., Virginia Poverty Law Center**

Ms. Pryor previously served two terms on the advisory board. She is currently Chair of the Virginia Elder Rights Coalition. They hold a legislative forum in the fall and compile a platform of typically three issues to be supported during the legislature.

Two items of interest to the advisory board are:

- Medicare recipients who are not admitted to the hospital, but instead are having their stays denoted as “observation status” has been a huge concern. Very often people are treated in the hospital believing they are admitted, but are not. Patients not admitted often are not able to have Medicare pay for their rehabilitation care. VERC supports legislation that will require hospitals provide notice of observation status and hospital admissions.
- VERC supports increased funding for the PG program in the amount of \$500,000 to address the unserved and underserved areas of the state, as well as the waiting list.

### **Virginia Coalition for the Prevention of Elder Abuse**

#### **Lisa Furr, Office of the Attorney General**

Ms. Furr is the current President of the VCPEA. The organization holds an annual conference in Virginia Beach, which is always well-attended. VCPEA is providing mini grants to organizations (over \$5,000 and under \$10,000). Details can be found on the VCPEA website.

### **Executive Committee**

Ms. Marschean announced that a vote was needed to finalize the Executive Committee membership, which in addition to the Chair, Vice-Chair and Secretary would consist of volunteers, Paul Izzo and Rose Palmer. Lisa Linthicum moved to approve Mr. Izzo and Ms. Palmer for the Executive Committee and Mr. McAndrews seconded the motion. The motion passed unanimously.

### **Public Comment Period**

There were no public comments.

### **New Business**

There was no new business.

### **Meeting Adjournment**

Ms. Ottoson moved to adjourn the meeting and Judge Almand seconded the motion. Ms. Moore adjourned the meeting at 1:15 p.m.