

**Virginia Public Guardian and Conservator Advisory Board Meeting**  
**Department for Aging and Rehabilitative Services**  
**8004 Franklin Farms Drive**  
**Henrico, VA 23229**  
**November 21, 2013, 10:00 am - 2:00 pm**  
**MINUTES**

**Members Present**

Demaris Miller, Chair, Karen Fortier, Debra Holloway, Lisa Linthicum, Rev. Kate Mason, Lisa Moore, John Powell (by phone), Kathryn Pryor, Mira Signer, Dana Traynham, Thelma Bland Watson, Lynne Williams

**Members Absent**

Cynthia Smith, Eileen Reinaman

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

James Rothrock, Commissioner  
Amy Marschean, Senior Policy Analyst  
Cecily Slasor, Administrative Support  
Kathy Miller, Program Director  
David Hominik, Legal Services Developer

**Guests**

Regina Sayers, Executive Director, Appalachian Agency for Senior Citizens (V/C)  
Mary Colley, Appalachian Agency for Senior Citizens (V/C)  
Carter Harrison, Alzheimer's Association  
Thom Butcher, Richmond DSS  
Kati Dean, disAbility Law Center

**Welcome and Introductions**

Chair Miller called the meeting to order at 10:10 a.m., welcomed members and asked them to introduce themselves.

**Commissioner Plaque Presentation/Report**

Commissioner Rothrock presented a plaque to Rev. Kate Mason in recognition of her leadership and service to the board. Rev. Mason thanked members for the recognition and said that she had enjoyed her time on the board.

The Commissioner noted that DARS has requested additional funding for 580 slots in the Public Guardian program and has discussed the funding needs with Secretary Hazel. Kathy Miller noted that Ms. James reported that the waiting list was 891 as of the last quarterly report. The Commissioner reported that the Governor will present his budget December 18. A variety of organizations, including NVAN and VERC, are supporting the need for funding for guardians. Anything the board can do to help raise awareness about the need will be appreciated. The Commissioner noted that in the wake of the tragedy suffered by Senator Deeds and his family there will most likely be a focus on funding programs for psychiatric services.

The Commissioner provided a binder about DARS to Secretary Hazel to give to Governor-elect McAuliffe and his transition team. Secretary Hazel has already met with a member of the transition team.

Ms. Fortier asked the Commissioner about the increase in the number of persons on the waiting list. Kathy Miller attributed it to the increased awareness and education about public guardians and the new waiting list being kept by the programs that seems to grow steadily and is projected to reach 1000 by the end of the year. Dr. Watson said at the area agency level they are certainly receiving more calls about the need for guardians.

The Commissioner reported DARS is working with DMAS on the dual-eligible project and DARS has received a small grant for Ombudsman and VICAP counseling. Care Transitions is another program DARS is involved with the AAAs and the Virginia Health Reform Initiative. Care Transitions trains individuals to provide assistance to persons leaving the hospital to try and keep them healthy and keep them from being readmitted to the hospital. Patients are 'coached' on healthy behaviors such as medication management, communicating with their doctor(s) and keeping doctor appointments, along with other issues. The Commissioner stated there will be a conference on Care Transitions in Richmond on January 29, 2014. Dr. Eric Coleman is presenting. Dr. Coleman developed the Coleman Model for the Care Transitions programs.

DARS/VDA received a small grant a few years ago to provide Chronic Disease Self Management Education—that helps people over a six week period to be healthier. It involves exercise, healthy eating, counseling, etc., and it has proven results that it has helped hundreds of persons stay healthier.

### **Review/Approval of June 2013 Meeting Minutes**

Chair Miller asked if members had reviewed the June meeting minutes and if there were any corrections. Dr. Watson moved that the minutes be approved as presented.

Kathy Pryor seconded the motion. The members voted unanimously to approve the minutes.

**Presentation: Regina Sayers**

**Appalachian Agency for Senior Citizens**

Appalachian Agency began a Public Guardian program in 2010 for Buchanan and Tazewell Counties. There are currently 22 persons in their public guardianship program and ten on their waiting list. The program staff consists of one part time staff member and the full-time director, Mary Colley. One unique feature of the program is that a local elementary school has linked with this program as part of their community service. Students often make cards and gifts and visit program clients. The clients are very appreciative of the attention and Ms. Sayers stated they reward the students with an ice cream party.

Ms. Colley spoke about the program's success stories, which have added to their clients quality of life. Many of their clients have intellectual disability and were transferred from the training center to the program. One gentleman was transferred 3 ½ years ago to a sponsored residential home and just recently moved to a farm and he helps out on the farm. He had been very self-injurious and wore a helmet, but now does not wear the helmet. He has wonderful opportunities with his new family, such as traveling to the beach.

Another client has a traumatic brain injury caused by the abuse of a parent. He was abandoned and was found wandering in the street. He has flourished in the program. He was chronically underweight, but is now gaining weight and helps with preparing meals. He has a job shredding paper at the courthouse. He traveled on vacation with the host family recently.

Ms. Sayers said that the multi-disciplinary panel includes herself and her agency CFO, a local attorney, a minister, an APS Supervisor, a CSB employee, someone from their local community action group, a mid-level provider PA, a case manager, a mental health specialist, and the local DSS director in Buchanan. Client records and the program bylaws and guidelines are readily available to panel members.

The program is currently unable to take more clients in adjoining counties, Russell and Dickenson.

Chair Miller commented that the program is very impressive, especially the link to the public elementary school. Dr. Watson noted that her program client ages range is from 25 to 93. The 93-year-old became a ward of the state at age 6 months.

**Presentation: David Hominik, Esq.**

**DARS Legal Services Developer**

Mr. Hominik joined DARS about eight months as the Commonwealth's Legal Services Developer, a required position under Title III of the Older Americans Act (OAA). As the Developer, Mr. Hominik works with Title III and other organizations to improve and

expand legal assistance for the target population of older persons *and* persons with disabilities in the greatest economic and social need.

Mr. Hominik explained that a number of organizations provide legal services to the target population, but the available data has never been collected – in part because the data is not consistent and some organizations fail to keep such records. Currently, Mr. Hominik with stakeholder groups are collecting legal assistance data in order to publish in early 2014, the first annual report on the state of access to justice in Virginia for the target population. The report will address: DARS, AAAs, Legal Service Corporation (LSC)-funded and non-LSC funded legal services programs, bar associations, law schools, and other organized efforts to meet the target population’s legal needs.

Mr. Hominik noted that in a recent study of Title III legal assistance funding for all states, Virginia is near the bottom in funding. Of Virginia’s 25 AAAs, 40% devote less than 2%, 56% less than 3%, and 68% less than 4% of their Title III funding to legal services. Total Title III funding for legal assistance statewide is only about \$400,000, which equates to about .27 cents per eligible senior.

Mr. Hominik explained that Title III funding remains stagnant with increasing unmet need for all of the Title III programs operated by the AAAs. Simultaneously, non-Title III funding for legal services offices has fallen, necessitating reductions in staffs for many legal services offices – the principle providers of free legal assistance to Virginian’s most vulnerable population.

Along with reduced LSC funding, interest on IOLTA – Interest on Lawyers Trust Accounts – that had been providing funding to legal services offices has dramatically decreased as bank account interest rates have dropped to historic lows. In addition, Virginia is a voluntary IOLTA state – one of only five.

Mr. Hominik stated that the annual report should serve as both a more complete picture of Virginia’s current legal delivery system for seniors and persons with disabilities, and a catalyst for everyone to explore new avenues of cooperation and funding to meet the growing need.

As an example of exploring a new avenue, Mr. Hominik mentioned a Senior Legal Helpline (SLH). SLHs operate in more than 30 states. Virginia considered an SLH in years past, but the concept was never developed. It is being considered again.

A concrete example of cooperative efforts recently occurred when The Virginia Academy of Elder Law Attorneys and DARS, under an American Bar Association project, worked together to develop Virginia-specific fiduciary guides (to be published in early 2014). Another example is a DARS administered grant through the DOJ on Domestic Violence and Older Women. DARS and VCU staff are working in cooperation with Washington County and the City of Bristol law enforcement, prosecutors, victims' rights counselors, and others to better address elder abuse.

In response to questions from the attendees, Mr. Hominik along with Kathy Pryor explained that Virginia has both LSC-funded legal services offices and non-LSC funded offices with some overlapping geographic coverage areas. In addition, the various legal service programs have grant defined service areas that do not mirror AAA service areas, resulting in many AAA's contracting with more than one legal service provider and many legal services providers contracting with multiple AAAs.

LSC - Legal Services Corporation - quasi-Federal orgs. There are eight in Virginia. (Central VA Legal Aid) Another example is Legal Aid Justice Center which does not receive this funding. VA Poverty Law Center does not get LSC funding. They are able to do lobbying because they do not accept these funds.

Karen Fortier asked for members to observe a moment of silence for Senator Creigh Deeds and his family and for all persons who are struggling with mental health issues and similar tragedies. The members observed a moment of silence.

**Update on Public Guardian Person-Centered Procedures, 22VAC 30-70-30  
Amy Marschean, JD**

Ms. Marschean reported that the Office of the Attorney General approved the regulations.

Further Ms. Marschean reported that other organizations are in support of an increase in funding for public guardianship including the Alzheimer's Commission, the Commonwealth Council on Aging, the V4A, the Virginia Elder Rights Coalition. She noted that the Youth Commission has even supported the additional funding request.

Lisa Linthicum asked if board members could receive a copy of the map showing unmet guardian needs. Ms. Marschean responded that she would provide the map to members.

### **Public Comment Period**

Thom Butcher needed assistance locating a conservator to help persons who needed one. Dr. Watson commented that the Money Management program at her agency may be able to assist.

Dana Traynham noted there is an issue of “not in my back yard” in York county. There were proposals to develop three group home facilities in the area. Neighbors have come out against the construction and there have even been physical threats and threats to vandalize the construction if it begins.

Kathy Miller said that Janet James reported being contacted by the Nebraska Office on Aging as they want to develop a public guardian program and they view Virginia as a model. Ms. Miller commented that UVA Health Systems is also reporting concerns that individuals in are incurring costs and taking up bed capacity as a consequence of there being no family or guardian available. In the past, the hospital social workers would simply call APS/DSS. However, the local DSS will no longer intervene as temporary guardian unless the hospitalized individual was already a client of the local DSS prior to his/her incapacity. At this point, these individuals can only be placed on the Public Guardianship provider waiting lists.

It was announced that Thom Butcher of Richmond DSS will be retiring. Mr. Butcher said he will be retiring in January after 42 years.

Karen Fortier made a motion to adjourn the meeting. Dr. Watson seconded the motion.

The meeting was adjourned at 12:45 p.m.

