

Public Guardian and Conservator Advisory Board Meeting

Department for the Deaf & Hard of Hearing

1602 Rolling Hills Drive, 2nd Floor

Henrico, VA 23229

September 18, 2014, 10:00 am - 2:00 pm

MINUTES

Members Present

Demaris Miller, R.N., Ph.D., Chair, Lisa Moore, Kathryn Pryor, Thelma Bland Watson, Lynne Williams, Lisa Linthicum, Veronica Williams, Cynthia Smith

Members Absent

John Powell

Mira Signer

DARS/Virginia Division for the Aging Staff

Amy Marschean, Senior Policy Analyst

Cecily Slasor, Administrative Support

David Hominik, Legal Services Developer

Janet James, Esq., Public Guardian Program Director

Guests

Paul Delosh, Supreme Court of Virginia

Steve Ankiel, DMAS

Welcome and Introductions

Chair Miller called the meeting to order at 10:15 a.m. Amy Marschean introduced Deputy Commissioner Robert Brink. Ms. Marschean said that Commissioner Rothrock was unable to attend the meeting and Deputy Brink would provide the state budget and agency update.

Deputy Commissioner Report

Robert Brink

Deputy Brink introduced himself to the board and provided some details about his background, in Washington at the Justice Department and then 17 years serving as a member of the House of Delegates representing the Arlington area. He stated the General Assembly adjourned on March 9 without a budget. Medicaid expansion was the issue that held the budget up and remains an ongoing issue. However, the resignation of a senator in southwest Virginia had the effect of breaking the logjam and the final budget was approved in June 2014. Meanwhile, the state budget revenue forecast was revised downward over the summer to account for shortfalls as a result of federal budgeting related to the federal fiscal cliff in 2012 and sequestration. At the

Special Session convened today, the General Assembly will make budget revisions based on the shortfall and Medicaid expansion will be discussed. In the final budget, the Public Guardian Program received approximately \$90,000 to shore up the program and the AAA nutrition programs received \$1.2 million. There remain large areas of the state that are not served by the Public Guardian Program and currently there are 961 individuals across the state on the waiting list. This program is highly valued and many people acknowledge that it is a desperately needed service and is underfunded.

Introductions were made after the Deputy Commissioner's report once a quorum was established.

Review/Approval of June Meeting Minutes

Chair Miller asked if members had reviewed the June meeting minutes and if there were any corrections. There were no corrections requested. Dr. Watson made a motion to approve the minutes. Kathy Pryor seconded the motion. Members voted unanimously to approve and accept the meeting minutes.

10th Annual Statewide Training for the VPGC program

Janet James, Esq.

Ms. James provided programs from the July training and told board members that, for the first time in the training history, the event brought together Public Guardians, Long-term Care Ombudsman and staff from Local and Regional Adult Protective Services. Feedback from completed surveys confirmed that the collaboration was good for everyone. Every other year VDA holds a Guardianship 101 training for those who are new to the program and need more detailed knowledge and members are welcome to attend November 21. Chair Miller stated that the small part of the July training she attended was great and she learned quite a bit. She stated she was concerned about the closing of the DBHDS training centers and the vulnerable population they serve, and noted the importance of the Public Guardian Program in the state facility closure process.

Ms. Marschean updated the board on the following:

- VA Elder Rights Coalition (VERC) meets tomorrow. Last year, all three DARS-VDA boards supported increased funding for the Public Guardian Program and VERC made this issue part of its platform.
- Alzheimer's Disease and Related Disorders (ADRD) Commission has recommended in its 2014 report to the General Assembly first responder training on ADRD, expansion of the Alzheimer's waiver to include other types of dementia, and VDH collection of caregiver data.
- The Dementia Services Coordinator has finished up a Dementia Care Best Practices study requested by House Health, Welfare and Institutions Chair, Delegate Orrock.

- DARS now houses Adult Services/Adult Protective Services. Delegate Orrock also requested a study on adult abuse, including financial exploitation, that is due in January 2015. A Listening Session will be held at Woodrow Wilson Rehabilitation Center on October 9th.
- At next week's meeting of the Commonwealth Council on Aging (Council), they are slated to adopt their report to the General Assembly which will highlight public guardian funding needs and training and monitoring of all guardians. The Council Legislative Committee has also been looking at Geriatric Emergency Departments, promoting elder safe home care and the AARP Model Act known as the CARE (Caregiver Advise, Record, Enable) Act to address caregiver discharge instructions. There will be a presentation from DMAS staff on the Commonwealth Coordinated Care Program.
- Ms. Marschean also noted that Nancy Diehl who attended the last meeting of the board in the public comment section was appointed guardian for her brother.
- Finally, the state has 14 Programs for All Inclusive Care for the Elderly (PACE) programs in the state and Mr. Ankiel confirmed 2 new ones have been approved by DMAS.

Veronica Williams in her legal practice noted that she uses a statute to assist in her financial exploitation cases with institutions that allows individuals, including APS workers, to request bank records. She will send the information to Ms. Marschean to share with the board.

Public Guardian and Conservator Program (Handout) Complaint Process and Procedure

Janet James

Ms. James distributed the draft complaint process for the Program for advisory board member input on the complaint process form to be added to the program's website. Ms. James will incorporate board members comments into the form. Comments included changing the word "resolve" to "address" on page 1, adding the APS hotline number, and requiring the programs to make a written response. The form links to multiple sites for information, including the law and program regulations on guardianship, a listing of service providers, link to DARS and VDA websites, the Office of Human Rights, APS, and others.

Working Lunch: Project 2025 Update

David Hominik, DARS Legal Services Developer (LSD)

Mr. Hominik stated each state is required to have an LSD under the Older Americans Act (OAA) to focus on improving the quality and quantity of legal services for older persons and persons with disabilities. There is no means test for services, however, the focus is to try to reach those in the most social and economic need. Virginia receives around \$475,000 in OAA Title III funds for legal services. He is holding a Project 2025 meeting with multiple partner agencies and this will be the largest group yet to meet

under the auspices of Project 2025. Workshops will include discussions on targeting OAA legal services, expanding pro bono participation, and exploring the creation of a Virginia senior legal helpline.

Presentation: Adult Guardianship Guidelines

Paul DeLosh, Director of Judicial Services, Virginia Supreme Court (Handout)

Mr. DeLosh, Director of Judicial Services, presented on the Adult Guardianship Guidelines:

<https://nacmnet.org/sites/default/files/publications/AdultGuardianshipGuide.pdf>.

Mr. DeLosh chaired the work group for the National Association for Court Management that developed the guidelines to heighten awareness in response to a Conference of Chief Justices and Administrators held at The National Center for State Courts in Williamsburg that focused on guardianship and conservatorship issues. It became obvious that there is a need for a source for courts around the nation to obtain information on guardianship issues. In Virginia, there is no formal monitoring or training program. Additionally, the Commonwealth's 120 circuit courts all code guardianship cases differently, which has made it impossible to get data on cases. Only 18 or 20 states nationally could respond to a request on the number of guardianships in their state. The guidelines state that Washington, D.C. and Arizona have good processes for tracking guardians and Washington state has a structured complaint process. New Jersey has a volunteer monitoring program and Minnesota has automated monthly reports done by conservators that can trigger red flags. He is currently gathering Virginia data for his thesis and perhaps his research will spark interest in a task force or statewide commission akin to the Mental Health Reform Task Force to foster training, monitoring and general court improvements in guardianship. Janet James asked about tracking the restoration process and Veronica Williams also requested that hospital-sponsored guardianships be tracked. Ms. Brenda Nelum was listening by phone and suggested that family members who have experience with guardianship be included in the proposed commission to study.

Public Comment

There were no public comments received.

New Business

Demaris Miller

There was no new business.

Meeting Adjournment

Demaris Miller

Chair Miller adjourned the meeting at 1:35 p.m.

