

Public Guardian and Conservator Advisory Board
First Quarter Meeting
September 12, 2023
Department for Aging & Rehabilitative Services

Meeting Minutes

Members Present

Cristi Zedd, Kimberly King, Lindsay Pickral, Chair, Tara Ragland, Donna Smith, Ming Truong

Members participating electronically:

Monica Karavanic, Erica Wood

Members Absent

Susan Elmore, Kathy Harkey

Staff

George Worthington

Marcia DuBois

Cecily Slasor

Laura Koch

Liz Donnelly

Charlotte Arbogast

Catherine Harrison

Welcome and Introductions

Lindsay Pickral, Chair

Chair Lindsay Pickral called the meeting to order and welcomed members and guests. Members and guests introduced themselves.

Chair Pickral reviewed the powers and duties of the Public Guardian board.

Review and Adopt Agenda

Action Item: Adopt Agenda

Lindsay Pickral, Chair

Chair Pickral asked that members review the agenda and share any comments. A motion to adopt the agenda was made by Cristi Zedd. Donna Smith seconded the motion. The vote was unanimous and the agenda was adopted.

Review and Adopt June 20, 2023, meeting Minutes

Lindsay Pickral

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

Division for Community Living Report

Marcia DuBois, Deputy Commissioner

Welcome Laura Koch

- We are pleased to announce that Laura Koch (pronounced Cook) has joined the DARS Division for Community Living (DCL) as the new Public Guardianship Program Coordinator. Laura is an attorney with extensive experience in social work and human services management including providing legal services and initiatives benefitting people with disabilities and older adults.
- Laura received her J.D. from Golden Gate University School of Law and her master's degree in social work from Virginia Commonwealth University. In recent years, she served vulnerable populations in California. Please join me in welcoming Laura back to Virginia and onto the DARS Team!

New State Plan for Aging Services was submitted to the federal Administration for Community Living (ACL) for their review and hopeful approval

- Some minor changes were made in response to the public comments DARS received in April and May
- The plan received SHHR Littel and Governor Youngkin's approval
- Is set to take effect on October 1, 2023
- Charlotte will touch on this briefly later today

New Dementia State Plan – Alzheimer's Disease and Related Disorders Commission is sifting through all of the public comments they received on their draft plan and will be putting out a new Dementia State Plan in the coming months

Year 2 updated budget

State government operating off the Year 2 budget that was passed/signed into law in 2022.

- House and Senate finally reached an agreement on the budget, which includes amendments to the Year 2 budget that agencies have been operating under.
- These include:
 - \$700,000 for supplemental AAA funding
 - Increase in the Auxiliary Grant rate
 - Increases the Auxiliary Grant rate to \$2,055 a month on January 1, 2024, which supports low-income Virginians in assisted living facilities. \$2,363 in No Va [15% more than the rest of the state]
 - 5% rate increase for Medicaid Personal Care and Respite Care Rates

- The budget bill is pending Governor's amendments and action now
- The budget does not include funding for the CCOA Executive Director position

Next Biennial Budget – Process has gotten underway

- Governor's first full budget will come out this December

New Division for Aging Services has been established

- Hiring for the new Deputy Commissioner for Aging Services is in progress
- Website updates are the in works

Older Americans Act (OAA) Proposed Regulations – issued by ACL

- In mid-June, the Administration for Community Living (ACL) issued a Notice of Proposed Rulemaking which solicits comments on proposed regulations for the Older Americans Act.
- Current regulations have been in place and not substantively revised since they were first issued in 1988.
- Updated regulations were welcomed by many groups, but the devil is in the details.
- DARS staff is currently reviewing the proposed regulations to determine benefits and challenges for the agency, Virginia's aging network, and our older adults constituents.
- This also comes into play as DARS is still working and hoping to update the agency's Area Agency on Aging regulations. It is likely that that work will need to be adjusted to consider the likely forthcoming final rules from ACL in early 2024.

Adult Protective Services Proposed Regulations – Forthcoming from ACL

- This would be the first time that there will be federal regulations in place for APS, which has historically been funded and established/overseen at the state level
- New federal funding was issued for state APS systems and so this is the federal government's entry into setting some minimal APS standards for states

DARS Grants –

- HUD Older Adult Home Modification Program
- Lifespan Respite Grant Enhancement Supplement (\$211,000)
- GrandDriver – Oct. 1 (\$671,884)
- New MIPPA Medicare Improvements for Patients and Providers Act - \$710,000

New DARS Staff

- Laura Koch – Public Guardianship Coordinator
- Frank DaGaetani – Legal Services Developer
- Matthew Wasikiewicz - Farm Market Fresh Coordinator
- Cassidy Morton - Public Relations and Marketing Specialist

New Virginia Housing Home Modification Grant Program for Homeowners

- **Not launched yet but coming soon - will help get the word out**
- Grants will be for up to \$8000
- Target is Low Income Seniors over 65
- And 80% average monthly income or less
- Applicants under 65 must provide proof of need
- Applicants must own home

Medicaid Managed Care RFP -

- The Department of Medical Assistance Services (DMAS) has released the highly anticipated RFP for Cardinal Care Managed Care, Virginia's Medicaid managed care program, on August 31, 2023.
- Cardinal Care launched in January 2023 as a rebranding of the state's Medicaid program and Children's Health Insurance Program – Family Access to Medical Insurance Security Plan (FAMIS).
- Cardinal Care Managed Care (CCMC) will combine the state's existing Medallion 4.0 managed care program for traditional Medicaid and the Commonwealth Coordinated Care Plus (CCC Plus) managed long-term services and supports (MLTSS) program to serve 1.9 million Medicaid managed care members.
- Selected plans will provide acute care, behavioral health, and MLTSS services to all Virginians who are eligible for Medicaid, including children, adults, and pregnant women in low-income households; children and adults with disabilities; low-income older adults; and individuals receiving LTSS, including dual-eligible populations.
- The RFP contains several targeted focus areas and changes to the managed care program. For example, it emphasizes improvements to the state's behavioral health care system and improved health outcomes through a focus on health-related social needs such as housing stability and food insecurity for CCMC members.
- Contracted plans will be required to operate a dual-eligible special needs plan (DSNP) in Virginia.
- Letters of intent are due by September 20 and proposals are due on October 27.
- Implementation is scheduled to begin July 1, 2024. Contracts will have a six-year initial term, with two two-year renewal options. Award dates have not been announced.

AARP Challenge Grants – Funded Projects

- AARP Virginia announced seven organizations throughout the state will receive 2023 Community Challenge grants – part of the largest group of grantees to date with \$3.6 million awarded among 310 organizations nationwide. Grantees will implement quick-action projects that help communities become more livable by improving public places; transportation; housing; digital connections; diversity, equity and inclusion; and more, with an emphasis on the needs of adults age 50 and older.

Here in Virginia, projects funded include:

- Roanoke River Rails to Trails will conduct walk audits along the Tobacco Heritage Trail branch in Boydton, with the goal of identifying safety improvement opportunities.
- Town of Fries will turn underutilized property beside the town farmers market into an accessible community garden available for use by older adults and all town residents.
- City of Roanoke will stage an accessory dwelling unit design competition that will result in a set of actionable plans for ADU development.
- Arlington Neighborhood Village will create a Senior Ambassador Program to connect older residents with information about local services and will compile both an English and Spanish-language Senior Resource Guide.
- Appalachian Agency for Senior Citizens will convert an underutilized lot to a Fit for Life multigenerational park for exercisers of all ages, especially older adults.
- Blue Ridge Habitat for Humanity, Inc. will create and distribute a printed Quick Look Reference Guide, a one-page directory of services for older adults in the region.
- Local Office on Aging will create an outdoor fitness area at the existing Center for Health and Wellness, including installation of a walking track and fitness equipment suitable for use by older adults.

Three complaints received about programs – the first complaints ever – have been addressed. The vendor was notified and concerns have been addressed.

Public Guardian Program Update

Laura Koch, PGP Coordinator

Liz Donnelly, PGP Specialist

Ms. Koch introduced herself and provided information on her background for board members:

I'll just share a little about my background: I grew up in Henrico County and attended Mary Washington. After getting my MSW at VCU, I started my career at Region Ten CSB. After a few years in Indiana, I moved to California, and lived in San Francisco and Oakland for about 20 years. I became a Licensed Clinical Social Worker, and along the way I provided school- and community-based mental health services, worked as a private foster care social worker and foster parent

trainer, and did prevention services in child welfare. I then moved into administration with social services and behavioral health at the county level before attending law school.

I spent the past 7 years providing free legal services to seniors through a nonprofit, where I focused primarily on housing law, eviction defense, and consumer protection. Although I loved living in the Bay Area, it has been wonderful to be back in Virginia and reconnect with my roots.

I want to express my gratitude to Liz Donnelly, who has been managing everything since Patti Meire's departure and has already been an invaluable resource to me.

We are also excited to announce that Bronwyn Stokes has joined us as a program specialist, but unfortunately, she is out today, so the personal introduction will have to wait. Bronwyn comes to us from No Wrong Door, so this is an internal move for her and she has really been able to hit the ground running. She brings a wealth of valuable experience in human services, and she is very passionate and excited about this work, so we are lucky to have her.

I started in my role 7 weeks ago today, and I have been very busy getting up to speed on the program as well as completing orientation activities with DARS, but I have a few programmatic updates today.

I have had the pleasure of meeting about half of our providers so far, either in person or virtually. I met virtually with Noelle and the rest of the team at ARC of Nova, Senior Connections, and Mountain Empire, and we have a meeting pending with Bridges. I have also met in person with JFS Richmond, had the good fortune to meet Chris Stone, the program director at District 3, when she was in town, and had a meeting with Amanda Webb at Alleghany Highlands on Friday because I was going to be in the area.

We are planning our next quarterly program directors meeting for the beginning of October. We also plan to resume on-site program audits at the beginning of 2024.

I promise you will get a thorough data update next meeting. Obviously, it was not realistic for Liz to complete all of the normal tasks while covering all of the bases during the interim period, and she has also had to train both me and Bronwyn. The two of them have been working diligently on catching up with data entry, and the next 2 weeks will be focused on completing updates to the DBHDS database.

Our providers are currently operating under emergency contracts that expire in December 2023, but I'm happy to report that we are just about ready to send out the new 5-year sole source contracts. I believe almost all outstanding questions and edits had been resolved as of yesterday, so I'm optimistic that the contracts will be

finalized and go out in the next few days.

In addition to the contracts, I have been preparing an update to our public guardian web page, particularly focusing on clarity between the differences between public and private guardianship. I've also been working on some updates and edits to the referral form and other documents, and I also just got confirmation that we will soon be able to distribute our new centralized e-mail address, publicguardian@dars.virginia.gov. This is a shared mailbox that all three of us will have access to. Providers can use it for quarterly reports and notices, and it will be used for public inquiries as well.

With all of the changes and transitions, we realized it was not realistic to proceed with the statewide annual training that had been tentatively scheduled for October period. In order to put on a quality training, elected to hold the training next spring instead. The nice thing is that it gives us additional time to seek input from providers about what topics they would like to see covered. Bronwyn put together an online survey, and the link was sent to the programs yesterday so that they could let us know about their preferences for the month, location, and content of the training. I also want to let you know that if you have ideas or input about the training, we would be very happy to hear from you.

Liz Donnelly, Program Specialist, shared that DARS has completed the RFP in search of a provider to serve public guardian clients on the North Carolina border and is in the process of reviewing the results.

PGCAB Biennial Report

Action Item: Approve Board's Biennial Report to DARS

George Worthington, Board Staff

Mr. Worthington went over changes to the biennial report for the board.

There were some 'cosmetic' changes made since sending out the materials, such as referring to the board as the PGCAB

and staff as PGP staff. He noted that only 1 program provider presented to the Board this year: Alleghany. He explained the inclusion of a new section on challenges facing the Board. The challenge at this time is the need for additional appointments to fill the several vacancies on the Board.

Ms. Wood asked about distribution of the report. Mr. Worthington said the report is sent to DARS and could be sent more widely. Charlotte Arbogast said the report could be sent to the Secretary of HHR.

Mr. Truong recognized the leadership of the state regarding the Board.

Mr. Truong also asked about the current vacancies and what was being done to fill them.

Mr. Worthington explained the various vacancies, and noted that for the organizational positions (such as V4A or VACSB), DARS requests the organization to nominate someone. For the qualified persons (At-large) positions, Mr. Worthington takes recommendations and sends them forward.

Mr. Truong asked a question about the Legislative Committee and noted a typo. Mr. Worthington will make the correction.

Motion to approve the biennial report with changes: Donna Smith.

Seconded by: Cristi Zedd

The vote was unanimous to approve the report.

Presentation: Guardianship Case Management Grant

Paul DeLosh, Office of the Executive Secretary, Supreme Court of Virginia

Mr. DeLosh joined the meeting electronically. He provided a comprehensive overview of the guardianship case management database being developed.

He explained that the current grant program is aimed at improving data collection, such as around who is petitioning for guardianships and why. The need was identified in the JLARC study on guardianship in Virginia released in 2020. The database will capture information about the guardian and how many guardianships they currently have. Individuals filing petitions should include information about less restrictive alternatives. The data will be captured by the Circuit Court and will then be uploaded to PeerPlace.

Mr. Truong asked how the system is updated? Is there funding to do this?

Mr. DeLosh said that yes there is funding for the updates.

How do we verify the integrity of the system?

We hope to have the filer enter the information into the system and hope there will be more accurate data.

Ms. Pickral asked if E-filing of petitions will have an effect on the guardianship system, compared to people meeting with an attorney.

Ms. Arbogast asked will public vs private guardian be distinguished in the system?

Mr. DeLosh said this will be noted in the system.

Ms. Wood asked if reports can be generated by the system that show differences between the public & private guardianships?

Mr. Truong asked for the definition of a Cover Sheet. The cover sheet contains the name, number of active guardianships, less restrictive alternatives, and additional demographic information.

Donna Smith asked about the cost of the program and who will be using the database. Mr. DeLosh said the system is utilized only by Circuit Court clerks.

Working Lunch: The ARC of Northern Virginia Public Guardian Program

Noelle St. Amant-Aden

Ms St. Amant-Aden described her agency and its Public Guardian Program for the Board. She noted that they are contracted to serve 50 individuals, of whom 33 have ID/DD.

Ms. St. Amant-Aden has a caseload of her own, and has spoken at many schools and educated people about guardianship. She noted that staffing is an ongoing issue.

Cristi Zedd asked about key points of working with the CSBs and how to provide more training? Ms. St. Amant-Aden responded that she provides presentations and emphasizes it being a *partnership*. Establishing the role of the CSB and the guardian.

She also talked about communicating with non-verbal clients.

Proposed Meeting Dates 2024

Action Item: Approve Proposed Meeting Dates for 2024

March 26, 2024

June 18, 2024

September 10, 2024

November 26, 2024

Mr. Worthington mentioned that meetings could begin at 10:30 in 2024.

Several board members agreed that would be good.

Motion to approve dates and meetings to start at 10:30, Cristi Zedd made a motion and Kimberly King seconded the motion.

The vote to approve the 2024 meetings and to change the meeting start time to 10:30 was unanimous.

Other Business

Lindsay Pickral

There was no other business for the board.

Future Meeting Dates

Lindsay Pickral

November 28, 2023

Meeting Adjournment

Lindsay Pickral

Chair Pickral adjourned the meeting at 1:00 p.m.