

Public Guardian and Conservator Advisory Board

Legislative Committee

Tuesday, March 28, 2023
1:15 pm –2:45 pm
First Floor Conference Room
8004 Franklin Farms Drive
Henrico, VA 23229

Members Present

Erica Wood
Lindsay Pickral
Kimberly King
Cristi Zedd

Staff

Charlotte Arbogast
Catherine Harrison
Liz Donnelly
George Worthington

Draft Minutes

Welcome and Introductions

Chair Erica Wood called the meeting to order at 12:37 and welcomed members and staff.

Erica Wood, Chair

Adopt Agenda

Action Item: Adopt Agenda

There were no changes to the agenda and it was adopted as presented.

Erica Wood

Public Comment

There was no public comment received.

Erica Wood

Roles and Responsibilities of the Board

Mr. Worthington reminded members that the roles and responsibilities of the Board as defined in the Code of Virginia were reviewed at the beginning of the Board meeting earlier, and reminded members that the Board is tasked with advising the Public Guardian Program and does not have the standing to make recommendations regarding private guardianship unless there is overlap.

George Worthington, DARS

Open Discussion of Legislative Recommendations

Chair Wood recommended that the platform be renamed as the Legislative and Policy Platform (adding policy) as the recommendations are not purely legislative.

The Committee reviewed the handout prepared by staff that detailed the outcomes of the recommendations from 2022.

Erica Wood

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HB 2029 included two items from the Board's recommendations addressing PGCAB member terms and the technical revisions to the Code on advising sheriffs and courts about breaches of the staff to client ratio at Public Guardian Programs.

HB2347/SB1140 addressed training for guardians but this did not pass.

WINGS—the recommendation was supportive (a best practice) rather than a legislative recommendation. The PGP Coordinator continued to attend WINGS.

Judicial Guardianship Evaluation Worksheet—this was discussed by the full Board and a letter supporting the worksheet was sent to Paul DeLosh at the Supreme Court. Mr DeLosh replied that WINGS is due to call a special meeting of the judges that participate in WINGS and the worksheet will be on the agenda of that meeting.

Members then brainstormed ideas for potential policy/legislative/best practice recommendations to the Commissioner of DARS.

- 1) Training bill may be something to recommend again. It was noted that the Senate version removed attorneys from the training requirement, although they were included in the House version. The bill was tabled in House Appropriations, so it was a money issue. Members were reminded that public guardians already receive training, so will need to be vigilant on the wording of any recommendation.
- 2) Additional PGP slots—300 slots were funded in 2022 and these have not yet been filled due to staffing and court timelines. The House budget contained 50 extra slots plus a policy analyst position. Staff noted that the PGP program is currently understaffed at DARS which is working to hire a PGP coordinator and a PGP program director. Asking for new slots when current slots are unfilled may jeopardize future requests. There may be misunderstanding around the term 'slots' as this term applied to waiver services means case management, which is not the same as guardianship. Members decided to pause until at least 2024 before recommending additional slots.
- 3) Hospital discharge—Potential to recommend a study on the hospital to guardianship pipeline. There is a feeling that if there were more public guardianship slots people could go straight from hospital to the PGP. Maryland currently is conducting a study funded by the Administration for Community Living to address the hospital to guardianship

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pipeline. However, guardianship has not necessarily been a barrier to discharge. The issue was presented as hospitals wanting a guardian appointed in a hurry to discharge patients, who then run out of money and are moved to the PGP. The discharge process can be rushed and less restrictive options may not be considered. Members felt that this was more of an issue for private guardians and not a good recommendation for the Board to pursue.

- 4) Judicial education/turnover. The issue is that there is limited judicial training around guardianship, and especially new judges may not have a full understanding of the process as well as the role of the PGP. In Virginia, there are no probate judges, only circuit judges who may have limited training and exposure to guardianship issues. Currently, judges typically receive training at the annual Judicial Education Institute held in May. The Board might consider sending a letter to the JEI to recommend training around the PGP specifically. Perhaps broader guardianship training could be tied into the use of the Guardianship Worksheet. This idea may need some work and may be better discussed by the full Board.
- 5) Payee services—this was an issue raised by Amanda Webb of Alleghany Highlands Community Services during her presentation at the Board meeting earlier today. Public guardians have had issues with private for-profit payee services; this is an issue for smaller programs as the larger programs often have payee systems in place. PGP providers may not routinely take on conservators. This issue is not necessarily a good fit for the Board, and maybe the goal is information sharing among providers about good payee providers.
- 6) National Guardianship Association (NGA)—NGA started a special interest group on Public Guardians (started by Erica Wood and Pam Teaster). There are tons of resources and it is a repository of best practices. Look at ways to connect Virginia with the NGA.
- 7) Center for Guardianship Certification—there are only two in Virginia (Liz Donnelly would be the third). Based on NGA standards of practice, more about best practices than the law. This is a high commitment project and Ms. Donnelly would be best placed to share information and resources with the PGP providers.
- 8) Training for Multi-disciplinary Panels. Ms Donnelly has started attending the panels to see how they function. Each MDP is different. Each program has assembled an MDP which can make recommendations, although the PGP provider has the

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final say. Is there a need to pursue greater consistency of approach and function? Perhaps a minimum training to understand guardianship, conservatorship, less restrictive options and capacity determinations.

Recommendations to the Commissioner

Erica Wood

Action Item: Approve recommendations to the Commissioner for presentation to Board

Final recommendations:

- 1) Training for MDPs
- 2) Enhance judicial training in public guardianship. Specifics are needed and perhaps WINGS can help with this. There should be a training to be made available to the judiciary and to develop an awareness campaign.
- 3) Training for guardians—public and private—direction to DARS to develop curriculum similar to last year.

Erica Wood made a move to approve these three items for inclusion on this year's legislative and policy platform. Lindsay Pickral seconded the motion. The motion was carried unanimously.

Meeting Adjournment

Erica Wood

Chair Wood adjourned the meeting at 2:11pm.