

Public Guardian and Conservator Advisory Board
Quarterly Meeting
Tuesday, March 18, 2025, 10:30 a.m.
Virginia Department for Aging and Rehabilitative Services
8004 Franklin Farm Drive
Henrico, VA 23229

DRAFT MINUTES

Members Present: Lindsay Pickral, Chair; Lucy Beadnell; MacKay Boyer; Saundra Davis; Susan Elmore; Susan Jenkins; Ellen Nau; Kimberly King; Angie Phelon; Donna Smith; Cristi Zedd

Member Present Virtually: Reynold "Rusty" Jordan

Public Present Virtually: Megan Thacker, National Alliance on Mental Illness (NAMI) Virginia

Members Absent: Tara Ragland; Katherine "Kathy" Harkey; and Mary Jane Hall

DARS Staff Present: Charlotte Arbogast; Marcia DuBois; Catherine Harrison; Laura Koch; Bronwyn Lewis; Ansley Perkins; Ellie Rest; Fay Lewis

Presenter: Danah Kaigler, Director of Disability Services, Commonwealth Catholic Charities (CCC)

Welcome and Introductions

Lindsay Pickral, Chair

Chair Lindsay Pickral called the meeting to order at 10:36 a.m. and welcomed members including "Rusty" Jordan who attended virtually and DARS staff. Ms. Pickral welcomed one public guest, Megan Thacker from NAMI Virginia, who also attended virtually. It was confirmed that a quorum was present.

Ms. Pickral read the powers and duties of the board as a reminder 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. Donna Smith made a motion to approve the agenda. The motion was seconded by Susan Elmore. The members voted unanimously to approve the agenda.

Review and Adopt Minutes from November 19, 2024

Lindsay Pickral, Chair; Laura Koch, and Board Staff

Board staff presented the minutes from the meeting held November 19, 2024. The minutes were approved as prepared.

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 several new hires that recently joined the Division for Community Living: Brain Injury Services Coordination Unit Director, Amy Loving, and Vocational Rehabilitation Personal Assistance Services Coordinator, Monica Powell. Both are reported to come with a wealth of experience in human services.

Ms. DuBois informed the members that the DARS Central Office will be relocating during the Summer of 2025. The relocation will take the office location further west to Cox Road in Glen Allen, Virginia, and staff that are currently housed in the three Forest Park locations will be in one building. Ms. DuBois also noted that the new office location will be next door to the Virginia Department of Social Services.

Ms. DuBois updated members that the Virginia General Assembly will reconvene on April 2, 2025, to complete its work from the regular session. Some items that made it through the regular session included new funding for Area Agencies on Aging, Centers for Independent Living, Brain Injury Programs, Neurobehavioral and Neurorehabilitation facilities, as well as increased rates for nursing homes and adult day centers, Dementia Case Management, and Dementia Pilot Program.

Public Guardian Program (PGP) Updates

Laura Koch, Public Guardian and Conservator Program Director

Ms. Koch provided an update on the status of the Public Guardian and Conservator Program (PGP). She informed the Board that the PGP received no complaints since the last Board meeting. Commonwealth Catholic Charities is currently out of compliance with the ideal ratio of 20 clients to 1 full-time staff. As of February 15, 2025, the program's ratio was 23:1, but this issue is expected to be resolved by April 1, 2025, as several new staff will be trained and ready to begin carrying a caseload.

The program is now 95% full, with a total of 1,276 clients. Of that total, 1,162 clients are currently active. The remaining 114 clients are waiting for completion of the court process, requesting that a local program be appointed as their public guardian.

During the second quarter of FY25, thirty-three clients became active with the program, compared to fourteen in the first quarter. Fifty-four clients left the program, forty-two of whom were active. Thirty-nine of these active clients were removed due to death. A substitute guardian was appointed for the other three active clients after someone was located who was willing to serve in that capacity.

Twelve clients were removed from the program while waiting for court appointment of a guardian. Six clients passed away, one was found not to qualify financially, and someone else stepped forward to become the guardian for the other five, which is always a positive development.

The PGP has been working with the Department of Behavioral Health and Developmental Services (DBHDS) to make sure open slots are efficiently filled. This includes being flexible about slot designations in the interest of reducing the wait time for individuals living with an intellectual or developmental disability (ID/DD). Referred individuals placed on the waitlist for a DBHDS-designated slot may be considered for an open Unrestricted slot if the local program has no current waitlist.

The Annual Statewide Training for the PGP's contracted local programs and their staff is planned for May 7 and 8, 2025, at Virginia Crossings in Glen Allen, VA. Topics include crisis prevention, managing end of life issues, vicarious trauma, and stress management practices. There will also be an opportunity at the end of the second day for group discussions of case scenarios to help attendees put into practice what they have been learning. Board members are welcome to attend the training and will receive an email with details.

Ms. Koch announced that Jewish Family Services (JFS) Richmond elected not to renew their contract with the PGP following the departure of its local PGP director. Fortunately, Commonwealth Catholic Charities (CCC) agreed to take the client slots, including thirty-six active clients and four clients who are in process. Ms. Koch welcomed and thanked Danah Kaigler from CCC for being present to share additional information about the transition later in the meeting.

Ms. Koch ended by sharing a story about a client of Mountain Empire Older Citizens, one of the PGP's contractors in Southwestern Virginia, which demonstrated the benefit to a client made possible by the guardian representative's medical advocacy and persistence.

Ms. Koch concluded with an introduction of Ellie Rest, DARS Guardian Training Program Coordinator. Ms. Rest transitioned to this position in December 2024 from the Adult Protective Services Division at DARS, where she worked as an Adult Services Specialist for nearly two years. Ms. Rest previously worked for many years at a local Department of Social Services in Adult Protective Services and reviewed annual guardian reports. She currently serves as a member of the Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) and co-chairs its Monitoring committee. Ms. Rest holds a Master of Science in Gerontology from Virginia Commonwealth University.

Mandatory Statewide Guardian Training

Ellie Rest, DARS Guardian Training Program Coordinator

Ms. Rest provided an overview of the mandatory statewide guardian training that goes into effect July 1, 2025. All guardians and skilled professionals retained to perform guardian duties, including public guardian representatives, will be required to complete the training. When released, it will be available on the DARS public website along with resources to help guardians manage their duties and responsibilities.

Members of the Board asked questions about the status of accommodations for users, future updates to the training due to legislative changes, and outreach to guardians about the new requirement. Members of the Board were invited to review the training and provide feedback during the development phase.

Local Public Guardian Program Changes: Jewish Family Services Richmond (JFS Richmond) and Commonwealth Catholic Charities (CCC)

Danah Kaigler, Director of Disability Services, CCC

Ms. Kaigler spoke on the mission of CCC, which is to serve the most vulnerable. CCC has twelve locations and thirty-one programs with 175 volunteers and 250 staff. CCC has served more than 34,000 people.

When JFS Richmond decided not to renew its contract to provide public guardianship services, CCC agreed to accept all 40 of their slots. CCC was previously contracting for 160 slots and will have 200 slots going forward. This transition is currently in process and the two agencies are working together to ensure the needs of all individuals are met. JFS Richmond will remain involved until CCC has been appointed the guardian for all of these clients. This expansion has allowed CCC to save the jobs of six case managers who will transition into the public guardian program. This should be complete by April 1, 2025, which will bring the program back into the ideal client ratio. The CCC catchment area will remain the same, as both programs were serving the Richmond area. Ms. Kaigler agreed to provide an update on the transition for the Board at the June meeting.

Update on General Assembly HB2746 (incapacitated persons and the right to vote)

Lucy Beadnell, Director of Advocacy, The Arc of Northern Virginia

Ms. Beadnell updated the members of the House Bill that modifies Virginia law regarding the voting rights of incapacitated persons by establishing a set standard for determining an individual's capacity to vote. This is meant to lower the threshold to vote. Previously, a finding of incapacity in a guardianship or conservatorship proceeding could automatically disqualify a person from voting. Now, the Bill requires that a court must make a specific finding by clear and convincing evidence that a person lacks the capacity to understand the act of voting before disqualifying them from voting. The Bill will prohibit courts from basing such a determination solely on a guardian ad litem's report without providing reasonable accommodations appropriate to the person's diagnosis or condition. Additionally, courts cannot use factors like reading ability, educational achievement, or moral character as the basis for determining voting capacity. The Bill also provides a mechanism for individuals previously deemed mentally incompetent to petition for a review of their voting status, with mandatory reviews to be conducted at periodic hearings. Importantly, the law does not automatically nullify previous determinations of mental incompetence made before July 1, 2025, but provides a pathway for reassessment. This approach aims to protect the voting rights of individuals with disabilities by ensuring a more individualized and comprehensive assessment of their voting capacity.

Determine Membership of Legislative Committee

Lindsay Pickral, Chair

Ms. Pickral reviewed the purpose of the Legislative Committee ("Committee") and how the

five (5) members are to be selected. According to the Board's bylaws, the Vice Chair, currently Donna Smith, is a standing member. The Chair has the opportunity to appoint two (2) members, and the Board elects the remaining two (2) members of the Committee. After some discussion about the slots to be filled and interest in serving, Lindsay Pickral appointed MacKay Boyer and Mary Jane Hall. Mackay Boyer made a motion that the Board appoint Lucy Beadnell and Lindsay Pickral to fill the remaining two seats on the Committee, based on their expressed interest. The motion was seconded by Donna Smith, and the vote was unanimous.

Other Business

Lindsay Pickral, Chair

There was no other business.

Next Meeting

Lindsay Pickral, Chair

Lindsay Pickral stated that the next meeting of the Public Guardian and Conservator Advisory Board will be on Tuesday, June 17, 2025 (in-person).

Public Comment

Lindsay Pickral, Chair

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

Meeting Adjournment

Lindsay Pickral, Chair

The meeting was adjourned at 12:53 p.m.

Meeting material electronically emailed:

1. Proposed Meeting Agenda March 18, 2025
2. Draft Meeting Minutes November 19, 2024