

# Commonwealth Council on Aging

## LEGISLATIVE COMMITTEE

### MINUTES

**Thursday June 29, 2023**  
**10:30 am – 1:30 pm**

**LOCATION:**  
**Virginia Department for Aging and Rehabilitative Services**  
**1610 Forest Avenue, Suite 100**  
**Henrico, VA 23229**

**Members Present:** David Broder, Andrea Buck, MD, JD, Jo-Ann Chase, Carla Hesseltine (Ex-Officio), Josh Myers, Ellen Nau, Roland Winston and Erica Wood

**Guests:** Clay Chase

**Staff:** Charlotte Arbogast, Catherine Harrison, Cecily Slasor and George Worthington

#### **Welcome and Introductions**

**Erica Wood, Chair**

Chair Erica Wood opened the meeting at 10:35 a.m. and asked members and guests to introduce themselves.

#### **Review Proposed Agenda**

**Erica Wood, Chair**

***Proposed Action: Approve Proposed Agenda***

Chair Erica Wood asked if there were any objections to the proposed agenda. Motion to approve the agenda by Roland Winston. Motion seconded by Andrea Buck. The agenda was approved unanimously.

#### **Select/Confirm Legislative Committee Chair**

***Proposed Action: Approve Committee Chair***

**All Members**

Roland Winston nominated Erica Wood to serve as Chair. Ms. Wood accepted the nomination. There were no other nominations. Ellen Nau moved that nominations be closed. Roland Winston seconded the motion. The vote was unanimous to close voting. Upon a vote, Ms. Wood was elected Chair unanimously.

#### **Review July 11, 2022 Meeting Minutes**

**Erica Wood, Chair**

***Proposed Action: Adopt Minutes***

Chair Erica Wood asked if there were any edits or changes for the July 11, 2022 meeting minutes. Ms. Hesseltine stated that she was listed absent but was present that day. Staff confirmed the need to add Carla Hesseltine and Debbie Preston's names as present at the meeting. Roland made a motion to approve the minutes with the amendments. Andrea Buck seconded the motion. By a vote, the amended minutes were approved unanimously.

**Public Comment Period**

**Charlotte Arbogast, Staff**

No public comments were received.

**Working Lunch: Discussion on 2024 Policy Recommendations**

***Proposed Action: Adopt Recommendations to Present to the Council***

**All Members**

For a listing of the 27 items that were sent to members for consideration in advance of the meeting please see the end of these minutes.

The Committee started the discussion by considering/weighing the following general strategic approaches for selecting items:

- Consideration of “winnability”
- Consideration of continuity in platform items from previous years that have not been realized
- Balance of legislative and budget items
- The status of the current pending budget in the General Assembly
- Prioritization of items and needs, and how many items to select for the platform
- History of the Council’s legislative work and selection process
- Guidelines for Council members regarding allowable advocacy activities
- Efforts that could be done outside of legislative recommendations around advocacy
- Interface of Council recommendations with other stakeholders’ efforts

There was general consensus among members to remove items 14, 25 and 26 from the listing, as they were duplicative with other items.

Members spent time inquiring about some of the potential items and discussing their advantages and disadvantages. For some items, members considered potential modifications (e.g., studies, pilots, incentives instead of requirements).

Members were informally polled to identify the top 10 items to see which ones seemed to have the most support. The informal poll identified support for the following seven items:

1. Establish a Prescription Drug Affordability Review Board
2. Require Guardian Training and Development of Training
3. Enhance Assisted Living Affordability
4. Incentivize State Contractors to Employ Older Virginians
5. Increase Funding for Home and Community-Based Services Through Area Agencies on Aging
6. Increase the Medicaid Home and Community-Based Waiver Personal Maintenance Allowance
7. Expand Virtual Access to Public Meetings; Allow All-Virtual Public Meetings for Advisory Boards and Commissions

Members then discussed the next eight items that polled equally at the next tier of support. From those, members were informally polled again to identify three potential additional items. That informal polling resulted in the identification of these three items:

8. Mandate Sick Leave for Direct Care Workers in Nursing Homes, Assisted Living, and Home and Community-Based Services
9. Develop and Promote Financial and Regulatory Incentives for Nursing Home Redevelopment into Small Household Model
10. Support Dementia Capable Training for First Responders

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Jo-Ann Chase made a motion to adopt these 10 items, which was seconded by Andrea Buck.

With input from Carla Hesseltine, Roland Winston made a substitute motion to add an 11<sup>th</sup> item to the list. He noted that the item around FOIA compliance with electronic meetings was somewhat indirectly impactful on older adults as a target population, but did not propose removing it from the list. This motion was seconded by Ellen Nau. This motion was approved unanimously by a vote of members. This motion negated the original motion.

The members then discussed what the 11<sup>th</sup> item should be. Looking at the informal poll on the previous eight items, members identified “Enhance Outreach and Supplement Benefits for SNAP Enrollment” as the one with the next level of support.

David Broder made a motion to approve the top 10 previously presented items with the addition of Enhance Outreach and Supplement Benefits for SNAP Enrollment as an 11<sup>th</sup> item for the Committee’s presentation to the Council. This motion was seconded by Erica Wood. By a vote, the items were approved unanimously. These will be presented to the Council at the Council’s upcoming July 19 meeting.

Members were asked to send any language edits/tweaks to Erica Wood with a copy to Charlotte Arbogast by July 7, 2023.

### **Public Comment Period**

#### **Charlotte Arbogast, Staff**

No public comments were received.

### **Meeting Adjournment**

#### **Erica Wood, Chair**

Chair Erica Wood adjourned the meeting at 1:20 p.m.

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### **The Final List of Items Selected by the Legislative Committee for the Council’s Consideration:**

1. Establish a Prescription Drug Affordability Review Board
2. Require Guardian Training and Development of Training
3. Enhance Assisted Living Affordability
4. Incentivize State Contractors to Employ Older Virginians
5. Increase Funding for Home and Community-Based Services Through Area Agencies on Aging
6. Increase the Medicaid Home and Community-Based Waiver Personal Maintenance Allowance
7. Expand Virtual Access to Public Meetings; Allow All-Virtual Public Meetings for Advisory Boards and Commissions
8. Mandate Sick Leave for Direct Care Workers in Nursing Homes, Assisted Living, and Home and Community-Based Services
9. Develop and Promote Financial and Regulatory Incentives for Nursing Home Redevelopment into Small Household Model
10. Support Dementia Capable Training for First Responders
11. Enhance Outreach and Supplement Benefits for SNAP Enrollment

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### Potential Items Sent to the Members Prior to the Meeting:

#### ITEMS LEFT FROM COUNCIL'S 2023 PLATFORM IN 2022 ANNUAL REPORT-

1. Mandate Sick Leave for Direct Care Workers in Nursing Homes, Assisted Living, and Home and Community-Based Services
2. Enhance Outreach and Supplement Benefits for SNAP Enrollment
3. Require Guardian Training and Development of Training
4. Increase the Medicaid Home and Community-Based Waiver Personal Maintenance Allowance
5. Transition Virginia From a Medicaid 209(b) State to Simplify SSI Medicaid Applications
6. Establish a Prescription Drug Affordability Review Board
7. Strengthen the Legal Standards of Administrative Review for Appeals of Public Benefit Decisions
8. Enhance Assisted Living Affordability

#### ITEMS FROM COUNCIL MEMBERS-

9. Incentivize State Contractors to Employ Older Virginians
10. Increase Nursing Home Personal Needs Allowance
11. Develop and Promote Financial and Regulatory Incentives for Nursing Home Redevelopment into Small Household Model
12. Allocate Funding to Address Rising Homelessness of Older Virginians
13. Increase Funding for Home and Community-Based Services Through Area Agencies on Aging

#### ITEMS FROM AARP VIRGINIA-

14. Establish a Prescription Drug Affordability Review Board (see above)
15. Ensure Resident Safety and High-Quality Care in Virginia Long-Term Care Facilities
16. Provide Family Caregivers with Much-Needed Relief and Financial Support

#### ITEMS FROM NORTHERN VIRGINIA AGING NETWORK (NVAN)-

17. Expand Virtual Access to Public Meetings; Allow All-Virtual Public Meetings for Advisory Boards and Commissions
18. Extend from Five Days to 14 Days the Required Notice by a Landlord to a Tenant for Intended Eviction Due to Nonpayment of Rent
19. Require All Assisted Living Facilities to Set Aside 2% of Beds as Auxiliary Grant Beds

#### ITEMS FROM THE ALZHEIMER'S DISEASE AND RELATED DISORDERS

#### COMMISSION [& ALZHEIMER'S ASSOCIATION]-

20. Expand Dementia Care Management to Underserved Areas of Virginia
21. Dementia Services Budget Increase
22. Support Dementia Capable Training for First Responders
23. A Dementia Capable No Wrong Door

#### ITEMS FROM THE VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD-

24. Training for the Public Guardianship Program multi-disciplinary panels
25. Enhance judicial training on Public Guardian Program
26. DARS requested to develop and disseminate training for all guardians in Virginia (see above)

#### ITEMS FROM LEADINGAGE VIRGINIA-

27. Increase the Medicaid Adult Day Health Care Rate