

**Public Guardian and Conservator Advisory Board  
Fourth Quarter Meeting  
June 18, 2024  
Department for Aging & Rehabilitative Services  
Virtual Meeting**

**Meeting Minutes**

**Members Present**

**Lindsay Pickral, Chair**  
**Mackay Boyer**  
**Mary Jane Hall**  
**Reynold “Rusty” Jordan**  
**Kimberly King**  
**Ming Truong**  
**Tara Ragland**  
**Donna Smith**  
**Erica Wood**  
**Cristi Zedd**  
**Lucy Beadnell**  
**Angie Phelon**  
**Saundra Davis**

**Member Absent**

**Susan Elmore**  
**Katherine Harkey**

**DARS Staff**

**Marcia DuBois**  
**Laura Koch**  
**Ansley Perkins**  
**Catherine Harrison**  
**Charlotte Arbogast**

**Welcome and Introductions**

**Lindsay Pickral, Chair**

Chair Pickral called the meeting to order at 10:34 a.m. and welcomed members and guests. She also provided a membership update. Ms. Wood is completing her term with the Commonwealth Council on Aging this month, and her term with the Board is therefore also ending. Ms. Wood has been a tireless advocate for many years and her leadership and involvement will be greatly missed. Chair Pickral welcomed two new members who were appointed since the last meeting: Lucy Beadnell from The Arc of Northern Virginia and Saundra Davis, a community advocate. Members and guests introduced themselves. This was the

first meeting attended by Ansley Perkins, who joined the Public Guardian Program (PGP) at DARS in May, and she shared some of her background. Chair Pickral reviewed the powers and duties of the Public Guardian and Conservator Advisory Board (Board).

### **Review of Proposed Agenda**

#### **Lindsay Pickral, Chair**

Chair Pickral requested that members review the agenda and provide any comments. A motion to adopt the agenda was made by Kimberly King and seconded by Cristi Zedd. The vote was unanimous, and the agenda was adopted as presented.

### **Review of March 26, 2024, Meeting Minutes**

#### **Lindsay Pickral, Chair**

Chair Pickral presented the minutes from the March 26, 2024, meeting and asked for any comments or corrections. There were none and the minutes were adopted.

### **Public Comment**

#### **Lindsay Pickral, Chair**

There were no public comments received or presented.

### **Program Presentation: Overview of District Three Governmental Cooperative's Local Public Guardianship Program**

#### **Chris Stone, District Three, Director of Aging and Disability Services**

Chair Pickral explained that the purpose of program presentations is to allow the Board to learn about the work of the 12 Local Public Guardian Programs around the state. Ms. Pickral introduced Chris Stone, who ran Local Public Guardian Program at District Three for years and was recently promoted to Director of Aging and Disability Services. The current Program Director, Jamie Sprowles, is on vacation this week, but Ms. Stone agreed to share her deep knowledge of the program, its successes, and its challenges.

Ms. Pickral highlighted Ms. Stone's 30 years of experience in long-term care and 20 years of experience related to guardianship. Ms. Stone greeted the Board and provided a history of District Three's Local PGP. She said although the DARS PGP started in 1998, Southwest Virginia did not consider [public] guardianship a priority at that time. Ms. Stone began working at District Three in 2004 and has had varying levels of involvement with the Local PGP since that time. She stressed to the Board that the acuity level of clients was not as complex then as it is now. When District Three contracted to serve its first 34 public clients in 2000, the Local PGP had two staff – the program director and one guardian representative. The Local PGP has continued to expand and currently has 160 client slots, served by a program director and seven guardian representatives. She said they have been advertising for another guardian representative, but it is challenging to hire because people can make more money working in a factory.

The Local PGP's catchment area includes ten counties and three independent cities. Ms. Stone highlighted the excellence of their program, specifically the dedication of the guardian representatives to their clients and their professionalism; three have a Master's degree, and four have a Bachelor's degree. There is also a nurse to assist with medical issues. Ms. Stone shared two client success stories. She highlighted the importance of community collaboration and the seriousness of the challenges the guardian representatives face, including lack of resources and transportation issues. The Board was actively engaged during the presentation; the discussion included staffing ratios, required documentation, and client stability.

### **Division for Community Living Report**

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

Deputy Commissioner Marcia DuBois presented an update on DARS and the Division for Community Living.

#### **Governor Youngkin's Visit to DARS**

Governor Youngkin and Secretary Littel visited DARS Central Office in April. The DARS leadership team presented an overview of DARS' mission, operations and objectives, and each division director gave brief overviews of the services and programs DARS provides. There was also an opportunity to share information about the PGP and then-pending legislation for training of all guardians.

#### **State Budget**

Legislation was passed during the 2024 Regular Session directing DARS to develop and begin providing training for all court-appointed guardians by July 1, 2025. Ms. DuBois reminded Board members of the collaboration between Erica Wood and the Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) training committee. The committee had previously provided a preview of its intensive work on a guardianship training video. The presentation was superb, and they have offered to let DARS utilize the material since the new legislation requires DARS to provide guardianship training to all guardians – not just public guardians.

#### **Additional funding:**

- Centers for Independent Living (CILs) – more than \$500,000.
- Brain Injury Services – \$2.5 million collectively.
- Personal Assistance Services – over \$225,000.
- Area Agencies on Aging (AAA) – \$700,00, to include funding for dementia planning and the dementia project through No Wrong Door.
- Commonwealth Council on Aging – \$150,000 for the position of Executive Director.

- Auxiliary Grant – over \$17.5 million.
- APS Hotline – over \$246,000.

## **Public Guardian Program Update**

### **Laura Koch, Director**

Ms. Koch provided an update on the Public Guardian Program.

### **Annual Statewide Training**

Ms. Koch reported that there were nearly 80 directors of Local PGPs and guardian representatives who attended the two-day statewide annual training. The PGP was pleased that three members of the Board were able to attend the annual training; Kimberly King was present both days and Donna Smith and Angie Phelon came on the second day. The presentations were both dynamic and informative. Dr. Michael Gillette's training on ethical decision making for guardians and Dr. Adam Kaul's presentation on psychotropic medications were particularly popular. Attendees also received very useful information on hospice and end of life issues, veteran and family services, monitoring skin health, and advocating for clients in long term care. Specialist Bronwyn Lewis provided attendees with a great overview titled The Role of the Guardian Representative and assembled an excellent panel of eight presenters from state agencies to discuss the intersection between their work and public guardianship. The PGP also hosted a morning meeting of program directors and other administrators on the third day. DARS hosts quarterly program director meetings, but they are normally virtual; this was the first time Laura and Bronwyn were able to meet with everyone in person. It was also a great opportunity for Specialist Ansley Perkins to get to know everyone a few days after starting in her role.

### **Program Data**

The program is currently 87% full across all four funding categories. There are a total of 1,179 clients; 1,074 are active and 105 are in-process. Ms. Koch reminded the Board that "in-process" clients are those who have been offered a slot by a Local Public Guardian Program but are waiting for the program to be appointed as their guardian. These individuals are counted in the client total because once an offer is made, the program must hold the slot open.

During the third quarter of FY 2024:

- The program added 33 active clients (people for whom a court appointed a public guardian) and 49 in-process clients.
- 26 active clients left the program, and 12 in-process clients were removed from that status. For four of the clients, this was because an alternative was found.
- 29 client deaths were reported; 24 of them were active clients and five were in-process.

Ms. Koch reminded the Board that there were two programs that had been struggling to fill their allocated Unrestricted slots. She was pleased to report that since the March Board meeting, Senior Connections has moved from 50% of capacity to 70%. Commonwealth Catholic Charities has gone from 34% of capacity to 48%, and DARS continues to work with them on managing referrals and the in-process list to support moving clients into openings as quickly as possible. Ms. Koch also shared that DARS had considered redistributing some slots from Commonwealth Catholic Charities to other programs, but given the progress, there will be no change for Fiscal Year 2025, because the situation is expected to improve further given DARS' efforts discussed in the next item.

### **Other PGP Updates**

- Ms. Koch shared with the Board that DARS has been collaborating with the Department for Behavioral Health & Disability Services (DBHDS) to ensure that the waitlist for ID/DD slots has accurate, updated information about referred individuals and their ongoing need for a public guardian. Ms. Koch explained that while some Local PGPs have open Unrestricted slots, there are people on the DBHDS ID/DD waitlist who have been waiting for a public guardian for years. DARS proposed a time-limited policy exception whereby individuals on the ID/DD waitlist are being sent to Local PGPs for consideration [by their respective MDPs] to fill open Unrestricted slots.
- Ms. Koch stated that updates coming to the PGP web page will improve its visual appeal and functionality. Because many people mistakenly approach DARS about private guardianship, the site will include links to general information for the public.

### **Discussion of Board Elections and Nominating Committee**

Ms. Koch explained that the Bylaws indicate that a Nominating Committee should have been elected at the last meeting to prepare and present a slate of candidates for the officer elections at the current meeting; however, this requirement was overlooked as Ms. Koch's team transitioned to replace George Worthington in providing staffing for the Board. Ms. Koch apologized for the oversight and presented the Board with two options: take nominations from the floor and hold elections during the current meeting or elect a nominating committee and hold elections at the September Board meeting. A motion was made by Mary Jane Hall, seconded by Chair Pickral, to proceed with a rollcall vote regarding the proposal to waive the nominating committee requirement in the Bylaws and hold the election for Chair and Vice-Chair at the current meeting. The motion passed unanimously.

The floor was opened for nominations. Kimberly King nominated Lindsay Pickral for Chair of the Advisory Board. There were no other nominations. The members voted unanimously to re-elect Ms. Pickral as Chair of the Advisory Board.

Erica Wood nominated Donna Smith for Vice-Chair of the Advisory Board. There were no other nominations. The members voted unanimously to re-elect Ms. Smith as Vice-Chair. Ms. Pickral and Ms. Smith will begin their second terms at the close of the current meeting.

### **Review and Adopt Electronic Meeting Annual Policy**

#### **Lindsay Pickral, Chair**

The Board addressed an item that was inadvertently skipped earlier in the meeting – the annual renewal of the electronic meeting policy. The proposed policy sent to members for advance review was based on changes required by the Code of Virginia. There was a brief discussion to provide clarification of a few items and corrections of typographical errors. Rusty Jordan moved to adopt the proposed version of the Electronic Meeting Policy with the corrections discussed, and Donna Smith seconded the motion. The Board voted unanimously to adopt the policy.

Ms. Koch reopened the floor for questions regarding her PGP updates. Ms. King asked if staffing was a factor for the programs who had been struggling. Ms. Koch explained that it appeared to be a combination of factors. Staffing had been an issue, as well as the need for the local programs to more actively manage their list of in-process clients to ensure the cases were moving forward.

Chair Pickral adjourned the meeting at 11:59 am for a brief break; Chair Pickral reconvened the meeting at 12:06 pm.

### **Legislative Committee Discussion**

#### **Erica Wood**

Since 2021, the Board has had a policy platform instead of a legislative platform. Ms. Wood highlighted several successes from the policy platform including a technical revision that was made to the Code of Virginia and additional funding for public guardian slots. Last year, the Legislative Committee's recommended policy platform included four items:

- The first item would be for DARS, in conjunction with Local PGP providers, to develop an introductory training for multi-disciplinary panel members.
- The second item would be to enhance the judicial training for circuit court judges across Virginia regarding the PGP. DARS, in collaboration with the Supreme Court Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) could create a judicial fact sheet or other such training opportunity.
- The third item would be for DARS to develop and disseminate training for all guardians in Virginia. As Ms. DuBois stated, this was passed in the last legislative session and signed into law.
- The last item was for DARS to continue working actively with WINGS. She

noted that Ms. DuBois and Ms. Koch are both members. Ms. Wood brought forward two items for the Board's consideration. The first was whether the members wanted to have a policy platform in 2025, and if so, what items should be included. The second item pertained to whether the Board would like to continue have a standing legislative committee. Ms. Wood recommended that the Board adopt a policy platform including the issue of providing judicial training for circuit court judges. She also highlighted the challenges the PGP encounters with the management of its data using labor-intensive spreadsheet that do not provide real time data, unlike a case management database system. Ms. Wood emphasized that many other states utilize such a software system, and she proposed that the Board consider endorsing this funding item. Some of the members provided feedback on the gaps in the judicial knowledge by circuit court judges regarding public guardianship. There was also discussion on the pros and cons of maintaining a Legislative Committee that meets separately, and the selection process for Ms. Wood's replacement as chair of that committee; the Board concluded that a legislative committee was a more efficient way of conducting that business than addressing it during full Board meetings.

A motion was made by Erica Wood, seconded by Mary Jane Hall for the Board to adopt a 2025 policy platform to include support for: developing a training for Local PGP multi-disciplinary panels, providing training on public guardianship for circuit court judges, and providing funding for a case management database system for the PGP. The motion passed unanimously.

Ms. Koch provided clarification from the Bylaws that the Legislative Committee has five members, including the Vice Chair. Two members are appointed by the Chair and two members are elected by the Board at the first meeting of the calendar year. Historically, Legislative Committee meetings immediately follow Advisory Board meetings.

### **Other Business**

#### **Lindsay Pickral, Chair**

Ms. Koch stated that the Board may want to consider eliminating the requirement in the Bylaws of a separate Nominating Committee. Several members voiced assent, so Ms. Koch will draft proposed amendments for consideration at the next meeting.

### **Future Meeting Dates**

#### **Lindsay Pickral, Chair**

The next two meetings will occur on September 10, 2024, and November 19, 2024. The September 10 meeting will be in-person at the DARS Central Office. The meeting on November 19 is currently scheduled to be held electronically. There was some discussion regarding the previous pattern of holding every-other-meeting electronically. Ms. Arbogast provided clarification that two meetings per calendar year may be held virtually. She also explained that when the Board was previously overdue

for appointments, holding virtual meetings it made it easier to obtain a quorum and ensure that business could be conducted. The issue will be placed on the agenda for additional discussion at the next meeting.

**Public Comment**

**Lindsay Pickral, Chair**

Chair Pickral again invited members of the public to speak. There were no public comments.

**Meeting Adjournment**

**Lindsay Pickral, Chair**

Ms. Pickral thanked all Board members and guests for their attendance and adjourned the meeting at 12:46 p.m.