

**Public Guardian and Conservator Advisory Board
Quarterly Meeting**

Tuesday, September 10, 2024, 10:30 a.m.

In-Person

**Virginia Department for Aging and Rehabilitative Services
8004 Franklin Farm Drive
Henrico, VA 23229**

APPROVED MINUTES

Members Present In-Person: Lindsay Pickral, Chair; Lucy Beadnell; MacKay Boyer; Mary Jane Hall; Katherine "Kathy" Harkey; Susan Jenkins; Reynold "Rusty" Jordan; Kimberly King; Ellen Nau; Angie Phelon; Tara Ragland; Donna Smith; Cristi Zedd

Members Participating Electronically: Susan Elmore

Members Absent: Saundra Davis

DARS Staff Present In-Person: Charlotte Arbogast; Marcia DuBois; Catherine Harrison; Laura Koch; Bronwyn Lewis; Fay Lewis; Ansley Perkins

Welcome and Introductions

Lindsay Pickral, Chair

Chair Lindsay Pickral called the meeting to order at 10:37 a.m. and welcomed members and DARS staff. Laura Koch confirmed that a quorum was present. There were no objections to Susan Elmore participating electronically from Colonial Heights, VA, based on medical necessity.

Lindsay Pickral welcomed two new members, Ellen Nau and Susan Jenkins. Members and DARS staff introduced themselves.

Lindsay Pickral reminded members about the PGCAB's purpose and role under the Code of Virginia.

Review and Adopt Agenda

Lindsay Pickral, Chair

Lindsay Pickral presented the proposed agenda. Board staff Laura Koch indicated a need to combine the discussion of the Legislative Committee with the discussion of the proposed bylaws. Rusty Jordan made a motion to approve the agenda with this change. The motion was seconded by Cristi Zedd. The members voted unanimously to approve the agenda.

Review and Adopt Minutes from June 18, 2024

Laura Koch, Board Staff and Lindsay Pickral, Chair

Board staff presented the minutes from the meeting held June 18, 2024. After discussion, Rusty Jordan made a motion to approve the minutes with technical edits to pages 1 and 3. The motion was seconded by Mary Jane Hall. The members voted unanimously to approve the minutes.

Public Comment

Lindsay Pickral, Chair

Lindsay Pickral opened the floor for public comment. No comments were presented.

Division for Community Living Report

Marcia DuBois, DARS Deputy Commissioner

Deputy Commissioner Marcia DuBois provided updates regarding the Division for Community Living. Under changes to the Code of Virginia enacted in 2024, DARS will develop and implement a training for all court-appointed guardians (public and private) by July 1, 2025. DARS will be working with a vendor to create an online presentation. As discussed at the last meeting, the training will incorporate content created by the training committee of the Working Interdisciplinary Network of Guardianship Stakeholders (WINGS).

Ms. DuBois reminded everyone that September is “National Preparedness Month,” and stressed the importance of assembling an emergency kit of essential supplies, such as medications, mobility aides, water, food, and important documents. It is especially important for people with disabilities and Virginia’s older adults to be prepared for disasters and other emergencies. Two sources of additional information are the DARS YouTube Channel (<https://www.youtube.com/watch?v=pvqzON93i1E>) and [Ready.Gov](https://www.ready.gov).

Ms. DuBois informed members that Governor Youngkin recently appointed Janet Kelly to be Secretary of Health and Human Services after appointing the former Secretary John Littel to be his Chief of Staff. Secretary Kelly previously served as the Secretary of the Commonwealth from 2010 to 2014, and most recently served as the Governor’s Special Advisor for Children and Families.

Public Guardian Program (PGP) Updates

Laura Koch, Program Director

Laura Koch informed the Board that one complaint was received against a Local PGP this past quarter. The complaint was submitted by a residential provider who alleged that a guardian representative was not acting in the best interest of a client. The allegations were not substantiated.

Ms. Koch shared that all local programs are in compliance with the required client to staff ratio of 20:1. The two programs that had been struggling to fill their Unrestricted Slots, Senior Connections and Commonwealth Catholic Charities, have improved over the past two quarters. They are now at 80% full and 73% full, respectively.

During the fourth quarter of FY2024:

- the PGP added 76 new active clients (local program has been appointed the public guardian and/or conservator by the corresponding Circuit Court);
- 26 active clients exited the program (20 due to death and 6 for other reasons – such as the availability of another funding source);
- 22 in-process clients were removed prior to court appointment of a public guardian (10 because an alternative to public guardianship was found, 4 due to death, and 8 for other reasons).

Ms. Koch shared that, based on currently available data, the PGP is 93% full, with 1,249 clients – 70 more than at the time of the June 2024 Board Meeting. Of those clients, 1,131 are currently active and 118 are in process, meaning a client slot is being held for them while they await completion of the court process.

DARS PGP staff had a positive monitoring visit to District Three in August 2024. In addition to reviewing client and administrative files, they visited 14 clients and were impressed with the dedication and knowledge of the local guardian representatives. They look forward to visiting Mountain Empire Older Citizens and Appalachian Agency for Senior Citizens later in September 2024.

The Program has begun collecting information about client diagnoses from Local PGPs in their quarterly reports. This will eventually provide a better sense of the client population and changes over time, help identify training needs, and allow the PGP to respond to requests for information about diagnoses, including a recent inquiry about how many PGP clients are diagnosed with a brain injury.

Ms. Koch concluded with a story conveyed by District Three staff about a positive outcome for one a client who had been sentenced to serve 99 years in a state hospital after being convicted for arson. Due to the advocacy of the guardian representative, this client was able to be placed in a group home with close supervision, and he has been thriving for the past five years.

Discussion of Proposed Amendments to Bylaws

Laura Koch, Program Director

Laura Koch presented the proposed bylaws and a summary of revisions, most of which were ministerial in nature. Laura Koch and Charlotte Arbogast presented substantive changes for member consideration, including the proposed elimination of the Nominating Committee and a change to the number of times officers can succeed

themselves. Members discussed the timing of determining the membership of the Legislative Committee and agreed this should continue to occur at the March meeting. Members discussed allowing the Chair to fill vacancies on the Legislative Committee.

MacKay Boyer made a motion to adopt the proposed bylaws with the changes discussed, including allowing officers to succeed themselves three times rather than once, elimination of the Nominating Committee, and allowing the Chair to fill Legislative Committee vacancies. Rusty Jordan seconded the motion. The members voted unanimously to approve the revised bylaws.

Discussion of Electronic Meeting Frequency Laura Koch, Program Director

Laura Koch reminded members that under the Virginia Freedom of Information Act (FOIA), up to 50% of the Board's meetings may be electronic (all-virtual). She presented the option to return to more in-person meetings since the Board is now at full membership capacity. Members discussed the advantages and disadvantages of in-person and virtual meetings and ultimately decided to continue alternating between in-person and virtual meetings; however, one additional in-person meeting per year may be scheduled if feasible.

Working Lunch: Virtual Presentation by Dorothy Salomonsky, Director of the Local Public Guardian Program at Jewish Family Service of Tidewater (JFST)

Dorothy Salomonsky was invited to discuss the JFST Public Guardian Program. She described JFST as a non-profit providing a full spectrum of social and health services to meet the needs of Hampton Roads residents. Ms. Salomonsky directs JFST's Personal Affairs Management Program (PAM). She provided an overview of PAM's services, which include both private and public guardianship and conservatorship. She then discussed the history of JFST's local program and the role the organization played in envisioning the Virginia Public Guardian and Conservator Program at DARS.

Ms. Salomonsky described the operations of the Local PGP and its emphasis on providing person-centered services. She explained that the guardian representatives work in small teams with a supervisor and have 24-hour access to a clinical director with relevant expertise. Through donations and partnerships with local organizations, JFST provides a holiday gift to each of its clients. Ms. Salomonsky identified challenges, including the lack of housing options, maintaining placements for clients with challenging behaviors, navigating client benefits, and recruitment and retention of staff. She concluded by sharing three successful case studies.

Members of the Board had an opportunity to ask questions. Mary Jane Hall asked about the separation of the public and private programs. Ms. Salomonsky emphasized the requirement to keep the programs separate but noted that JFST operates the private

guardian program under the same standards that its public program is required to meet.

Susan Elmore inquired if any JFST clients have ABLE 529 accounts and if that hinders access to the public guardian program. Ms. Salomonsky responded that special needs trusts and ABLE accounts are not disqualifying factors for accessing the program, but depending on the extent of a client's resources and how they are structured, the client may be shifted to the private guardianship program.

Kathy Harkey asked how JFST deals with finding placements for clients with difficult needs or behaviors. Ms. Salomonsky noted that they are fortunate to have more residential options in the Tidewater area than other parts of the state, but some clients choose to be homeless. Due to the amount of misunderstanding among service providers, JFST is hosting a summit on 9/24/24 to increase understanding of the roles and responsibilities of guardians and conservators, and Ms. Salomonsky invited interested members to attend.

Lindsay Pickral inquired about JFST's referral sources. Ms. Salomonsky shared that her organization is well known in Hampton Roads. They receive referrals from local departments of social services (LDSS), hospitals, nursing homes, community services boards (CSBs), etc.

Rusty Jordan expressed his gratitude to Ms. Salomonsky for the help JFST's local program has provided to Isle of Wight DSS. Donna Smith also expressed appreciation. Ms. Pickral and the members thanked Ms. Salomonsky for her presentation.

Next Board Meeting and Proposed Meeting Dates for 2025

Lindsay Pickral, Chair

Lindsay Pickral stated that the next meeting of the Public Guardian and Conservator Advisory Board will be on November 19, 2024, at 10:30 a.m.

The following meeting dates were proposed for the 2025 calendar year:

March 18, 2025

June 17, 2025

September 16, 2025

November 18, 2025

Mary Jane Hall made a motion to approve the proposed meeting dates. Angie Phelon seconded the motion. The motion was approved unanimously, and the 2025 meeting dates were finalized.

Additional Business

There was no new business.

Public Comment**Lindsay Pickral, Chair**

Lindsay Pickral opened the floor for public comment. No comments were presented.

Meeting Adjournment

The meeting was adjourned at 1:27 p.m.

Meeting Handouts:

1. Proposed Meeting Agenda for September 10, 2024
2. Draft Meeting Minutes for June 18, 2024
3. Draft Revisions to the PGCAB Bylaws
4. PGCAB Electronic Meeting Policy