

Commonwealth Council on Aging Meeting
Department for Aging and Rehabilitative Services
1610 Forest Avenue, Suite 100
Henrico, VA 23229
September 24, 2013

Present

Beth Barber
Robert Blancato (via telephone)
Mitchell Davis
David Farnum
Joni Goldwasser
Richard Lindsay
Brenda K. Nelum
Nancy New
Valerie Scott-Price
Roberto Quinones
Kathryn Reid
Vernon Wildy
Commissioner Rothrock (*ex-officio*)
Courtney Tierney (*ex-officio*)
Lynne Williams, DSS (*ex-officio*)

Absent

Kyle R. Allen
Juanita Bailey
Karen Fortier
Arthur Giesen
Susan McCammon
Stephen Reardon
Terry Smith (*ex-officio*)

Guests

A. J. Hostetler, DARS Director of Public Relations
Susan Potter, Attorney

Meeting Summary

Welcome and Introductions

Chair Barber convened the meeting at 10:10 a.m. and welcomed members and guests and asked members to introduce themselves. The three new members of the Council introduced themselves and provided some personal background information. Ms. Hostetler told Council members about the DARS Facebook page.

Appointment of Secretary

Beth Barber, Chair

Ms. Barber stated David Farnum has agreed to continue to serve as Secretary. Mr. Quinones moved to appoint Mr. Farnum as Secretary for the Council and Dr. Lindsay seconded the motion. The motion passed.

Review/Approval of Minutes

Beth Barber, Chair

The Chair asked members if they had reviewed the July meeting minutes and if there were any changes or corrections. Mr. Quinones asked that an amendment

be made to strike at the bottom of page 4 that he moved at the prior meeting to “accept” the slate and instead insert “elect” in the two places it appears. Dr. Lindsay moved to approve the minutes as amended and it was seconded by Mr. Quinones. The motion to approve minutes as amended passed.

Committee Appointments

Beth Barber, Chair

Handout

Ms. Barber stated she had contacted all members about committee assignments and distributed a list. Ms. Barber welcomed any edits by members if they wished to serve on an additional committee or if the information is incorrect.

Annual Report

Beth Barber, Chair

Handout

Ms. Barber asked if everyone had an opportunity to review the draft Annual Report. Ms. Marschean outlined for the members that the report contains an overview of Council initiatives including the Best Practices Awards and Community Conversations on Aging and the legislative recommendations to the Governor and General Assembly that had been adopted at the July meeting. The draft report also contained the Older Virginians Month Recognition and the Adult Abuse Prevention Month recognition, as well as a list of council members and staff.

Mrs. Nelum requested the following amendment to the Medicaid expansion recommendation, “to provide access to health care insurance for an additional 400,000 low income adults in Virginia.” In addition, Dr. Lindsay requested that the report state the Council recommend that “elder safe home care” be promoted, in addition to elder safe hospitals and emergency departments. Ms. Reid moved to approve the amendments and Mr. Blancato seconded and the motion passed.

Mr. Wildy moved that Council approve the entire document as amended for submission to the Governor and General Assembly. The motion was seconded by Ms. New and passed unanimously.

Washington D.C. Update

Robert Blancato

Mr. Blancato stated that the Older Americans Act (OAA) reauthorization bill will be marked up in the Senate on October 2. This is an important step in the process and the first real action on renewing the OAA, now three years overdue. With the fiscal year ending September 30, Congress must adopt a Continuing Resolution (CR) to fund federal programs so that the government remains open. The House version of the CR passed and includes continuation of the Sequestration cuts at 5%, as well as de-funding the Affordable Care Act (ACA). This bill is not expected to pass the Senate, however. Other negotiations involve

a one year delay to the ACA, amendments to selected provisions of the ACA, entitlement reforms, and tax issues. Further, the debt ceiling must be raised by October 17 if the federal government wants to prevent defaulting on its obligations. Also, the Farm Bill expires September 30 and the House has proposed Food Stamp cuts that will take 3.8 million individuals off the food stamp rolls.

The Health Insurance Exchanges under the Affordable Care Act are opening for enrollment on October 1. The AARP is proactively educating and providing outreach and the Virginia Poverty Law Center is providing education about the exchanges.

The federal Commission on Long-Term Care has made its recommendations and there is strong support and recognition for family caregivers and of caregiver programs. One of the recommendations is to convene a White House Conference on Aging to be held in 2015. Dr. Lindsay noted that the Commission passed its report on a 9-6 vote and 5 of the 6 were against because the report did not address whether the financing mechanism for long-term care would be public or private.

The Elder Justice Coordinating Council is meeting in Washington, DC. The Council will receive from the Federal Interagency Elder Justice Working Group (comprised of representatives from DHHS, DOJ, SSA, others) a summary of the strategic action steps for the nine proposals to advance federal involvement in the prevention, detection, and prosecution of elder abuse, neglect, and exploitation.

Ms. Nelum discussed a recent issue regarding her husband who was admitted to the hospital and placed on observation status and not considered inpatient.

There is a Medicare rule that you have to be inpatient for three days in order to get Medicare to pay for nursing home skilled care upon hospital discharge. She was able to have his status changed to inpatient so that Medicare would pay for his nursing home stay.

Planning & Development Committee

Robert Blancato

Ms. Marschean reported that she and Mr. Blancato have been discussing that Dominion Resources has committed to \$5,000 for the Best Practices Awards for 2014. We do have a carryover amount so we can fully fund the full \$10,000 for the 2014 awards. There is an upcoming regional Community Conversation that will be held in Richmond coordinated by Mr. Wildy and Ms. New. Senior Connections will participate. The venue will be the new Senior Center in Richmond on Maywill Drive.

V4A Update

Courtney Tierney

Ms. Tierney reported there has been a lot of personnel change in Virginia in the Area Agencies on Aging (AAAs). There are several new AAA directors in

Virginia. Marta Keane is the new director at JABA in Charlottesville. Justine Young is the new director at Piedmont Senior Resources in Burkeville. Leigh Wade is the new director at Rappahannock AAA in Fredericksburg. Michael Wampler is the new director at MEOC in Big Stone Gap. Arlington has an interim director, Glenda Blake. Crater AAA in Petersburg is still searching for a new director.

Ms. Tierney participates on the Commonwealth Coordinated Care advisory committee for the Medicare/Medicaid dual eligibles project. Some AAAs are entering contracts with the managed care providers and the program will be rolled out first in Tidewater in January 2014.

She noted, in reference to the Farm Bill, that the average age of farmers is 57-years-old.

She reported she was at a senior center in Woodbridge, The Grange, where Congressman Conley was given an award. Congressman Conley serves the 11th Congressional District which is where Prince William AAA is located.

Many in the AAA network are actively participating in Care Transitions using the Coleman Model of non-medical staff to coach patients to prevent hospital readmission.

She noted there is confusion about the difference between the October 1 open enrollment for the ACA Health Care Exchanges and the October 15 date with regard to Medicare open enrollment. Beware of scams. If seniors are enrolled in Medicare they do nothing. She stated that 70% of persons in the US are not getting the least expensive medication that they could.

The current V4A President Bill Massey of Peninsula AAA received a national award at the National Association of Area Agencies on Aging conference. Finally, V4A is asking for \$825,000 in a budget amendment in the 2014 General Assembly session based on the prior census data. This amounts to \$11.50 each for persons over 60 in Virginia.

Public Guardian and Conservator Advisory Board Report

Amy Marschean, JD

Ms. Marschean reported that the board met on September 12 to review and approve its biennial report. There was a presentation by staff of Mountain Empire Older Citizen's Public Guardian program. Margaret Sturgill is the program director and presented on the history and current status of the program.

Ms. Sturgill will be retiring soon and Debbie Collier will take over as director.

Ms. Collier has been with the program for almost as long as Ms. Sturgill.

The Virginia Elder Rights Coalition presented Ms. Sturgill with the annual Erica F. Woods award for her service to seniors for 40 years.

One client of their guardianship program was an alcoholic. Once she received treatment she had no further need of a guardian. Two other clients were sisters who were intellectually disabled. They had no basic skills such as hygiene or housekeeping. Guardian program staff taught them about nutrition, hygiene,

and bought them beds and bedding. They live in a clean, safe house and have been cooking healthy meals and using good hygiene.

Ms. James, Public Guardian Program Director, recently presented on Virginia's program at the national Home & Community-based Services Conference.

Virginia is being looked to as a national model. There was a great deal of interest in our program from those out of state attendees.

Like the Council, the advisory board supports obtaining funding for 1,200 additional slots in the Public Guardian program. The program will have to grow because of the DOJ settlement and closure of state training centers and the growing number of special needs and older prisoners undergoing re-entry into communities. The Secretary of Health & Human Resources and the Secretary of Public Safety realize the impact of prisoner re-entry and are working together on the issues.

Ms. Marschean further reported that during the 2012 General Assembly, there was a bill to require that Public Guardian programs have person-centered regulations and proposed regulations will be posted to Town Hall next month. Finally, there were public comments at the meeting from Susan Potter, attorney, and Jenny Hatch, a 29-year-old woman with Downs Syndrome who read a letter to the board members. A guardian was appointed for Ms. Hatch and she talked about how unhappy she had been. Ms. Hatch commented that her rights had been taken away, she was being kept from family and friends and her job that she loves.

Courtney Tierney further provided a report on the recent Alzheimer's Commission meeting held on August 27th. Virginia has filled a new position of Dementia Services Coordinator who will work with the Alzheimer's Commission and numerous organizations to coordinate and improve dementia services. Most local chapters of the Alzheimer's Association hold their memory walks in October and November. The Alzheimer's Commission voted to recommend legislation in the 2014 General Assembly to extend the sunset of the Alzheimer's Commission, coordinate ARDRAF funding to compliment the Dementia State Plan, expand the Long-Term Care Ombudsman's access to community records and to provide additional funding for the public guardianship program.

Commissioner's Report

James A. Rothrock

(Handout)

Commissioner Rothrock was asked recently to do a presentation to the Joint Commission on Health Care to provide an overview of the entire DARS agency. For the benefit of new members, he provided an overview of the DRS, Aging and Adult Services programs in DARS that included discussion of the Lifespan Respite Grant program, Care Transitions, chronic disease management, public guardianship and the Auxiliary Grant program.

Public Comment Period

Susan Potter, Attorney, talked about the need for improvements in guardianship in Virginia, not additional funding for the public guardian program. Ms. Potter discussed Scott Shuett and his egregious record mismanaging and endangering residents in six Tidewater assisted living facilities. A gentleman at one facility has not had a pair of shoes for two years. His shoes were initially thrown out due to a bedbug infestation. He is diabetic and has foot problems. DSS has the legal authority to order a summary order of suspension to close a facility and they failed to do this. People aren't being properly fed, aren't being given their medications properly, and some have been subjected to horrible conditions.

Ms. Potter had a guardianship client that Jewish Family Services of Tidewater (JFS) served and JFS put her in a facility in Richmond. Two weeks after entering the facility, the client developed pneumonia and was hospitalized. Three weeks later, the client passed away. Ms. Potter was dissatisfied with JFS guardian services.

DARS needs to have oversight and monitoring of guardianship clients that come into the system through public safety net agencies: AAAs, CSBs and LDSS APS. There needs to be a complaint process within the DARS/VDA for guardianship cases and the court process needs to be improved to disallow the petitioner from influencing the choice of *guardian ad litem*.

New Business

Ms. Barber asked if there was any new business to be brought before the Council. Mrs. Nelum announced NVAN legislative breakfast on October 3rd where Robert Blancato is the keynote speaker.

Commissioner Rothrock commented that DARS is collaborating with AARP to provide an award to Bon Secours for being a great employer of persons 55+ at the DARS Champions award luncheon on October 16.

Future Meeting Dates

January 22, 2014

April 9, 2014

July 9, 2014

September 24, 2014

Chair Barber adjourned the meeting at 1:40 p.m.