

# Commonwealth Council on Aging

## LEGISLATIVE COMMITTEE

### MINUTES

**Monday, June 17, 2024**  
**12:00 – 3:00 PM**

**LOCATION:**  
**Virginia Department for Aging and Rehabilitative Services**  
**8004 Franklin Farms Drive**  
**Henrico, VA 23229**

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

**Members Absent:** David Broder

**Guests:** Herb DeGroft, Tracey Lewis (Zoom), and Ashley Staton

**Staff:** Charlotte Arbogast and Catherine Harrison

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### Welcome and Introductions

**Erica Wood, Chair**

Chair Erica Wood opened the meeting at 10:05 a.m. Council Staff Charlotte Arbogast made announcements about the live streaming of the meeting, the meeting room sound upgrades, and the member participating electronically. Members were asked to introduce themselves. Members expressed their gratitude to Erica Wood for her many years of leadership and commitment to the Council's Legislative Committee.

### Review Proposed Agenda

**Erica Wood, Chair**

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

Chair Erica Wood asked if there were any changes or objections to the proposed agenda. Andy Buck made a motion to move the Selection/Confirmation of the Legislative Committee Chair until after the Discussion of the 2025 Policy Recommendations. This was seconded by Josh Myers. The motion was adopted unanimously.

### Review June 29, 2023 Meeting Minutes

**Erica Wood, Chair**

***Proposed Action: Adopt Minutes***

Chair Erica Wood asked if there were any edits or changes for the June 29, 2023 meeting minutes. Ellen Nau made a motion to approve the minutes. Jo-Ann Chase seconded the motion. The minutes were approved unanimously.

### Public Comment Period

**Charlotte Arbogast, Staff**

Ashley Staton, with the Virginia Memory Project (VMP) at the Virginia Center on Aging provided brief remarks that included a background on the VMP. The VMP is a statewide epidemiological registry that catalogs diagnoses of ADRD (Alzheimer's Disease and Related Disorders), caregiving (CG), and subjective memory decline (SMD) across the Commonwealth

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of Virginia. The VMP was founded in 2021 and launched in 2022 via a sub-award from the Virginia Department of Health (VDH) and Centers for Disease Control (CDC) Building our Largest Dementia Infrastructure (BOLD) Act. This year, it was codified in the Code. Ashley Staton asked the Committee to consider endorsing a budget amendment to provide for State General Funds for the ongoing operations of the VMP after the current grants fund.

Herb DeGroft provided brief remarks and an accompanying handout on a suggested strategy for the Council on Aging that could help it achieve a larger advocacy reach. The handout proposed a timeline and steps for the Council to coordinate more specifically with the Area Agencies on Aging (AAAs) to establish priorities and engage legislators.

Chair Erica Wood thanked the attendees for their public comments.

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

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

##### **All Members**

For a listing of the 51 items that were sent to members for consideration in advance of the meeting as well as the 52<sup>nd</sup> item that was added after public comment, please see the end of these minutes.

The Committee started the discussion by considering/weighing the following general strategic approaches for selecting items, which were also used to establish the 2024 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

Roland Winston suggested that the 2025 items not include items from last year. Members discussed the advantages and disadvantages of that strategy.

There was general consensus among members to remove duplicative items. These included:

- Item 1 was duplicative of Items 23 and 38
- Item 2 as a legislative item was duplicative of Item 28 and Item 2 as a budget item was duplicative of 27
- Item 4 was a duplicative of Items 31, 35, and 36
- Item 8 was duplicative of Items 32 and 51
- Item 10 was duplicative of Item 22
- Item 25 was duplicative of Item 29
- Item 26 was duplicative of Item 40
- Item 21 was duplicative of Item 44

The following duplicative items were removed from the listing: 23, 38, 28, 27, 31, 35, 36, 32, 51, 22, 29, 40, and 44.

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Josh Myers asked the Committee to review what activity had transpired in 2024 regarding the outstanding Council items from 2024, which was then discussed.

Erica Wood then walked through the remaining proposals from Council members and other stakeholder groups. Members generally concluded that Item 15 may need more research and exploration first. Members spent time inquiring about some of the potential items and 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 eight items:

#	Item #	Topic
1	4	Increase Funding for Home and Community-Based Services (HCBS) Through Area Agencies on Aging (AAAs)
2	10	Support Nursing Home Inspection and Enforcement Process
3	13	Develop State Multisector Plan on Aging
4	30	Long-term care workforce recruiting and training program
5	9	Increase Nursing Home Personal Needs Allowance
6	11	Enable Local Governments to Increase Nursing Home Transparency and Community Engagement
7	21	Increased funding to support replication of the RAFT model or other innovative regional or statewide strategies...
8	16	Training for the Public Guardianship Program Multidisciplinary Panels

Members generally decided to remove Item 16 since it was not a true legislative or budget item.

Roland Winston made a motion to adopt the first 7 items (listed above) removing Item 16 and converting Item 13 into a study. This was seconded by Josh Myers. Upon a vote, the motion was approved unanimously.

Members then discussed the remaining items at the next tier of support, and the advantages and disadvantages of having a mix of legislative and budget recommendations.

Roland Winston then made a motion for the Committee to select five items from the next tier of support. This motion was seconded by Josh Myers. Members discussed the motion.

Andy Buck made a substitute motion for members to submit new polling that ranks their top three items from the ones remaining. The substitute motion was seconded by Erica Wood. Members discussed the motion. On the substitute motion, the vote was 3 in favor, 2 in opposition, and one abstention. The substitute motion passed, which then negated the original motion.

Members were informally polled again to identify three potential additional items. The initial calculation led to the identification of these four items:

#	Item #	Topic
1	19	Improved nursing home transparency (in ownership, financing, quality measures, etc.)
2	42	Expand Dementia Care Management to Underserved Areas of Virginia
3	45	State funds for Virginia Lifespan Respite Voucher Program
4	52	State General Funds for the ongoing operations of the Virginia Memory Project

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Erica Wood made a motion to add Item 19 to the list of recommendations. This motion was seconded by Andy Buck. Upon a vote, the motion passed unanimously.

Roland Winston then made a motion to add Items 42, 45, and 52 to the list of recommendations. This was seconded by Josh Myers.

At this point, a point of order was called as staff had failed to include Jo-Ann Chase's top three items into the calculation. Staff then re-calculated the tabulations. Upon a recalculation, the following item was also added to the list to remaining items:

#	Item #	Topic
5	20	Strengthening of the process and criteria for initial nursing home licensure, renewals, transfer/ sale of beds, etc.

With that new information, Roland Winston made a new motion to add Items 42, 45, 52 and 20 to the list of recommendations. This was seconded by Josh Myers. Upon a vote, the motion was approved unanimously.

For the following items:

- Item 30, Erica Wood was asked to help obtain the NVAN background statement.
- Items 19 and 20, Andy Buck was asked to help obtain a background statement from the State Long-Term Care Ombudsman.
- Item 52, Josh Myers was asked to help obtain a background statement.
- Item 13, staff were asked to update the language to reflect a study.

### Select/Confirm Legislative Committee Chair

#### Proposed Action: Approve Committee Chair

#### All Members

Roland Winston nominated Andy Buck to serve as Chair. Josh Myers seconded the nomination, which Andy Buck also accepted. There were no other nominations. Upon a vote, Andy Buck was elected Chair unanimously.

### Public Comment Period

#### Charlotte Arbogast, Staff

No public comments were received.

### Meeting Adjournment

#### Committee Chair

Chair Erica Wood adjourned the meeting at 2:51 p.m.

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### Members Participating Electronically:

- Jo-Ann Chase under the 60+ Miles Away Provision from Ashburn, VA

### Meeting Handouts:

1. Proposed Meeting Agenda
2. Draft Minutes from June 29, 2023
3. Compendium of Potential Recommendations
4. Listing of Potential Recommendations
5. [Handout from Herb DeGroft]

## Commonwealth Council on Aging: Legislative Committee

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

#	Item #	Topic	Other Supporters
1	4	Increase Funding for Home and Community-Based Services (HCBS) Through Area Agencies on Aging (AAAs)	NVAN V4A SSSEVA
2	10	Support Nursing Home Inspection and Enforcement Process	SLTCO
3	13	Develop State Multisector Plan on Aging – Study on the feasibility	
4	30	Long-term care workforce recruiting and training program	NVAN Endorsed by ADRDC
5	9	Increase Nursing Home Personal Needs Allowance	
6	11	Enable Local Governments to Increase Nursing Home Transparency and Community Engagement	
7	21	Increased funding to support replication of the RAFT model or other innovative regional or statewide strategies...	SLTCO ADRDC Alzheimer's Association
8	19	Improved nursing home transparency (in ownership, financing, quality measures, etc.)	SLTCO
9	42	Expand Dementia Care Management to Underserved Areas of Virginia	ADRDC Alzheimer's Association
10	45	State funds for Virginia Lifespan Respite Voucher Program	ADRDC Alzheimer's Association
11	52	State General Funds for the ongoing operations of the Virginia Memory Project	Alzheimer's Association VCOA
12	20	Strengthening of the process and criteria for initial nursing home licensure, renewals, transfer/ sale of beds, etc.	SLTCO

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

**ITEMS LEFT FROM THE COUNCIL'S 2024 LEGISLATION RECOMMENDATIONS**

1. Establish a Prescription Drug Affordability Review Board
2. Enhance Assisted Living Affordability
3. Incentivize State Contractors to Employ Older Virginians
4. Increase Funding for Home and Community-Based Services (HCBS) Through Area Agencies on Aging (AAAs)
5. Increase the Medicaid HCBS Waiver Personal Maintenance Allowance (PMA)
6. Mandate Sick Leave for Direct Care Workers in Nursing Homes, Assisted Living, and HCBS
7. Develop and Promote Financial and Regulatory Incentives for Nursing Home Redevelopment into Small Household Model
8. Increase SNAP Minimum Benefit for Older Adults

**ITEMS SUBMITTED BY COUNCIL MEMBERS**

9. Increase Nursing Home Personal Needs Allowance
10. Support Nursing Home Inspection and Enforcement Process
11. Enable Local Governments to Increase Nursing Home Transparency and Community Engagement
12. Provide Retirement Benefits to Part-Time Employees in State Retirement System (VRS)
13. Develop State Multisector Plan on Aging
14. Ensure a living wage and paid leave for all direct care workers (HCBS, NH, ALF, etc.)
15. Establish college credits in LTC training areas for helpers and aides of the elderly

**DRAFT ITEMS FROM THE VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARDS**

16. Training for the Public Guardianship Program Multidisciplinary Panels
17. Enhance Judicial Training on Public Guardian Program
18. Provide Funding Support for Case Management/Database System for the Public Guardianship Program

**ITEMS FROM THE STATE LONG-TERM CARE OMBUDSMAN PROGRAM**

19. Improved nursing home transparency (in ownership, financing, quality measures, etc.)
20. Strengthening of the process and criteria for initial nursing home licensure, renewals, transfer/ sale of beds, etc.
21. Increased funding to support replication of the RAFT model or other innovative regional or statewide strategies...
22. Increased funding to Va. Department of Health's Office of Licensure and Certification (OLC)...

**DRAFT ITEMS FROM AARP VIRGINIA**

23. Prescription drug affordability, including establishment of the Prescription Drug Affordability Board
24. Nursing home reform
25. Supporting family caregivers and aging in place (caregiver tax credit, presumptive eligibility for HCBS)
26. Accessory Dwelling Units (ADUs)

**PLANNED ITEMS FROM THE NORTHERN VIRGINIA AGING NETWORK (NVAN)**

27. Eviction prevention
28. Enable local governments to require new assisted living residences to set aside units for low-income residents
29. Require continuing education for direct care workers in addressing dementia

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30. Long-term care workforce recruiting and training program
31. Increase funding for core Area Agency on Aging services for HCBS
32. Increase minimum monthly SNAP benefit from \$23 to \$50 for older adults

### **DRAFT ITEMS FROM THE VIRGINIA ASSOCIATION OF AREA AGENCIES ON AGING (V4A)**

33. Affordable housing and the unhoused
34. Transportation
35. Increase funding for broad support of Older Americans Act core services

### **ITEMS FROM SENIOR SERVICES OF SOUTHEASTERN VIRGINIA**

36. Statewide Biennial Budget Funding Request for Support of Older Virginians
37. Increase the Auxiliary Grant Rate from \$2,079 to \$2,500
38. Formation of the Prescription Drug Affordability Board
39. 2024 Legislation: Family caregiver tax credit
40. 2024 Legislation: Zoning; development and use of accessory dwelling units
41. Reduce effective tax rates of lower-middle and middle income filers age 65+ by adjusting income brackets to account for inflation

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

42. Expand Dementia Care Management to Underserved Areas of Virginia
43. Dementia Services Budget Increase
44. Replicating the RAFT dementia training for facilities and caregivers in other areas of the Commonwealth
45. State funds for Virginia Lifespan Respite Voucher Program

### **DRAFT ITEMS FROM THE VIRGINIA LEAGUE OF SOCIAL SERVICE EXECUTIVES (VLSSE)**

46. Increase the timeframe for completion of Adult Protective Services Investigations
47. The VLSSE requests additional funding for staff and operations based on locality guardianship caseloads
48. Increase LDSS access to bank accounts for the victims of financial exploitation
49. Increase training and reporting requirements for guardians ad litem
50. Increase the number of public guardianship slots in Virginia
51. Provide additional funding for older adults receiving SNAP

### **ITEM FROM THE VIRGINIA MEMORY PROJECT (VMP) AT THE VIRGINIA CENTER ON AGING (VCOA)**

52. Provide State General Funds for the ongoing operations of the Virginia Memory Project (VMP)

### **NO ITEMS WERE SUBMITTED FROM:**

- LeadingAge Virginia
- Virginia Poverty Law Center
- disAbility Law Center of Virginia
- Alzheimer's Association (although Josh Myers provided support for items during the meeting)