

**Public Guardian and Conservator Advisory Board
Third Quarter Meeting
March 26, 2024
Department for Aging & Rehabilitative Services**

Meeting Minutes

Members Present

Lindsay Pickral, Chair
Mackay Boyer
Susan Elmore
Mary Jane Hall
Kathy Harkey
Reynold ("Rusty") Jordan
Tara Ragland
Donna Smith
Ming Truong
Erica Wood
Cristi Zedd
Monica Karavanic (electronic)
Kimberly King (electronic)

Members Absent

Ming Truong

DARS Staff

Laura Koch
Bronwyn Lewis
Cecily Slasor
Marcia DuBois
Charlotte Arbogast

Welcome and Introductions

Lindsay Pickral, Chair

Chair Pickral called the meeting to order at 10:42 AM and asked members and guests to introduce themselves. Two members participated electronically due to personal matters: Monica Karavanic and Kimberly King.

Chair Pickral reviewed the powers and duties of the Public Guardian Advisory Board.

Review of Proposed 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 Rusty Jordan. Cristi Zedd seconded the motion. The vote was unanimous, and the agenda was adopted as presented.

Review of Previous Meeting Minutes

Lindsay Pickral, Chair

Chair Pickral presented the minutes from the meeting held November 28, 2023, and asked for comments or corrections. Kimberly King pointed out a correction was needed for the labels in the client data section on page 5. Erica Wood pointed out a typo in her name. The minutes were adopted with the proposed changes.

Public Comment

Lindsay Pickral, Chair

There were no public comments received or presented.

Division for Community Living Report

Marcia DuBois, DARS Deputy Commissioner

Deputy Commissioner DuBois presented an overview and update of the Division for Community Living at DARS, which houses the Public Guardian Program (PGP).

WINGS

The Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) group met in Williamsburg on March 20, 2024. Laura Koch, Virginia Public Guardian Program Director, provided a comprehensive overview of the PGP. Ms. Koch skillfully answered many in-depth questions about the program and there was great engagement from the group. This provided a wonderful opportunity to highlight the differences between public and private guardianships.

Ms. DuBois recognized the excellent work done by Erica Wood and the WINGS training committee, which has been developing a guardianship training video for more than a year. Ms. Wood presented WINGS attendees with a preview of the two modules the committee has fully completed, which Ms. DuBois praised as superb. In light of new legislation that will require DARS to develop mandatory training for all guardians, the WINGS Training Committee has wrapped up its work and is providing DARS with the completed training modules and the full transcript.

Federal Budget

A federal government shutdown was averted on Saturday, March 23, 2024. This was a positive development because while the PGP and DCL are state funded, DARS has over 75% federal funding for several divisions.

State Budget

State legislation regarding funding could impact the following DARS areas:

- Brain Injury Services
- Centers for Independent Living (CIL)
- Dementia Care Case Management
- No Wrong Door – project for dementia

- Public Guardian Program – training for all court-appointed guardians
- Executive Director for the Commonwealth Council on Aging

Brain Injury Awareness Month

March is Brain Injury Awareness Month. Ms. DuBois shared that a brain injury includes any harm to the brain that causes problems in an individual's life. The brain can be hurt in many ways, and no two brain injuries are exactly alike. A traumatic brain injury (TBI) is an injury caused by a blow, jolt, or bump to the head. Some of the most common causes of traumatic brain injuries are falls, car accidents, sport-related accidents, and assaults. Acquired or non-traumatic brain injuries, on the other hand, include those caused by a stroke, lack of oxygen, infection, a brain tumor, or exposure to toxic substances. Ms. DuBois shared that in the United States, more than five million people live with a permanent brain injury-related disability (one in sixty). Approximately 300,000 individuals in Virginia are living with a brain injury.

Public Guardian Program Update

Laura Koch, Director

Ms. Koch provided an update on the Virginia Public Guardian and Conservator Program.

Consultation Services with Patti Meire

Ms. Koch reported that she has the good fortune of receiving ongoing consultation from her predecessor, Patti Meire. After a period of intensive weekly in-person meetings, their time has tapered off some, but they remain in close communication, and Ms. Meire is always available to answer questions or talk through an issue.

Program Director Changes

Ms. Koch indicated that this has been a period of transition for the Local PGP. Both The Arc of Northern Virginia and Commonwealth Catholic Charities had a program director leave within the past eight months and have interim staff covering the position while training someone to assume the role. The program director at Senior Connections is also leaving effective April 1, 2024; they are promoting one of their own experienced guardian representatives, who will likely be able to hit the ground running.

Program Specialist Hiring

Ms. Koch shared that DARS is also in the midst of a hiring process. The PGP is funded for two program specialists and will soon be filling the second position. They have several good candidates and hope to make an offer soon. Ms. Koch looks forward to introducing the new specialist to the Board at the next scheduled meeting. She communicated her gratitude for Bronwyn Lewis, PGP

Specialist, for her commitment to this program, energy, and can-do attitude. Ms. Koch indicated they had agreed to delay hiring until they were both more oriented to their own roles, although this had required more work of Ms. Lewis.

Southern Border

Ms. Koch provided an update regarding the forty client slots that were the subject of the RFP issued in 2023. The slots were reserved for several underserved counties along the Virginia/North Carolina border. The RFP did not result in a new local provider; however, Jewish Family Service (JFS) Tidewater was willing and able to expand services to these counties, and the forty slots were allocated to them as of November 1, 2023. Despite JFS-Tidewater's efforts at outreach and develop referral sources, there have only been a handful of new referrals from the targeted region thus far.

Data Management and Monitoring

Ms. Koch pointed out that at the start of the PGP, each client's journey through the program was tracked only on paper. While data management has improved from these early days, the program has experienced a great deal of growth in recent years—including a 91% increase in client slots since 2016. With the inevitable addition of slots in the future, the PGP needs to improve its capacity for data collection, management, and reporting.

Ms. Koch stated that the PGP generally has a delayed picture of what is going on with the providers. Although providers submit a notice within five days of a client's removal from a Local PGP, details of other changes are delayed, such as changes to the waitlist and how many clients moved to in-process status. This information is not available until the quarterly reports are submitted a few weeks after the close of each state fiscal quarter. It takes DARS a great deal of time to process these 12 reports and transfer the data to the PGP's Excel tracking spreadsheet. While the numbers do not change significantly from quarter to quarter, the delayed updates could pose a problem if the PGP receives a complaint or inquiry about a newly added client.

Ms. Koch and Ms. Lewis have therefore been working with the DARS IT department on solutions for database management. They hope to improve the ability for reporting and allow real-time entry of data by the Local PGPs. This will also benefit the providers, who will not have to spend so much time transferring their data into the quarterly report.

DARS is also preparing to start conducting desk reviews of client files as part of the ongoing monitoring of providers. Reviewing files on-site has meant that monitoring visits for larger programs would take up to a week. On-site monitoring visits can be focused primarily on meetings with staff, clients, and

service providers. This will also reduce the disruption to local providers' day-to-day operations.

WINGS

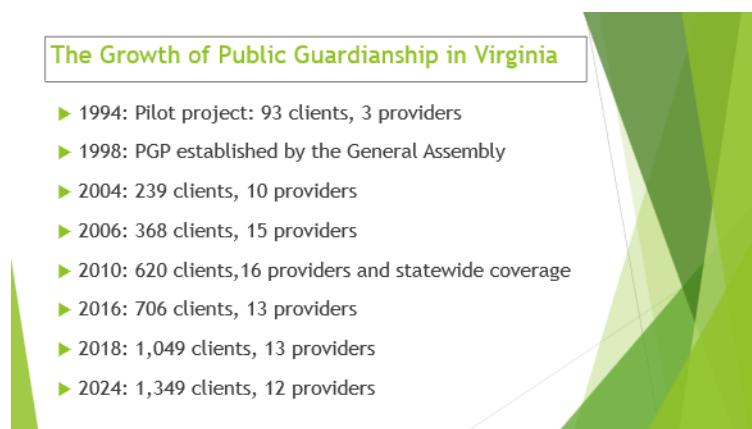
In addition to Ms. DuBois' comments regarding WINGS, Ms. Koch added that the group's mission is to be "an ongoing court-stakeholder partnership that drives changes affecting guardianship and conservatorship policy and practice through planning and action to enhance the quality of life of at-risk adults." At the last WINGS meeting, she also had the pleasure of meeting Judge Hall and Rusty Jordan, WINGS members who are now on the Advisory Board.

Program Data

Ms. Koch explained that currently there is no direct way of counting how many adults in Virginia have a court-appointed guardian, but all guardians appointed by a Virginia circuit court are required to submit an "Annual Report of Guardian for an Incapacitated Person," to the Local Department of Social Services (LDSS) for the jurisdiction where the individual resides. Therefore, the number of reports submitted provides an estimate of the number of guardianships.

In 2023, LDSS workers were responsible for reviewing annual guardian reports for 16,778 people, compared to just under 13,000 in 2018. About 1,100 of the reports in 2023 were from public guardians, which means public guardianships represented about 7-8% of the total guardianships in the Commonwealth.

Ms. Koch reviewed numbers from prior biennial reports to the General Assembly to track the growth of public guardianship slots over time. The last increase was in SFY 2022, when the General Assembly added 300 slots—which brought the program to its current level of 1,349. This is a 91% increase in the number of client slots since 2016.



The program is currently about 85% full across all four funding categories. There are a total of 1,144 clients; 1,054 of those are active and 90 are in-process. Ms. Koch reminded the Board that in-process clients are individuals who have been offered a slot by a Local Public Guardian Program but are waiting for a court order appointing the local program as their guardian before services can begin. These individuals are counted in the client total because the program has to hold the slot open once it is offered to the individual.

The following data is from the PGP's 2024 biennial report to the General Assembly (<https://rga.lis.virginia.gov/Published/2024/RD119>)

Public Guardian Client Data

Age Range	Percentage
18-39	19%
40-59	27%
60-79	46%
80-99	8%

Type of Residence	Percentage	Type of Residence	Percentage
Group Home	45%	Living Independently	3%
Nursing Home	23%	Patient at a State Hospital	2%
Sponsored Residential Home	13%	Intermediate Care Facility	1%
Assisted Living Facility	12%	Other	1%

Age Distribution: As of December 1, 2023, the oldest active client was 98 years old and the youngest was 18 years old. In the Unrestricted category, DARS-MI/ID, and DBHDS-MI categories, the largest percentage of clients fall between the ages of 60 and 79. Clients over 60 now represent 67% of Unrestricted slots and 64% of DARS-MI/ID slots, compared to 60% and 51%, respectively, two years ago. By contrast, clients in the DBHDS-ID/DD category tend to be younger, with 62% being under age 60. The longest period of public guardianship is for a 60-year-old client who has been in the program since 1997 – 27 years.

Residence Type: Most clients in the Program (81%) live in a group home, nursing home, or sponsored residential home. Group homes and sponsored residential homes are both DBHDS-licensed residential settings that primarily serve clients diagnosed with an intellectual disability. The “Other” category includes settings such as private hospitals, crisis stabilization, or living in the community with family or friends.

During the second quarter of FY 2024:

- There were 24 court-ordered appointments of a public guardian.
- 33 client deaths were reported – 29 active clients and 4 who were in-process.
- 13 active or in-process clients were removed for reasons such as finding a substitute guardian, failure of the referring party to move forward, etc.). Two active clients were restored to capacity.
- 48 new in-process clients were added, but the program was notified that 10 of the individuals referred by Community Services Boards for ID/DD slots no longer needed a guardian, leaving 38. (In the prior quarter, 20 in-process clients were added.)

The next chart summarizes the latest Unrestricted slot status by provider. There are two programs that have been struggling to fill their Unrestricted slots, and the PGP is actively working with them to determine whether it makes sense to redistribute some of these slots to other programs.

Local Public Guardian Program	Slot Type / Funding Category												Total Slots Allocated	Total Active + IP	% Full			
	Unrestricted			DARS-MI/ID			DBHDS-ID/DD			DBHDS-MI								
	Slots Allocated	Active	% Full	Slots Allocated	Active	% Full	Slots Allocated	Active	% Full	Slots Allocated	Active	% Full						
Alleghany Highlands	20	16	80%										20	16	80%			
Appalachian AAA	40	34	85%										40	34	85%			
Arc of Northern Virginia	17	17	100%				33	30	91%				50	47	94%			
Bridges Senior Care Solutions	116	99	85%				119	119	100%	34	25	74%	269	243	90%			
Catholic Charities of Eastern Va	82	64	78%				38	38	100%				120	102	85%			
Commonwealth Catholic Charities	56	19	34%	20	18	90%	84	82	98%				160	119	74%			
District Three Governmental Coop.	112	93	83%				23	22	96%	25	19	76%	160	134	84%			
Family Service of Roanoke Valley	54	47	87%				46	44	96%				100	91	91%			
Jewish Family Services (Richmond)	22	19	86%				18	18	100%				40	37	93%			
Jewish Family Services - Tidewater	158	118	75%				83	82	99%	39	32	82%	280	232	83%			
Mountain Empire Older Citizens	60	52	87%										60	52	87%			
Senior Connections AAA	20	10	50%	20	17	85%	10	10	100%				50	37	74%			
Totals	757	588	78%	40	35	88%	454	445	98%	98	76	78%	1,349	1,144	85%			

IP = In-Process

Notes:

* JFS-Tidewater's Unrestricted openings include 36 of 40 additional slots allocated on 11/1/23; the program was requested to hold these slots for referrals from five counties along the southern border.

** Waitlists for DBHDS-designated slots are not maintained by providers. DARS will fill the ID/DD openings within the next week.

Training

Ms. Koch shared that she and Ms. Lewis have been working hard to prepare an informative and helpful statewide training for the program directors and guardian representatives. The training will be held in Charlottesville on May 15 and 16, 2024, plus a morning meeting on May 17, 2024, for program directors only. Ms. Lewis shared details about the training, highlighting some of the key speakers and training topics, which will also be discussed in the next Advisory Board meeting.

Legislative Update

Erica Wood, Legislative Committee Chair

Ms. Wood provided an overview of recent legislation.

SB291 – Sen. Roem

Guardian Training

Directs DARS to develop training to be provided to all court-appointed guardians. This training will be available by July 1, 2025. Guardians will need to complete it by January 1, 2027, and every 36 months thereafter.

SB292 – Sen. Roem

Report of Guardian ad litem (GAL)

Adds to the required items concerning the suitability of a proposed guardian or conservator that the GAL must include in their report to the court.

HB786 – Del. Hope

Restoration of Rights

Allows an adult that is subject to guardianship or conservatorship who is not represented by counsel to initiate the process for restoration to capacity or to have guardianship or conservatorship modified or terminated by sending an informal, written communication to the court, in lieu of a petition.

SB290/HB115 – Sen. Roem, Del. Sullivan

Order of Appointment & Certificate of Qualification; Annual Report

Requires a cover sheet to be filed with a petition for appointment of guardian or conservator. This form will be prepared by the Office of the Executive Secretary. This bill also clarifies the dates for initial and subsequent filing of the annual report.

Working Lunch: Overview of the Catholic Charities of Eastern VA (CCEVA) Public Guardianship Program

Mirlande Sledge, Program Director

Ms. Sledge and case manager Nanette Mitchell described the work of the CCEVA Public Guardian Program. Ms. Sledge noted that the program began in 1998 and

currently has seven full-time case managers (guardian representatives). She indicated that the individuals they serve are like family, and staff seek input from them regarding their life decisions, celebrate their birthdays, etc. The staff at CCEVA is very dedicated and often go above and beyond with clients.

Ms. Sledge and Ms. Mitchell shared stories about some of their clients and challenges faced in caring for them. Board members asked questions and provided feedback. Ms. Karavanic asked about staff turnover at CCEVA. Ms. Sledge indicated that there are many long-term staff at CCEVA; however, they have seen a decrease in the involvement of college interns after the COVID-19 pandemic. Ms. Elmore suggested they get in touch with a local community college to seek out additional interns.

Other Business

Lindsay Pickral, Chair

There was no additional business for the Board.

Future Meeting Dates

Lindsay Pickral, Chair

June 18, 2024

September 10, 2024

November 19, 2024

Public Comment

Lindsay Pickral, Chair

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

Meeting Adjournment

Lindsay Pickral, Chair

Ms. Pickral adjourned the meeting at 1:30 PM.