

**Public Guardian and Conservator Advisory Board  
Fourth Quarter Meeting  
June 20, 2023  
Department for Aging & Rehabilitative Services  
Electronic Meeting**

**Meeting Minutes**

**Members Present**

**Cristi Zedd, Chair  
Kathy Harkey  
Kimberly King  
Lindsay Pickral  
Tara Ragland  
Donna Smith  
Ming Truong  
Erica Wood**

**Members Absent**

**Susan Elmore**

**Staff**

**George Worthington  
Marcia DuBois  
Liz Donnelly  
Cecily Slasor**

**Welcome and Introductions**

**Cristi Zedd, Chair**

Chair Cristi Zedd called the meeting to order and welcomed members and guests. Members and guests introduced themselves. Chair Zedd reviewed the powers and duties of the Public Guardian board.

**Review and Adopt Agenda**

***Action Item: Adopt Agenda***

**Cristi Zedd, Chair**

Chair Zedd asked that members review the agenda and share any comments, and proposed one amendment: to include an action item to elect officers under the Nominating Committee Report item. A motion to adopt the agenda as amended was made by Donna Smith. Erica Wood seconded the motion. The vote was unanimous and the agenda was adopted as amended.

## **Review and Adopt March 2023 meeting Minutes**

**Cristi Zedd**

There were no corrections or edits to the minutes. The minutes were adopted as presented.

## **Public Comment**

**Cristi Zedd**

There were no public comments received.

## **Division for Community Living Report**

**Marcia, DuBois**

### **2023 Governor's Conference on Aging**

The conference and the Dementia Summit were great events and well received.

### **New Division for Aging Services:**

We are excited to announce that effective July 1, the current Division for Community Living will split into two divisions, adding a new Division for Aging Services. With this change, we remain ONE DARS with the same mission, while bringing new visibility and access to our statewide work of supporting Older Virginians. We are making these changes with strong support from John Littell, our Secretary of Health and Human Resources.

This new Division benefits from the relationships within the current Division for Community Living and will continue to do so. I will continue as Deputy Commissioner for the Division for Community Living. Of course, I will also support the new leadership to ensure a smooth transition. Going forward, the Division for Community Living will support the following program areas:

- o Centers for Independent Living
- o Public Guardianship Program
- o Statewide Independent Living Council
- o Commonwealth Neurotrauma Initiative
- o Brain Injury services coordination
- o Personal Assistance Services
- o Long Term Rehabilitation Case Management program
- o Auxiliary Grant Program (moving from the Adult Protective Services Division)

With creation of a new Division for Aging Services comes a renewed commitment to Older Virginians — elevating our efforts to better support

Virginians across the life course and for improving quality of life in the community of our choosing.

Establishing a Division for Aging Services shows our commitment to providing essential oversight and support to services across the statewide network of Area Agencies on Aging. Additionally, DARS will hire a new Deputy Commissioner for the Division for Aging Services who embraces person centered thinking and has a solid background in aging services/ gerontology to ensure for a successful and strong renewed Division that will continue to marry all the outstanding work that the agency leads statewide in coordination with the network of AAAs.

The new Division for Aging Services will support the OAA programs and other aging-specific programs, including:

- o Food/nutrition, congregate meals
- o Dementia services coordination
- o VICAP
- o Legal Services
- o Virginia GrandDriver
- o Lifespan Respite
- o Falls prevention / CDSME
- o No Wrong Door- as Area Agencies on Aging are the local leads- for information, referral assistance, person centered practices and Options Counseling
  - w/ the diverse network of regional to statewide partner including Centers for Independent Living, Brain Injury service providers, LDSS, and critical home and community-based service providers
  - This will continue to be the glue that keeps the Divisions across our state agency operating in sync and synergistically with Access Tools, resources and information for individuals seeking home and community-based supports.

### **Nutrition**

Last Month, Madeline Moravitz, Aging Services Specialist, traveled to Virginia State University's Randolph Farm to meet with the Small Farm Outreach Program (SFOP) Staff regarding the Senior and WIC Farmers' Market Nutrition Program (S/FMNP) expansion. Madeline Moravitz gave a program overview to further familiarize the VSU Small Farm Outreach Program staff with the expectations of the SFOP for the S/FMNP Expansion. The Small Farm Outreach Program staff partnered with DARS to do on-site farm inspections of farmer

applicants to verify eligibility for the S/FMNP and help educate farmers on the program. The SFOP's purpose of the program is to support minority, veteran, or otherwise disadvantaged farmers in building their agriculture businesses.

Representatives were present from across the state, including some who primarily support the Spanish and Latino farmers. Mr. Leonel Castillo supported the S/FMNP by translating the Farmer Application and Agreement documents into Spanish. He offered to assist in translation of other documents as needed, and in supporting Spanish-speaking farmers who participate in the S/FMNP. Representatives were present from areas in which the S/FMNP Expansion efforts are particularly focused, such as areas in Central Virginia (Petersburg, Charlottesville, Fredericksburg, Richmond, Roanoke and Culpeper).

Mr. Truong asked how reorganization would affect budget? Any budget cuts to the Public Guardianship program? Ms. DuBois said they do not expect any budget cuts.

Ms. Wood asked if the reorganization of moving PGP to DCL would affect the program administration at all. Ms. DuBois does not believe this will affect administration of the program or the board in any way. Please feel free to share any concerns.

## **Public Guardianship Program Update**

### **Liz Donnelly, Public Guardian Program Specialist**

Ms. Donnelly shared an update on the Public Guardianship Program (PGP).

The request for proposals (RFP) for 40 public guardianship slots on the NC border was released, and four existing and one new provider have placed bids. The RFP closes on June 22<sup>nd</sup>.

Contracts - The providers are still operating on the Emergency Contract - the new, five-year contracts (to my knowledge) have not been sent out. The Emergency Contract allows providers to operate until December 2023.

Current Providers - Family Services of Roanoke Valley has a new Program Director (PD), Maggie Evans. Prior PD Pam Adams has retired but is providing help on contract to ease the transition. JFS Richmond is actively advertising for a PD for the PGP - at this time no additional details are available. All 12 providers are working diligently to fill vacancies or retain staff and to fill vacant program slots. Although many are still working to fill vacant slots, the providers are working closely with their MDP's to ensure successful matches, and that each agency has the correct resources for the variety of client needs that present. While three of the vendors were underperforming, technical assistance and intervention (with the help of Aging Services Director Kathy Miller as well) seem to have gotten them up to speed.

Update on Formal Complaint - The initial review of documents and clarification of concerns has been completed. A written notice for the Executive Director of the agency has been prepared and should be ready to send either today or tomorrow.

Annual Training Conference - Tentative dates October 3-6, 2023 – location will be either Virginia Beach or Roanoke. There will be an emphasis on increasing cohesiveness in the program and amongst providers again, bringing people together after the past few years of COVID, staffing changes at DARS, and new provider and DARS staff. There will also be an emphasis on decision making as a process that is built on client participation (when possible), that considers least restrictive situations, and that is truly person centered. While Virginia is not a National Guardianship Association state, the materials around ethics, decision making, and the like are invaluable.

The new Program Coordinator should be on board by the next meeting.

### **Nominating Committee Report**

#### **Nominating Committee Chair Cristi Zedd**

The committee met this morning and prepared a slate of officers.

This will be a voice vote or roll call. A majority vote will constitute a nomination.

The slate presented by the Committee has Lindsay Pickral for Chair and Donna Smith for Vice Chair.

Ms. Zedd opened the floor for other nominations. There were no nominations.

A motion to approve the nominations was made by Kathy Harkey and seconded by Erica Wood. There were no other nominations so the slate was accepted as presented.

The new officers will assume their positions at the close of today's meeting.

### **Legislative Committee Recommendations (Handout)**

#### **Action Item: Approve 2023 Policy Recommendations**

##### **Erica Wood, Committee Chair**

The Legislative Committee met on March 28 following the last PGB meeting and considered several ideas for potential inclusion on the Board's annual policy recommendations. The Committee whittled these down to three policy recommendations to include in the Board's biennial report and in a letter to the DARS Commissioner.

#### **1. Training for the Public Guardianship Program multi-disciplinary panels**

Public Guardian Program providers are required by 22VAC30-70-30(D) to "establish a multidisciplinary panel (MDP) to (i) screen cases to ensure that the appointment of a public guardian or public conservator is appropriate under the circumstances and is the least restrictive option available to assist the incapacitated person, and (ii) annually review cases being handled by the program to ensure that a public guardian or conservator appointment remains appropriate." There are currently no requirements regarding training or education of the panel members, who may include representation from a variety of local organizations and individuals including departments of social services and adult protective services, community services

boards, licensed attorneys, area agencies on aging, local health departments, long-term care administrators, physicians and other community representatives.

In order for the MDPs to effectively carry out their duties and responsibilities, the Board recommends that DARS, working together with the Public Guardian Program providers, develop a brief introductory training for MDP members on guardianship, conservatorship, less restrictive alternatives to these, and capacity determinations. This is a legislative request with budget implications.

## **2. Enhance judicial training on Public Guardian Program**

Although judges make appointments of the Public Guardianship Program (PGP) providers to serve as guardian and/or conservator when no one else is willing and appropriate, there is no specific training available for the judiciary to describe the Public Guardian Program and the role it has within the guardianship and conservatorship structure in Virginia. Judges need to know about the process for case acceptance into the Program, the Program standards, and the practices of the local/regional providers. The PGCAB recommends that DARS work with the Supreme Court WINGS (Working Interdisciplinary Network of Guardianship Stakeholders) to create a judicial fact sheet, video, and/or other training opportunity to be made available to circuit court judges across Virginia. The DARS should also create an awareness campaign to encourage utilization of the new training program.

This is a legislative request with budget implications.

## **3. DARS requested to develop and disseminate training for all guardians and conservators in Virginia**

Guardianship is a legal process in which a court-appointed individual or entity makes decisions and supervises the affairs of an adult whom the court has found to be incapacitated. In conservatorship, a court-appointed person or entity manages the financial affairs of an incapacitated adult.

In 2021, the Virginia Joint Legislative Audit and Review Commission (JLARC) completed a study of the state's guardianship and conservatorship system.<sup>1</sup> The JLARC report made 42 recommendations to strengthen oversight, restore rights when possible, and prevent and detect abuse and exploitation. While many of these recommendations have been addressed in the past two years, one key legislative recommendation not yet acted upon is requiring initial and ongoing training for guardians and conservators.

The PGCAB understands that public guardians currently receive training in guardianship and conservatorship, while private guardians do not. Basic resources for private guardians have been made available by the Supreme Court of Virginia,

working with WINGS. However, guardianship is a daunting responsibility, and private guardians – particularly family guardians – could benefit by additional help in better understanding their duties. The more private guardians are equipped to serve adults in need, there may be less reliance on the Public Guardianship Program, preserving it for cases of last resort. The VPGCAB recommends legislation requiring private guardians to complete initial training provided by DARS within four months of appointment, and requiring DARS to develop and provide this training. Such legislation was introduced in 2023 on both the House and Senate side, but was not passed by the House Appropriations Committee.

This is a legislative request with budget implications.

#### **Notes**

- 1) Item 1. is new.
- 2) Item 2. is new
- 3) Item 3. is renewed from 2022.

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<sup>1</sup> <http://jlarc.virginia.gov/landing-2021-virginias-adult-guardian-and-conservator-system.asp>

There was no discussion.

Ms. Wood made a motion to accept the legislative recommendations and Kimberly King seconded the motion. By voice vote, the vote was unanimous and the recommendations were accepted as presented.

#### **Proposed Bylaws Amendments George Worthington, Board Staff**

Mr. Worthington presented proposed amendments to the bylaws. As numbered below, the first change is required as a result of HB2029 that equalized all terms of the Board at four years. The second is a spelling change, and the third proposes a quicker process for amending the bylaws, as the current process can take as long as nine months if a meeting is cancelled.

#### **Summary of Proposed Bylaws Changes**

- 1) Section 2.2 b: Terms of Office: This section needs to be amended to reflect the changes to Board terms from HB2029, that grants four-year terms to all newly appointed members, and extends any sitting members' terms from three to four years.

- 2) Section 3.4 b: Duties of Officers: Capitalizing Legislative Committee in 3.4 b ii.
- 3) Section 6.1 Procedures for Amendment:
  - a. Adding “6” in “Section 6.1”
  - b. Replacing clause a. to permit changes to the Bylaws be introduced and voted on at one meeting, rather than requiring changes to be presented at one meeting and voted on at the next. The current process has sometimes resulted in lengthy delays to formalizing changes in the Bylaws in response to legislation.

#### **Other Business**

**Cristi Zedd**

There was no other business for the board.

#### **Future Meeting Dates**

**Cristi Zedd**

Tuesday September 12, 2023

Tuesday November 28, 2023

#### **Public Comment**

**Cristi Zedd**

There were no public comments received.

#### **Meeting Adjournment**

**Cristi Zedd**

Chair Zedd thanked the board for allowing her to serve as Chair. Ms. Zedd adjourned the meeting at 11:06 a.m.