

**Public Guardian and Conservator Advisory Board  
Second Quarter Meeting  
ELECTRONIC MEETING  
November 28, 2023  
10:30am – 1:00pm  
Department for Aging & Rehabilitative Services**

**Meeting Minutes**

**Members participated electronically:**

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

**Staff**

**George Worthington  
Cecily Slasor  
Marcia DuBois  
Laura Koch  
Bronwyn Stokes  
Charlotte Arbogast**

**Welcome and Introductions**

**Lindsay Pickral, Chair**

Chair Lindsay Pickral called the meeting to order at 10:40 a.m. 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 Monica Karavanic. Cristi Zedd seconded the motion. The vote was unanimous and the agenda was adopted.

**Review and Adopt September 12, 2023, Meeting Minutes**

**Lindsay Pickral**

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

## **Public Comment**

### **Lindsay Pickral**

Chair Lindsay Pickral asked if there were any comments from the public. There were no public comments.

## **Division for Community Living Report**

### **Marcia DuBois, Deputy Commissioner**

- Federal Budget
  - On November 15, Congress passed a stopgap continuing resolution (CR) to fund the federal government through early 2024. Funding was set to expire on Nov. 17 without Congressional action. Most programs, including aging and disability programs, will be funded at current levels for another 76 days, through Feb 2, 2024. Certain other programs will be funded at current levels through Jan. 19, 2024.
  - The CR period gives Congress additional time to negotiate bills to fully fund the federal government for the remainder of FY2024 (which runs through September 30, 2024). Congress adjourned until today.
  
- New Division for Aging Services has been established
  - You may recall that I provided an update on the new Division for Aging Services at the last meeting. I mentioned that DARS will hire a new Deputy Commissioner for the Division for Aging Services who 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.
  - We are very happy to announce that Kiersten Ware has been hired as the new Deputy Commissioner of the new Division for Aging Services. Kiersten, who has recently moved here from Vancouver, WA, started working with DARS in her new position yesterday.
  - Kiersten comes to us with a wonderfully rich background in the delivery of aging services at the community level, including a focus on homelessness. She holds a Master of Science in Gerontology from Virginia Commonwealth University and has spent the last 25 years promoting independence and enhancing the quality of life of older adults. Prior to her move out west, she was with the United Way of Greater Richmond and Petersburg, overseeing their older adults funding portfolio and the Greater Richmond Age Wave. Kiersten has a strong background in both leadership and financial management through her work in the non-profit sector. Of particular acclaim, she was founder and executive director of ElderFriends, a volunteer-based

program model that she established in two states. This was a cutting-edge and award-winning program to alleviate isolation and loneliness among low-income, older adults.

- As the Deputy Commissioner of the Division for Aging Services, Kiersten will be a member of the DARS Leadership Team. Over the next months she will work closely with me and the valuable staff in the Division for Aging Services, to assure a smooth transition as we increase support and attention to Virginia's state and federally funded aging services and the Area Agencies on Aging (AAA's).
- 10th Annual VITA IT Project Management Summit
  - DARS No Wrong Door Virginia Team was invited to present its national award-winning technology tool, the Social Health Connector, launch on Virginia Easy Access at the 10th Annual VITA IT Project Management Summit. The Summit included over a hundred IT project managers from across the state and was held on Wednesday, November 1 at John Tyler Chester Campus. AARP Challenge Grants – Funded Projects
- SNAP
  - Madeline Burnham, Aging Services Specialist, and Matthew Wasikiewicz, Farm Market Fresh Coordinator, traveled to Harrisonburg to attend the Virginia Department of Social Services SNAP Outreach Conference on October 19. The conference participants consisted of service providers across the Commonwealth who serve low-income, or otherwise vulnerable populations, and are seeking to improve SNAP Outreach in their communities. Madeline Burnham participated in a panel discussion on behalf of DARS. Representatives from VDSS educated the group on SNAP recipient statistics, new laws that were recently implemented, and discussed some common misconceptions about SNAP. In a presentation VDSS shared that only 40% of older adults who are eligible for SNAP in Virginia receive it. This speaks to the need for increased outreach efforts in Area Agencies on Aging and other community groups that engage with low-income older adults to increase education on SNAP and offer assistance with the SNAP application process.

## **Public Guardian Program Update**

**Laura Koch, Director**

Introduction of program specialist Bronwyn Stokes.

Staffing: Since the departure of our other program specialist in October, we are currently back to a team of two, but will be listing the second position after the holidays.

Bronwyn has been doing an excellent job handling more than her fair share of work in completing many tasks that were not addressed for the six months prior to her start. She is also engaging the program director at each local program, both to provide technical assistance and to learn from those who have been doing this work for a long time.

### **Consultation from Patti Meire**

I am fortunate to have been benefitting from consultation from my predecessor Patti Meire for about 6 weeks. She has been a wonderful resource in orienting me and providing historical context for the program.

Patti is assisting with the biennial report to the General Assembly and accompanied me for a presentation at the APS division staff meeting in October, and Patti attended to help answer questions and provide useful context. Several people commented that they had gained a better understanding of how the program was designed and is intended to operate. This seems to have improved the lines of communication a bit.

### **Creating a new PGP Catchment Area at NC Border:**

As previously discussed, in an effort to create a new catchment area along the North Carolina border, we completed an RFP process, but only received one proposal from JFS-Tidewater, one of our current contractors. Although we were hoping to find a provider that was local to the five counties along the border that were being handled by both Bridges and JFS-Tidewater, JFS has assured us that they have staff in place that are local to that area and are able to respond quickly to client needs. Forty of the 300 new slots were reserved for this purpose, and those were awarded to JFS-Tidewater as of November 1.

**Court data project:** I have been in communication with Paul DeLosh, the Director of Judicial Services at the Supreme Court's Office of the Executive Secretary since his presentation on the court data project at the last board meeting. Our senior policy analyst Charlotte Arbogast and I met with Paul and two of his project team members to discuss the critical data elements and how to best capture the information. There are some challenges, especially in correctly identifying public versus private guardianships, so this will be an ongoing conversation.

### **Provider contracts**

[Emergency contracts expire December 31, 2023.]

The new contracts for FY 2024-28 have been out for signature for several weeks, and all but one have been signed and returned. There were some small changes to the most recent contract, including requirements to:

- Print out important emails for client file
- Keep no information necessary to ensuring continuity of care of a Public Client in the sole possession of a guardian representative.
- Provide DARS with an emergency plan describing how you and your staff will respond to and address emergency or non-routine situations affecting or potentially

affecting a Public Client's safety, well-being, dignity, or rights – for example, hospitalization, arrest, serious illness, or imminent death.

There has been some augmentation and detail added to the elements of a good progress note, and we clarified waitlist procedures for the program directors. We introduced these changes to the contract in our Quarterly PD meeting in October and had a productive forum for discussion of issues and questions.

### **Other Program Updates**

I have been working on updates to the Topical Summary, which is the guidance document distributed to the local programs, to align it with the new contract and add additional clarification on some topics.

There have been several changes to Local PGP staff, including the departure of Noelle St. Amant-Aden, the program director from Arc of NOVA, who presented at the last meeting. In order to reduce the number of times the referral form has to be updated and redistributed due to changes in the contact information, we asked the local programs to provide us with a generic e-mail address if possible. Eight of the 12 were able to do so. The other four are not a concern because they rarely have turnover. Having stable email addresses in our outreach information and referral form will ensure that referrals are not sent to a defunct email account.

After surveying the Local PGPs, our next annual training will be held in Charlottesville in May, and we are ramping up our planning for this 2½-day training.

### **Client Data**

Since the addition of 300 unrestricted slots in FY 2023, the PGP has a total of 1,349 client slots.

We currently have 1,070 active clients, and 93 clients are in-process, meaning individuals who have been accepted for public guardianship services but are waiting for a court order naming the local program as their guardian. That is a total of 1,163 filled slots, and 186 open slots.

The breakdown is:

76 of 98 DBHDS-MH slots are filled

450 of 454 DBHDS-ID/DD slots are filled

637 of 797 Unrestricted and MI/ID slots are filled

Forty of the open slots did not come online until November when they were given to JFS-Tidewater for the counties along the North Carolina border. The three providers who serve seriously mentally ill DBHDS clients coming out of state hospitals have a combined 18 open slots, but these providers do not have any control over the pace of those referrals, and we

have not been receiving many of them. Nor do the providers have control over the referrals for DBHDS-ID/DD slots. During the interim period between Patti's departure and my start date, DARS fell behind in managing these referrals, and Bronwyn has worked hard to get through the backlog as quickly as possible.

The other context that is important for understanding the number of open slots is that it has been difficult for many providers to add, train, and retain the staff needed to serve these new clients while maintaining the required client to staff ratio of 20 to 1. There is only one program that is an outlier in terms of the number of open unrestricted slots. This program has had a lot of staff turnover and was operating without a permanent program director throughout the first quarter, but we are providing technical assistance and support, and I am optimistic that the tide will soon be turning.

The following chart summarizes open slots and waitlists by provider as of the end of the first quarter.

	Slot Type												
	Unrestricted			MI/ID			DBHDS-ID/DD		DBHDS-MH				
	Slots Allocated	Open Slots FY24-Q1	Waitlist	Slots Allocated	Open Slots FY24-Q1	Waitlist	Slots Allocated	Open Slots FY24-Q1	Slots Allocated	Open Slots FY24-Q1	Total Slots Allocated	Total Open Slots	Total Waitlist
Local Public Guardian Program													
Alleghany/Highlands CSB	20	3	0								20	3	0
Appalachian AAA	40	1	0								40	1	0
The Arc of Northern Virginia	17	0	3				33	3			50	3	3
Bridges Senior Care Solutions	116	9	16				119	5	34	10	269	24	16
Catholic Charities of Eastern Virginia	82	15	5				38	4			120	19	5
Commonwealth Catholic Charities	56	38	17	20	2	18	84	4			160	44	35
District Three Governmental Coop.	112	16	2				23	0	25	6	160	22	2
Family Service of Roanoke Valley	54	9	0				46	1			100	10	0
Jewish Family Services - Richmond	22	2	3				18	1			40	3	3
Jewish Family Services of Tidewater	118	0	173				83	6	39	6	240	12	173
Mountain Empire Older Citizens	60	1	2								60	1	2
Senior Connections AAA	20	9	7	20	2	0	10				50	11	7
Totals	717	103	228	40	4	18	454	24	98	22	1,309*	153	246

Note: There is no waitlist at the local level for DBHDS-designated slots, and the providers have no control over the pace of referrals.

\*On November 1, after the close of the last quarter, an additional 40 slots were allocated to JFS-Tidewater, increasing the total number of program slots to 1,349.

During the first quarter of FY 2024:

- 32 court orders were entered appointing a public guardian.
- 28 client deaths were reported (23 Active Clients; 5 In-Process Clients). Twelve of those were in September, which is not much time to get additional clients in process. (We have also had an additional 17 deaths in October and November.)
- 11 active or in-process clients were removed for other reasons (such as finding a substitute guardian, failure of the referring party to move forward, etc.), and 2 active clients were restored to capacity.
- 20 new in-process clients were added – and because of Bronwyn's efforts to reduce the waitlist for ID/DD slots reserved for DBHDS, we have added an additional 28 in-process clients since the end of the first quarter.

Our team will be taking over the facilitation of Advisory Board meetings going forward, so you will be hearing from either me or Bronwyn regarding the coordination of future meetings. We want to thank George Worthington for his service to the board over the past several years, as well as his efforts to help us take over this task. He will be missed.

### **Program Presentation: Mountain Empire Older Citizens**

#### **Public Guardian Program**

#### **Angela Peters, Program Director**

Angela Peters, the Public Guardian Program Director for Mountain Empire Older Citizens provided a presentation on the local program. Ms. Peters introduced herself and spoke about some of their service areas being very rural; for example, some areas still do not have cell service. She discussed representative payee issues and patient fund accounts issues, and how the program tries to help clients. Ms. Peters said that program staff wear many hats such as counselor, peacemaker, and trainer. Sometimes it is discovered that facility staff will unknowingly trigger a client's issues and program staff will provide training for staff. Ms. Peters provided in-depth context on the workings of the local multi-disciplinary panel, which consists of someone from the local community services board (CSB), local center for independent living (CIL), local health department, a home health agency representative, seven members from nursing facilities, two from assisted living facilities, seven from the local Department of Social Services, someone from Medicaid and the former local Long-term Care Ombudsman. Staff with the program are on call 24/7 and often receive calls at night and on weekends. The program maintains a fund to buy small items that clients may need above and beyond the monthly \$30 provided through Medicaid. There was discussion about the programs, and members thanked Ms. Peters for her thorough presentation.

#### **Other Business**

#### **Lindsay Pickral**

Erica Wood shared that Sen. Roem will be introducing a bill regarding training for guardians.

George Worthington informed the members that there have been 3 reappointments and 1 new appointment to the Board, although we cannot provide further information until the Governor's press release has come out, likely on Friday, December 1.

#### **Future Meeting Dates**

**Lindsay Pickral**

*March 26, 2024*

*June 18, 2024*

*September 10, 2024*

*November 19, 2024*

There was discussion about moving the scheduled November 26 meeting to November 19 to avoid a conflict with the Thanksgiving holiday. A motion was made by Susan Elmore and seconded by Kimberly King. The vote was unanimous and the new second quarter meeting date for 2024 will be November 19, 2024.

#### **Public Comment**

**Lindsay Pickral**

Chair Lindsay Pickral asked if there were any public comments. There were none.

#### **Meeting Adjournment**

**Lindsay Pickral**

Ms. Pickral adjourned the meeting at 1:04 p.m.