

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

Department for Aging and Rehabilitative Services  
1610 Forest Avenue, Suite 100, Henrico, VA 23229  
**September 12, 2013, 10 a.m.-2 p.m.**

**MEETING MINUTES**

**Members Present**

Demaris Miller, Paul Aravich, Kathy Pryor, Dana Traynham, Lisa Linthicum, Karen Fortier, Thelma Watson, Cynthia Smith, and John Powell

**Members Absent**

Lisa Moore, Kate Mason, Debra Holloway, and Eileen Reinaman

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

Amy Marschean, JD, Senior Policy Analyst  
Janet James, Esq., Public Guardian Program Coordinator  
Cecily Slasor, Administrative Assistant  
Pam Beckner, Esq., OAG

**Guests**

Thom Butcher, Richmond Dept. of Social Services, Citizen Observer  
James Talbert, Citizen Observer  
Jenny Hatch, Citizen Observer  
Kelly Morris, Citizen Observer  
Susan Potter, Citizen Observer  
Videoconference from MEOC: Margaret Sturgill, Michael Wampler, Rachel Hilton and Debbie Collier

**Welcome and Introductions**

Chair Demaris Miller called the meeting to order at 10:00 a.m., welcomed members and guests, and asked that they introduce themselves.

**Review/Approval March 2013 Meeting Minutes**

Ms. Miller asked if members had reviewed the June meeting minutes and if there were any corrections. In all references to Ms. Miller, it should denote Demaris or Kathy to clarify who was speaking. On page 3, Ms. James does program monitoring once a year for each of the 15 programs. Also, 7 lines down directors earn salaries in the \$20,000 range. Mr. Aravich moved to approve and accept the minutes as amended. Mr. Powell seconded the motion. The members voted unanimously to accept the minutes as amended.

## **Mountain Empire Older Citizens Services (MEOC) Presentation via Teleconference Margaret Sturgill, Public Guardian Program Director**

Ms. Marschean introduced Ms. Sturgill noting she was named the Virginia Elder Rights Coalition's 2013 Erica F. Woods Elder Rights Award winner. Ms. Sturgill noted MEOC's Public Guardian program began in 1999. The program currently has funding to serve 20 people with one full-time staff person. Ms. Sturgill and Ms. Collier are part-time, but when Ms Sturgill retires October 1, Ms. Collier will be full-time with the program. They have four persons on their waiting list and an additional five new people awaiting approval into the program by the Multidisciplinary Team. The majority of clients are in facilities, but they are using sponsored placements for Medicaid ID Waiver clients to place them individual homes. One client has had her rights restored. She was alcoholic and in crisis with the result she was unable to make decisions. She has received treatment and no longer needs a guardian. Another client was moved into the home of a friend who was his guardian. He is very happy with the family. One of two sisters on an ID Waiver came to the program in December 2011 and has had guardianship through MEOC for a little over a year and a half now. She was on the waiting list for three years. The sisters lived in an old rental home with no insulation and exorbitant heating bills. The furniture was worn and falling apart. They ate mostly frozen meals and drank soft drinks and their clothing was unkempt and stained. Since MEOC has become the public guardian, they have counseled them about nutrition and assisted with grocery shopping so they are now cooking. They purchased beds and bedding and found them a new apartment for them in the center of town across from grocery store. They have been taught the basic skills of housekeeping, oral hygiene, and other daily activities. The program needs additional funding to serve more clients.

Dr. Aravich praised Ms. Sturgill and the staff on what they do, particularly with the challenges that come with providing services in a rural area. Mr. Powell noted that in addition to the public guardian clients being indigent, unfriended and incapacitated, he would add "invisible." Dr Aravich asked if Ms. Sturgill could provide detail on the unmet needs list to put a face on the need to share with Ms. James. Mr. Powell agreed with Dr. Aravich and said the details of stories like these need to be shared with the General Assembly but without abridging privacy of the client.

## **Public Guardian Program Update**

### **Janet James, Esq., (Handout)**

Ms. James reported on her recent presentation at the national HCBS conference in Arlington. A discussion ensued concerning whether the cost savings for the Virginia public guardianship program referenced in her report should be included in the biennial report. Because Ms. James will be doing a new programmatic report this year,

she will include current data in the agency report that will then be shared with the General Assembly.

## **2013 Biennial Report**

### **Amy Marschean (Handout)**

Ms. Marschean discussed board member edits to the draft 2013 Biennial Report previously shared with members. John Powell moved that the report be accepted and Kathy Pryor seconded the motion. The report was accepted unanimously by the board.

### **Commissioner's Report**

Commissioner Rothrock commented that in the last year the DOJ Settlement involving persons with intellectual disability has shed light on the public guardianship program with the result that both he and Secretary of Health and Human Resources Hazel have certainly been educated on its merits and unmet need. He reported that the money DBHDS has for public guardian clients will be moved and managed at DARS in the new budget and he is hopeful for additional funding. The Commissioner reported that the APS (Adult Protective Services) unit of DSS transferred to DARS on July 1.

Commissioner Rothrock advised that the federal Office of Civil Rights has made inquiries about the state's Auxiliary Grant program administered by the new DARS APS Division. He noted the Long Term Care Ombudsman Program staff consisting of Joani Latimer and Gail Thompson has also moved to DARS central office. DARS continues to see a problem across the state with persons who have challenging behaviors due to brain injury and dementia. A small pilot is being funded in the amount of \$150,000 for the development of a facility that could house persons with challenging behaviors.

## **Public Guardian Person-Centered Regulation**

### **22 VAC 30-70-30 (Handout)**

#### **Amy Marschean**

A stakeholders workgroup met to discuss the person-centered regulations on September 10, 2013. They will be posted as proposed regulations on Town Hall in October. Karen Fortier moved that the regulations be submitted to the Commissioner. Kathy Pryor seconded the motion and it passed unanimously.

### **Public Comment Period**

Susan Potter, an attorney from Virginia Beach, has been involved with the Public Guardian program since its beginning in 1998. She testified concerning two cases in the Virginia Beach area that involved two clients of hers that were placed in what she considered substandard facilities while receiving guardianship services from Catholic Charities of Eastern Virginia and Jewish Family Services of Tidewater (JFS). Chair

Demaris Miller thanked Ms. Potter for her testimony. Ms. Potter handed out a document to board members.

Jenny Hatch introduced herself as a 29-year-old with Downs Syndrome. Ms. Hatch stated she was placed in a group home last year and was very unhappy there. JFS was the guardian. She stated the caseworker was mean and even hit her. Ms. Hatch wanted to return to her job. She said she was not allowed to have her friends visit or to have her cell phone. She said that she “was told she had rights, but JFS took away my rights, my choices, my independence. I was kept from the community, my friends, my job. I lost a year of my life.” She said she wanted to make sure that what happened to her doesn’t happen to anyone else. A person with a disability does not necessarily need a guardian.

### **New Business**

The 2014 Calendar for meetings was provided by Ms. Marschean and the proposed September 11 date was changed by Ms. Miller to September 18:

March 20, 2014

June 12, 2014

September 18, 2014

November 20, 2014

A motion to approve meeting dates for 2014 by Ms. Fortier and seconded by Dr. Watson. The meeting dates for 2014 were approved by the board.

The Chair adjourned the meeting at 1:55 p.m.