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COMMONWEALTH of VIRGINIA

Virginia Public Guardian & Conservator Advisory Board

1610 Forest Avenue, Suite 100
Richmond, Virginia 23229

MEETING MINUTES
SEPTEMBER 25, 2008

Members Present
Paul Aravich, Chair, Kirby Fleming, Aundria Foster, John Powell, Judith Koziol, Gail Nardi, Linda Redmond, Cynthia Smith, Dana Traynham, Thelma Bland Watson, Lawrence Zippin

Members Absent
Nancy Mercer, Alisa Moore, Kathy Pryor, Janis Selbo, Erica Wood

Ex Officio Member (Absent)
Theresa Drought, University of Virginia School of Nursing

Guest
Carter Harrison, Alzheimer's Association

VDA Staff
Faye Cates, Janet James, Jackie Taggart

Meeting Called to Order
Paul Aravich, Chair, to the VPGAB called the meeting to order at 10:15 a.m. Everyone in attendance introduced themselves. Thelma Bland Watson, PhD, new member replacing Mary Payne, was welcomed to the Board. Dr. Watson is Executive Director of Senior Connections - The Capital Area Agency on Aging in Richmond. She will represent the Area Agencies on Aging

Also, Linda Redmond is a new member replacing Katherine Lawson, representing the Virginia Board For Persons With Disabilities.

The minutes of the June 26, 2008 VPGCAB meeting were approved and accepted unanimously.

Public Comment
Carter Harrison presented before the Board two legislative issues of possible interest.

1. Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. He voiced concern that the Commissioners from Virginia did not support the Act, which deals with interstate transfer of guardians. The Board would like to review the Act before stating a disposition. Lawrence Zippin moved to establish a committee to review the legislation and report back to the Board at the December 4, 2008, Board meeting. The motion was seconded by Judge Foster. Mr. Harrison will e-mail the document to Ms. Cates for distribution to the Board. Members of the review committee are Dana Traynham, John Powell and Erica Wood.

2. Advance Directives (Health Care Decision Act): The Supreme Court Mental Health Commission is looking at advance directives and possibly amending it to allow respondents (persons with a court-appointment guardian) to allow the surrogate and/or guardian to commit them to mental institutions for treatment. In Virginia this requires a court proceeding. Ms. Traynham voiced concern as she opposes removal on the judicial process in making decisions for such commitments. There was no Board disposition on the issue. The Chair thanked Mr. Harrison for bringing these issues before the Board.

The Chair reported he will share with the Board the Executive Summary of a report by the Virginia Brain Injury Association that addresses the issue of challenging behavior. He requested that this summary be on the agenda for the December Board meeting. He will e-mail a copy of the report to Ms. Cates to be forwarded to the Board members for review.

Financial Report
Faye Cates provided a handout of the Advisory Board's expenditure report. The Board was reminded that a new budget year started July 1, 2008 with new funds of $5,000.00.

Public Guardian Program Regulation
Janet James reported that after eight years, the Virginia Public Guardianship and Conservator Program revised regulation will become effective January 1, 2009. She thanked the Board for the part they played in making it a reality.

Accomplishments of the Board
Ms. Cates shared with the Board a document on the accomplishments of the Board from 2007-2009, that was prepared for a report Judith Koziol presented at the 9/23/08 Commonwealth Council on Aging meeting. The Board discussed the usefulness of such information, i.e., sharing it with the General Assembly.

Proposed Training of Circuit Court Judges
Janet James presented the outline of the guardianship training content for a proposed training of Circuit Court judges. She was very optimistic that this training will occur, with plans to get on the judge's 2009 training agenda. Judge Foster suggested pursuing the May training as it is mandatory, while the one held in September is not. Ms. James informed the Board that VDA is waiting for a response about the proposed training.

Money Follows the Person (MFP) as it Relates to the Public Guardian Program
Ms. Cates distributed to the Board a copy of an e-mail sent to the Chair from Marilyn Copeland, Social Worker, about her concern how MFP impacts guardianship. The Chair noted that one of her concerns was for incapacitated persons in long-term care facilities being transitioned into community-based settings, and if these settings can meet the needs of clients. Individuals with challenging behavior have little or no services available to them. There is no Medicaid support for any kind of challenging behavior intervention.

The Board discussed the functions of the Money Follows the Person grant and the Transformation Systems grant. The Chair suggested having the local guardian programs report on how MFP is impacting their service delivery.

Persons In Need Of Guardianship Who Do Not Have Proper Identification
Dana Traynham is going to research the problem of incapacitated people that do not have any identification for themselves and how they become a part of the public guardian program. Mr. Powell will explore the cost of petitioning the court when families do not have the resources to do so.

Observations
The Chair commented on the annual VDA training for public guardian programs that was held September 17-19 in Virginia Beach, VA. He stated that an amazing job was done in getting the programs together and also felt that the VPGCAB was well represented. On September 18th the following Board members were on a panel to discuss the role of the Board and to solicit information from the local program providers: The Chair, Mr. Powell, Ms. Traynham, Ms. Wood and Kathy Pryor. The Chair also presented a session on *The Universe Between Our Ears* that provided an overview of how the brain functions. He would like to see that it's mandatory for all the Board members to attend these annual provider trainings. He thought it helped to break down barriers to have the providers with the Board and they will be able to build on next year's training from what was learned this year. Ms. James and Ms. Cates spoke of some of the positive feedback and comments received from the training.

Paul Aravich, Chair stated that the VPGCAB needs to start enforcing the attendance mandate for the meetings. Since the VPGCAB consists of several stakeholders to be represented, if a member can't attend, then a representation should be sent. The Board was reminded that if they can't appear in person they can be included by telephone. Ms. Koziol informed members that the Assistant Attorney General's office reported at the Commonwealth Council on Aging meeting that the telephone attendance will have to be opened to the public. Questions were raised as to whether you would have to have the place open to the public if you were not at the actual location for the meeting. Ms. James will check into this matter.

Strategic Planning Meeting Follow-Up
The members had positive comments about the session. The focus of the strategic plan was quality of care and funding issues. The board was divided into to 2 groups to address these issues. Kirby Fleming stated that there were items that were not completed. The chair will arrange a teleconference for the Quality Group to finalize its

component of the strategic plan. He will provide Ms. Cates with some possible dates to schedule the call.

Joint Commission on Health Care Presentation
John Powell reported that he and Erica Wood had discussed the presentation and Erica will not be able to attend. Faye Cares has scheduled a telephone conference on September 29th at 10:00 a.m. for the Board's Executive Committee to discuss topics to be presented. The all Board members were invited to participate in the call and provide guidance.

Committee Reports
There were no items to report from the committees since the last VPGCAB meeting.

Board Members Attended Public Guardian Program Multidisciplinary Panel (MDP) Meetings
Discussion was held on VPGCAB members continuing to have the opportunity to attend the multidisciplinary panel meetings to become more familiar with the public guardian program. John Powell and Kirby Fleming had attended two different meetings and spoke about the experience and knowledge that was shared. Ms. Cates agreed to share with the Board MDP meeting dates and will coordinate with the local provider network if Board members want to attend a meeting.

Judge Foster suggested that she could invite local public guardian providers to meet with her and discuss their program, as attending a MDP meeting might be a conflict of interest if a potential client discussed was placed on her court docket. She asked Ms. Cates to send her the names of the public guardian programs in her area.

Department of Social Services (DSS) Guardianship Data Collection System Enhancement
Gail Nardi elaborated on the DSS guardianship data collection tool for ASAPS, Adult Services Adult Protective Services web-based data collection tool. The system is being enhanced to include demographic data, fiduciary support data, disability information, tracking of submission of guardian annual DSS reports and filing fee. The system could be enhanced to include service needs, i.e., dental care and psychological needs. Ms. Cates will send a copy of the tool to Board members for review to determine if additional data elements are needed to support the public guardian program. The Chair suggested putting this issue on the December Board meeting for follow-up.

Other Business
Carter Harrison invited Paul Aravich to attend the Community Commissioners Integrating Advisory Committee meeting that he chairs.

Mr. Harrison announced that the University of Virginia is sponsoring a conference on October 10, 2008 entitled *Voting Rights in Long-Term Care Facilities*.

Coalition on Aging and Elder Rights Conference is being held at the Crown Plaza West on November 21, 2008.

Agenda Items

- The Report of the Executive Summary of the Virginia Brain Injury Association report

- Department of Social Services (DSS) Guardianship Data Collection System Enhancement - for review to determine if additional data elements are needed to support the public guardian program

- Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (John Powell and Erica Wood)

Next Meeting Date for VPGCAB
Thursday, December 4, 2008 – 10:0 a.m.

Adjournment
There being no further business, the meeting adjourned at 1:45 p.m.

Erica Wood

Erica Wood, Secretary