

**VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD
MEETING**

Department for Aging and Rehabilitative Services, Central Office
8004 Franklin Farms Drive, Henrico, VA 23229

March 21, 2013, 10 a.m.-2 p.m.

MEETING MINUTES

Members Present

Kate C. Mason, Chair, Debbie Burcham, Karen Fortier , Debra Holloway, Lisa Linthicum, Demaris Miller, Paige McCleary for Gail Nardi, John Powell, Kathryn Pryor, Eileen M. Reinaman, Cynthia Smith, Dana Traynham, Thelma Bland Watson.

Members Absent

Dr. Paul Aravich, Cynthia Smith

DARS/Virginia Division for the Aging Staff

James A. Rothrock, Commissioner
Amy Marschean, JD, Senior Policy Analyst
Janet James, Public Guardian Program Coordinator
Cecily Slasor, Administrative Assistant

Guests

Jo Norton, Senior Connections
Dorothy Salomonsky, Jewish Family Services
Lloyd Clements, Jewish Family Services
Jamie Hayes, Jewish Family Services
Geralynn Rosario, Jewish Family Services
Kathy Miller, DARS/VDA
David Hominik, DARS/VDA
Carter Harrison, Alzheimer's Association
Thom Butcher, Richmond DSS
Donna Smith, Richmond DSS
Matthew Ward, Suffolk News Herald
Betsy McElfresh, DARS/VDA
Jim Talbert

Welcome and Introductions

Chair Kate Mason called the meeting to order at 10:10 a.m., welcomed members and guests and asked that they introduce themselves.

Review/Approval December 2012 Meeting Minutes

Mrs. Mason asked if members had reviewed the December meeting minutes. There were no corrections to the minutes. Dr. Watson moved that the minutes be approved. Mr. Powell seconded the motion. The minutes were accepted and approved by the entire board. Chair Mason asked for a motion to approve the amended meeting agenda. Motion to approve the amended agenda was made by Mrs. Burcham and seconded by Mr. Powell. The amended agenda was approved by the entire board.

Commissioner's Report

Commissioner Rothrock reintroduced David Hominik, the new Legal Services Developer for VDA. The Commissioner explained that the Older Americans Act requires state units on aging to provide legal assistance for people over age 60. Funding and staffing was reallocated to open the position. Mr. Hominik will work with the AAAs, the Virginia State Bar and others to provide legal assistance to needy seniors. Commissioner Rothrock spoke about the recent General Assembly session and commented that the DARS agency had done well. However, sequestration at the federal level will mean some cuts in funding for AAAs in Virginia. DARS will work with the AAAs and do whatever can be done to minimize the impact on the AAAs. Virginia recently had the opportunity to apply for grant funding for a Lifespan Respite Voucher Program and was pleased to have received the award. The award was for \$179,000 for 400 vouchers and it is anticipated that the money will run out quickly. Eligible caregivers will be reimbursed with a voucher in the amount of \$400. This offers caregivers much-needed respite services. The care provided by families saves the state billions of dollars. More than likely, we will use some of the data from this program for the General Assembly next year.

Dr. Watson commented that the grant has raised the visibility of caregivers and their needs and the work the AAAs, Alzheimer's Associations and other providers are doing in this area. Rev. Mason asked the Commissioner if data was being collected about the recipients of the voucher and he stated yes.

General Assembly Update

**James Rothrock, Commissioner, Amy Marschean, JD, Sr. Policy Analyst
(See Handouts)**

DARS staff followed several pieces of legislation during the recent session. Staff included Amy Marschean, Liz Smith, Joani Latimer, Gail Thompson and Catherine Harrison and Gail Nardi from DSS. The Commissioner noted that staff of DSS Adult Services and Adult Protective Services would be merged into DARS July 2013. DARS received General Assembly funding for brain injury programs, personal assistance services, and vocational rehabilitation and employment programs. VDA received funding for the position of a Dementia Services Coordinator. This position was

recommended by the Alzheimer's Disease and Related Disorders Commission in the Dementia State Plan. An Employee Work Profile (EWP) is being developed with plans to hire someone by July 2013. Some of the bills DARS tracked this session related to guardianship were:

SB 759 concerning guardianship and conservatorship; makes various changes to laws.

HB 2191 concerning court-appointed guardians of incapacitated persons and the filing of a required annual report to the department of social services.

HB 1752 concerning personal representatives and access to digital accounts.

Another bill of note was HB1682 concerning financial exploitation of incapacitated persons.

Jewish Family Services of Tidewater (JFS)

Dorothy Salomonsky, Lloyd Clement (Handout)

The public guardianship program provided by JFS is just one of many services they provide. JFS utilizes a "team of professionals" in their public guardianship program. JFS would like to see additional public guardian overall program and direct care funding. Mrs. Salomonsky noted that public guardianship is a life commitment and these are often difficult cases. Direct care funding needs include dental, burial and pre-need funeral, emergency placement, transportation, and residential placement. JFS notes a lack of system support for this program from the CSB, the local DSS, the Veteran's Administration and the police and would like to see better system integration. Mrs. Salomonsky, Mr. Clement, Ms. Rosario and Ms. Hayes discussed some public guardian program client examples and issues. The difference that JFS made in some of the clients lives is remarkable. Mr. Clement spends a great deal of time in court with clients.

Mrs. Burcham told the members about Crisis Intervention Teams (CITs) that are operating in the state. The CITs were started out of an evidence-based program in Memphis, TN to train law enforcement to deal with persons with behavioral health issues and work with behavioral health staff in a team approach to reduce incarcerations of persons with behavioral health issues. Mrs. Burcham added that there is also funding available from the Department for Behavioral Health & Developmental Services (DBHDS) for Discharge Assistance Planning (DAP). Additionally, a new initiative out of DBHDS called START provides some funding for crisis intervention for persons with intellectual disability.

Public Guardian Program Update

Janet James, Esq., (Handout)

Effective January 1, 2013, waiting lists have been implemented with the Public Guardian programs. However, waiting list numbers previously gathered show that as of December 31, 2012, 148 persons, not including DBHDS clients, are on waiting lists for

the public guardianship program.

Mrs. James distributed a handout of excerpts of the public guardian and conservator regulations and law for use in the discussion on regulations later on the agenda.

Board Survey

Public Guardian Education

Kate Mason, Chair

Chair Mason asked that board members respond to a survey that was distributed that requests each board member to list the top three crucial areas the members want the Board to address. Also, Rev. Mason requested feedback on the creation of a committee that will focus on public guardian education. There was a consensus among members that most people do not know what guardianship or conservatorship means or how to go about obtaining a guardianship. There is a need for greater awareness and education about the public guardianship program.

Mr. Powell reminded members about the annual conference of the VA Guardianship Association (VGA). The conference is a good educational resource, mostly for professionals, but much of the information could benefit families.

Mrs. Pryor commented that today's meeting is a good example of education. For example, Mrs. Burchams' information about the CITs and the funding through DBHDS which board members may not have heard about otherwise.

Ms. Traynham commented that there also needs to be education about alternatives to guardianship. Ms. Traynham told board members that they can refer families to her at VOPA for counseling on guardianship and alternatives.

Dr. Watson agreed that education and public awareness about the Public Guardianship programs are very important and thought the idea of a committee would build on what we already have in place. The local programs can educate through their communities, on their websites and other places. Ms. Fortier said the Virginia Academy of Elder Law Attorneys provides education. Mrs. Burcham noted that persons could get information on long-term health care and advanced medical directive planning through 211 and the No Wrong Door initiative.

Public Guardian Person-Centered Procedures Draft

22 VAC 30-70-30 (Handout)

Amy Marschean

A Notice of Intended Regulatory Action (NOIRA) for the Public Guardianship person-centered regulations was published in the Virginia Register on March 11, 2013 and the public comment deadline is April 11, 2013. Previously, DARS issued a periodic review of all of the Public Guardianship regulations in January. This NOIRA responds to legislation, HB 270, which passed in the 2012 General Assembly and the periodic review. There was a discussion concerning the circulated draft regulation and Ms.

Marschean stated that she would circulate the draft to the board for edits prior to getting additional public comment on the proposed regulations.

Senior Connections Public Guardianship Program

Dr. Thelma B. Watson (Handouts)

Dr. Watson provided a presentation on the Public Guardianship Program operated by Senior Connections.

Some facts about the program:

- Most public guardian programs are operating at maximum capacity
- One individual has been transitioned from Southwest VA Training Center to the Gloucester, VA area
- Clients range in age from their late 40s to 70s
- The first director of the Senior Connections program is still employed by Senior Connections, but she is transitioning out of the program into a new position. She is providing training to the incoming program director.
- There is a waiting list for the service area.

Nominating Committee

Kate Mason, Chair

Chair Mason spoke about the need for a nominating committee to meet and prepare a slate of officers for the board. Ms. Mason appointed Lisa Linthicum and Demaris Miller. Debra Holloway, Debbie Burcham and Thelma Watson volunteered.

Karen Fortier moved that the slate be approved. Kathy Pryor seconded the motion. The nominating committee members was unanimously approved.

Public Comment Period

Thom Butcher of the Richmond Department of Social Services told the board that he receives a number of calls from guardians and often the guardian is seeking legal advice. Mr. Butcher tells guardians that he cannot provide legal advice and he is looking for a resource for them. Mr. Powell suggested the VGA or the VA State Bar.

Jim Talbert of the Hampton Roads area spoke to the board about a young woman who is under a guardianship order. Rev. Mason asked if it was a public or private guardianship case and because it was private, the board did not comment.

New Business

There was no new business before the board.

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