

Minutes
State Board of Social Services
December 15-16, 2004
Fredericksburg Dept. of Social Services
608 Jackson Street
Fredericksburg, Virginia

Members Present

Julie Christopher, Chair
Danny Brown, Vice Chair
Maggi Luca, Secretary
Robert Spadaccini
Carol Ann Coryell
Nettie Simon-Owens
Marilyn Rigby
William (Billy) Mitchell

Members Absent

Jean Cobbs

Call to Order

The December 15-16, 2004 meeting of the VA State Board of Social Services was called to order at 9:00 a.m., Chairman Julie Christopher presiding.

Welcome & Introductions

Chairman Christopher thanked Ms. Janine Sewell, Director of the Fredericksburg Department of Social Services for hosting the Board's meeting. Local Directors introduced themselves and upon his arrival to the meeting, the Mayor was introduced.

Ms. Christopher announced that as part of this meeting, members would have been visiting a local assisted living facility; however, due to a heavy agenda, that visit would be cancelled.

Today's lunch and program will be held at a local Baptist Church and hosted by the local department of social services and area businesses.

Chairman Christopher announced that Jean Cobbs would be attending the meeting but would have a late arrival due to prior commitments.

She also announced that Washington Post Reporter David Fallis was to attend today's meeting to discuss his recent articles on Virginia's Assisted Living Facilities, but had declined due to the short notice; however, he agreed to join the Board at a roundtable discussion in the near future.

Regulatory Review

Mr. Martin advised that as of December 14, the Department of Social Services has 62 regulations in place. 22 of the 62 are currently in process.

Of those 62-, 14 are in the process of being repealed
Of those 62, 8 are in the process of being amended
9 additional new regulations are in the process of being promulgated

That totals 71 regulations and proposed regulations.

Mr. Martin advised there is one regulatory action currently in public comment:

22 VAC 40-325-10 et seq., Fraud Reduction/Elimination Effort, comment on proposed amended regulation ends on January 28, 2005.

Committee Meetings

Committee of the Whole discussed Assisted Living Facilities legislative and regulatory initiatives.

Committee on Children Issues met with Marilyn Rigby chairing. After reviewing changes to 22 VAC 40-130, Minimum Standards for Licensed Private Child-Placing Agencies; preliminary review of changes to 22 VAC 40-705, Child Protective Services and reviewing the Permanency Services proposed regulation 22 VAC 40-201, the committee offered the following motion for approval:

ON MOTION DULY MADE (Mr. Brown) and seconded (Ms. Coryell) moved that the Committee on Children Issues approve the proposed regulations 22 VAC 40-201 entitled Permanency Services; 22 VAC 40-705 entitled Child Protective Services and 22 VAC 40-130 entitled Minimum Standards for Licensed Private Child-Placing Agencies to be sent to the committee of the whole. Motion carried with all in favor.

Committee on Adult Issues met Nettie Simon-Owens chairing. After reviewing changes to 22 VAC 40-901, entitled Community Services Block Grant Program as presented by department staff Phyl Parris, the committee offered the following motion for approval:

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Luca) moved that the Committee on Adult Issues approve the proposed regulation 22 VAC 40-901 entitled Community Services Block Grant Program to be sent to the committee of the whole.

***Vote: aye: Mr. Spadaccini, Ms. Luca, and Ms. Simon-Owens
Oppose: Mr. Mitchell***

ON MOTION DULY MADE (Mr. Mitchell) and seconded (Ms. Luca) moved that the Committee on Adult Issues express their desire that the Committee on Adult Issues express their desire that no Community Action Agencies be created until an identifiable source to increase revenue to support them is located. Motion carried with all in favor. (Mr. Spadaccini stated that while he supported the intent of the motion and the motion itself he believed that the Board not the Subcommittee has the authority do this.)

Mr. Richard Pyle led discussion on Adult Protective Services legislative and regulatory initiatives.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Mr. Mitchell) moved that the Committee on Adult Issues not recommend approving the proposed initiative HHR-DSS-3 on Adult Services by the committee as a whole until the VA Department of Social Services clarifies its recommendations listed in the legislative proposal. Motion carried with all in favor.

Public Comment

Steve Myers, Virginia Poverty Law Center, Inc. provided the following comments on the proposed Child Care Program Regulations 22 VAC 40-661-10 et. seq.:

The State Board of Social Services is responsible for setting eligibility criteria and fee scales for Virginia's child care program. The Appropriations Act states that the sliding fee scale and eligibility criteria are to be set according to the rules and regulations of the State Board of Social Services. The Department shall report on the sliding fee scale and eligibility criteria adopted by the Board by December 15 of each year.

Federal Law requires that payment rates must ensure equal access for eligible children to child care services comparable to those available to non-eligible children; and priority must be given to children of families with very low income and to children with special needs.

The proposed child care regulations are not ready for action by the Board. They will have a negative impact on the child care program by making it harder to access. They squander an important opportunity to make needed improvements in the child care program through positive regulatory changes. They deprive localities of flexibility to manage their child care waiting lists.

The proposed regulations make it harder to access child care. A new eligibility condition is added requiring child care applicants to seek child support through Child Support Enforcement Department. A new eligibility condition is added requiring a recipient who has received a non-fraud overpayment to pay it back as a condition of continued eligibility. The service unit upon which eligibility will be determined is not defined, but appears to have been expanded. (Chairman Christopher advised Mr. Myers that he had run out of time and would need to recognize the next speaker.) (Mr. Myers was allowed 5 additional minutes to provide his additional comments at the request of Mr. Spadaccini in light of the importance of the regulation and the interest shown by the public.)

Child Support requirement will deter participation. Currently, recipients of subsidized child care are allowed to decide whether it is in their best interest to seek child support through DCSE. The new requirement applies not only to parents, but to all families. Grandmothers caring for grandchildren will be required to seek support orders against their children. The new requirement applies regardless of nationality, English proficiency, or immigration status. Vague documentation requirements may create a fraud trap.

Repayment on non-fraud overpayments will deter participation. Current policy does not require child care recipients to repay non-fraud overpayments. The new requirement conditions continued eligibility on repayment even if the overpayment was caused by agency error. Given the size of our required co-payments, increasing their financial burden will make it impossible for some low-income families to continue in the program through no fault of their own.

Expanding the Service Unit will deter participation. Current policy excludes non-legally responsible relatives from the service unit. This typically excludes grandparents, aunts, uncles, cousins, and siblings. Other states have similar exclusions. For example, New York's regulations provided when an eligible child resides only with individuals who are not the child's parent, step-parent, adoptive parent or legal guardian with financial responsibility for the child, the child care services unit will be comprised of the eligible child only. The new regulations base eligibility and co-payments on family income but do not define the family. However, the agency's response to comments suggests that it may intend to count the income of all adults in the household, even if they are not legally responsible for the child.

The proposed regulations fail to make needed revisions to improve the Child Care Program. Currently, access to child care is reduced by high co-payments; and unnecessarily long application processing time limits.

Co-payments are too high. TANF and Head Start recipients with income below poverty are not charged a co-payment. Pursuant to the CCDF Plan adopted several years ago, all other recipients with any income must make a co-payment of at least \$25 per month or 10% of income, whichever is greater.

According to the CCDF Plan, Census Bureau reports indicate that families with incomes above the federal poverty level typically pay about six to seven percent of their income for child care.

In response to our comment suggested that for families below poverty, co-payment should be eliminated; and for families above poverty, co-payments should be reduced to no more than the national average. The agency states federal guidelines view the 10 percent co-payment requirement as an acceptable upper limit for co-payments.

The proposed regulations leave co-payments at the highest level permitted by federal law even though this means that families below poverty would be better off on TANF and families above poverty will continue to pay more than the national average for child care.

The application processing time delays access to child care. The deadline for processing applications for TANF and Food Stamps is 30 days. VDSS has long expressed its desire for consistency in program requirements to simplify administration. The child care regulations continue to provide 45 days for processing child care applications. Access to child care can be as important to family stability as cash or nutritional assistance and the child care regulations should be revised to provide the same period for processing applications.

The proposed regulations deprive localities of flexibility to manage waiting lists. Current child care regulations give localities flexibility to manage waiting lists provided the local waiting lists policy assures that decisions are made uniformly within the locality. The current CCDF Plan also permits localities to set waiting list priorities. Proposed regulations prohibit localities from giving former TANF recipients waiting list priority. Localities should continue to be able to establish waiting list priorities based on local conditions.

Proposed regulations improperly delegate Board's authority to set eligibility criteria to the department. The Appropriations Act expressly grants the authority to establish criteria for child care to the State Board and limits the Department's role to reporting such criteria as the Board may adopt. The proposed regulations instead refer to the income eligibility scale established by the department, and provide that alternative local income eligibility scales must be approved by the department, not the Board.

In conclusion, the proposed child care regulations are unclear, leaving critical terms such as family undefined. They will reduce access to child care by imposing burdensome new eligibility conditions, and they fail to take this opportunity to improve program policies by, and for example, reducing co-payments.

Before acting on the regulations, the State Board should direct the Department to convene a task force comprised of local and state social services workers and advocates to review the proposed regulations and recommend such revisions as may be appropriate to improve access to child care and preserve the Board's responsibility for setting eligibility criteria and fee scales.

Anne-Marie Twohie, Administrator of the Child Care Assistance and Referral Program in Fairfax advised that 97 percent of children received child care subsidy. She has concerns of having single families register for child support enforcement mentioned in the child care regulations. This will deter much needed services. This will also deter families experiencing domestic violence, and immigrant families with pending resident status. She requests the Board remove this requirement.

Jan Selbo, Director of Spotsylvania Department of Social Services introduced Mr. Springer, Vice Chairman of her local Board. She also requested the Board create a non-secure website specific to the Board where local Board manuals could be placed. Also, it could work as a bulletin board for local Board and the State Board of Social Services.

John Springer, Vice Chair of Spotsylvania Social Services Board thanked the Board for the opportunity to provide comments and feedback on their social service activities and concerns. He advised that with the time limitations to please excuse the curtness of his comments and if members desired, a written copy will be provided.

Please consider the need for reimbursement of space needs of local agencies. Please consider need for RMDI process to assist local DSS agencies and their partners (use actual access rate of each locality in claims reimbursement formula instead of state average of 55 percent as the standard access rate—it penalizes Spotsylvania at 93 percent and others with a high access rate. Release of claims by January 1, 2005 is essential to not further the hardship you have imposed on the system. It is well known (outside of government) that comptrollers do not make good CEOs—you end up with a company without vision, without a heart, and doomed to failure.

Please support the need for child welfare social worker positions at 80 percent reimbursement per the State Program Improvement Plan and VDSS Budget for FY06.

We very much appreciate the TANF-Hard to Serve Grant allocations for programs such as Spotsylvania's Bridge to the Future Grant (we received \$350,000 for 18 months), successful programs should be rewarded.

We think that income eligible teenage parents who are full time high school students should be eligible for child care costs, this is a critical need in our county and region.

Please support prevention programs (child abuse prevention and foster care prevention programs) with extended grant funding (Rappahannock Area Council on Child Abuse Prevention) and positions for local DSS agencies.

Please re-think and reduce the new PRIDE training requirements for foster parent training as many locals believe that few foster parents will be interested in being foster parents if these requirements are put in place.

Please encourage Kinship Foster Care.

Please improve technology for local DSS agencies by endorsing and reimbursing for systems such as EZ Filer (Eligibility and Services), Harmony (CSA), Thomas Brothers (check writing/fiscal) and similar software programs.

Please fully fund Fraud Free activities including fraud prevention activities.

Elizabeth McNally, Director of Bryant Early Learning Center provided the following: Good afternoon Commissioner Jones, Madame Chairwoman and members of the Board. My name is Elizabeth McNally. I have been the director of the Bryant Early Learning Center in northern Virginia for five years. I appear before you today to ask that you reconsider the proposed regulatory changes regarding the cooperation requirement for families seeking childcare assistance, 22 VAC 40-661-20, section E. There are several reasons why I believe the proposed change merits your further attention and deliberation.

Before I continue, I would like to thank you for your inclusion of the good cause exemption. The implementation of this exemption is crucial to women who have fled a situation of domestic violence and supports their decision to protect themselves and their children from possible future violence.

As the director of a center serving more than eighty families, many of whom are single parent, low income families, I believe you will find the insights I will share valuable to your decision making process.

First, many families in the center I manage currently have satisfactory child support arrangements in place and they are effective. These agreements are arrived at by the parents themselves or through consultation with an attorney. Since these arrangements are satisfactory, mothers do not wish to rock the board with their former spouses by pursuing child support through the state. I ask the Board to consider allowing childcare subsidy applicants who have effective child support arrangements in place to apply for a waiver from the cooperation requirement. Similar laws exist in such states as Montana, Arkansas, Connecticut and New York.

Secondly, I have encountered families who expressed difficulty navigating the DCSE system. This is manifested both in lack of support by DCSE, lost wages and time away from work.

Many parents simply do not have the money to pay the court fees associated with pursuing child support payments and do not have the skills to navigate the complicated system without technical support. Connecticut and Oklahoma are two examples of states in which DCSE fees are waived. The Board may wish to consider waiving fees or implementing a sliding scale system if such a system does not currently exist.

Thirdly, I ask the Board to consider culture in this equation. Approximately one-third of the families served by my center are Hispanic. In the Hispanic culture, once parents are separated or divorced, the receipt of money by the mother or the pursuance of funds by the mother is perceived as a tactic to reconcile with the father. As a result of pursuing any form of child support whether privately arranged or state sanctioned, these women and children are often ostracized by their own families. In other cultures, it is not acceptable for women to confront men in such a manner (pursuing child support). While I recognize that we are referring to families who now live within the American culture, I believe it is important to remain cognizant of the cultures from which they have come and the values and practices of those cultures.

Lastly, I would ask the Board to consider the ramifications for children if their parents do not comply with the proposed regulation. Parents may have no alternative but to place their children in unregulated and possibly unsafe childcare environments which could negatively affect their healthy growth and development. In my work, I have encountered families who were so adamantly opposed to registering with DCSE that they have declined other benefits (such as Medicaid) for their children. Obviously, this is greatly disconcerting. For a parent, such a decision produces no positive outcomes.

Today many organizations within Virginia are submitting applications for the school readiness grant initiated by the Department of Social Services. One of the goals of this initiative is to make childcare more affordable and accessible to all of Virginia's children. Passage of a cooperation requirement could be counterproductive to this goal in that it could alienate nearly a quarter of parents (and therefore children) from access to high quality developmental childcare. We only have to look to Pennsylvania to see outcomes such as this.

The BEL Center's mission is to serve low income, high-risk children in the southern Fairfax county area. As a social worker and businesswoman, I am concerned that my center will no longer be able to fulfill its mission if this regulation is passed. I anticipate the loss of approximately one quarter of currently enrolled families and the exclusion of many potential enrollees.

Please reconsider the passage of this regulation as its potentially detrimental outcomes for children will outweigh the positive outcomes for families, the Department of Social Services and the State of Virginia. (Editorial note: Ms. McNally was allowed a second opportunity to complete her comments at the request of Mr. Spadaccini and concurrence of the Board as a whole.)

I thank you for your time and consideration.

Bill Tignor, Director of Stafford Department of Social Services introduced his Board Chairman Mr. Donahoe. He spoke on foster parent training; and advised there is a need to recognize efforts now in place and not throw out things successfully working. Don't use a cookie cutter approach.

Kristi Wright, Policy Analyst, Voices for Virginia's Children provided comments on the Child Care Program Regulations 22 VAC 40-661.

I am submitting these comments as follow-up to the comments I submitted on October 8, 2004, during the proposed comment period. I appreciate the consideration given to those comments and the changes made in response to them. However, I continue to have concerns with the provisions in 22 VAC 40-661-20 E in which subsidy applicants must be referred to the Division of Child Support Enforcement (DCSE). Specifically, I am concerned that the service worker, which I have to assume, is the child care worker, will be the person responsible for determining good cause why an applicant should not be referred to DCSE. What training is provided to the worker that will enable him or her to make a determination of good cause? In making that decision, the worker will also have to determine if a valid reason for good cause exists. There is no definition of valid, and without training, upon what basis will this decision be made by the worker?

What is valid to me may very well be invalid to another. Such an important decision should not be left to the uninformed discretion of each individual worker.

An additional concern is if the applicant is referred to DCSE, at what point will the applicant be eligible to receive the subsidy? This is not clear in the language of the regulations. The process of identifying and locating the absent parent, entering an order of support and actually collecting money can be a very long process. In the mean time, the applicant is struggling with obtaining or maintaining child care putting the child or the parent's job at risk.

I understand that one of the stated goals of this program is to help families obtain self-sufficiency. However, as stated in the Department's own background document, the child care program helps protect the safety of vulnerable children who live in low-income families while their parents work or receive training and education by enabling the parents to purchase appropriate and safe child care services. Self-sufficiency involves more than financial independence. Equally important is the family's ability to live safely and without fear of harm.

The right thing to do is to provide information about the available programs and services that could be utilized by the applicants to increase their self-sufficiency.

Requiring the applicant to take steps that could jeopardize the family's safety or progress to self-sufficiency is the wrong thing to do. There are risks in taking the applicant's judgment about what is safest for his or her family and giving it to an untrained worker. One risk is that the applicant parent will avoid seeking subsidy assistance. The waiting lists may be reduced but at the expense of the true purpose of the program which is to help families purchase safe and appropriate child care while they work, allowing these families to work toward self-sufficiency.

Commissioner Comments

Commissioner Jones apologized that David Fallis, reporter for the Washington Post was not present at today's meeting. Due to a number of changing priorities, he didn't provide follow through with getting Mr. Fallis the date of the meeting.

Chairman Christopher advised she had spoken with Mr. Fallis on several occasions and they were working on a roundtable meeting.

Commissioner Jones spoke on the costs associated with the PIP (Program Improvement Plan). The total cost for implementation is \$25,881,068. At this point, he is unsure of what will go forth in the Governor's Budget and what amount legislators will approve; however, the department has one year to renegotiate the PIP.

Commissioner Jones referred to a letter from Linda Nesbit on behalf of the Western Regional Coalition regarding piloting of one stop shops for the department. They have received good feedback on this initiative, along with negative feedback that a person in Hampton Roads may be providing assistance to someone in the western area of the state. He advised the next phase of this pilot program is to keep teams regionally based, building on relationships that can be centered within a region. This initiative will begin in January 2005.

Commissioner Jones commented on a letter received from the Boys Home in Western Virginia regarding the Interdepartmental Regulation. The letter indicated that the proposed regulation was a result of Medicaid and the decision to turn everyone into a medical model--restrictive non-home like setting. This isn't accurate. A periodic review was done to update the current child core practices/HIPPA/Chaffe Act and restraints. House parent models are not prohibited; a child can still be placed in a home to best meet their needs.

The white paper also mentioned a cost of \$17.4 million dollars cost to comply. He is unable to substantiate this figure and indicated it would be useful to see how this figure was determined.

The 1-6 ratio was determined after a meeting of residential advisors. The Child Welfare League of America also agrees with the 1-6 ratio and 1-4 residential. Commissioner Jones felt that most of the public comment will be centered around the 1-6 ratio. He advised there would be a cost to facilities that don't meet the 1-6 ratio.

Commissioner Jones further commented that the qualifications mirror Medicaid requirements. Current staff will be grandfathered in and the enhanced qualifications will be for new hires.

He commented that children need to be safe and have a plan for day long and overnight trips. He also commented that there should be a doctor's note with all medicine given to children for their protection.

He doesn't agree that one size fits all. Standards recognize the different ways to deliver products, emphasizing again that we want the best way to provide protection to our children.

Closed Session

ON MOTION DULY MADE (Ms. Simon- Owens) and seconded (Ms. Rigby) moved to go into Closed Meeting for the purpose of consultation with legal counsel and/or briefings by staff members and attorneys pertaining to actual or probable litigation concerning a juvenile court case in Louisa County as permitted by subsection (a), paragraph of Section 2.2-3711 of the CODE of Virginia. Included in this discussion were Commissioner Jones and AG representative Al Wilson. Motion carried with all in favor.

ON MOTION DULY MADE (Mr. Brown) and seconded (Ms. Simon-Owens) moved to leave Closed Meeting and return to open session. Motion carried with all in favor.

Certificate of Closed Meeting

Ms. Luca read the Certificate of Closed Meeting with all acknowledging only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the State Board of Social Services. All members were in agreement.

VLSSE Update

Ben Owen, President of the League thanked Commissioner Jones for his response to reexamine the PIP.

Copies of the League's legislative agenda were handed out.

The League will host its Legislative Reception on January 26 at 6:30 p.m. at the Downtown Club in Richmond. Invitation will be sent to Ms. Rengnerth for distribution in January.

Mr. Owen advised comments will be sent to the Board regarding the Fraud Regulation.

Mr. Owen reminded that one size doesn't fit all; what works in one area of the state doesn't necessarily work in another. We don't need a systemic approach to procedural issues.

Members were encouraged to attend the Leagues meeting at 1:00 p.m. on January 26 at the Omni.

Action Items

22 VAC 40-661 Child Care Services and 22 VAC 40-660, Child Day Care Services Policy, final regulation

Mary Ward provided an overview of the regulation, highlighting changes.

Mr. Spadaccini advised a large number of comments had been received and recommended to Mr. Martin and the Board that a public comment session be held.

ON MOTION DULY MADE (Mr. Mitchell) and seconded (Ms. Luca) moved that Section E, page 5 under child support enforcement be removed. Motion carried with all in favor.

*ON MOTION DULY MADE (Ms. Simon-Owen) and seconded (Mr. Spadaccini) moved that whenever the word "family" is indicated in the regulation that it refer to the definition of family as listed in the manual. Motion carried.
(Discussion from Mr. Martin that the manual may change and if so, the regulation would also have to change to incorporate any new updated changes.)*

ON MOTION DULY MADE (Ms. Simon-Owen) and seconded (Mr. Spadaccini) moved to rescind the above motion in light of comments made by Mr. Martin. Motion carried with all in favor.

ON MOTION DULY MADE (Ms. Simon-Owen) and seconded (Mr. Spadaccini) moved to add the definition of family to Section 10 of the definitions. Motion carried with all in favor.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Simon-Owen) moved to expand Section C on page 15 to say that if the overpayment was a result of local agency error, the department will not seek to recoup these funds from the provider or parent. Motion carried with all in favor.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Coryell) moved to approve the final regulation package inclusive of repeal of 22 VAC 40-660-10 as amended for publication on condition that the Office of the Attorney General issue another letter of assurance. Motion carried with all in favor.

Commissioner Jones advised that if a public hearing is to be held, it should be conducted by the Board with the department providing staff support. Members agreed.

Locality Grouping-Newport News

Members were asked to approve the reclassification of the Newport News Department of Social Services from locality grouping 11 to locality grouping 111, effective July 1, 2005, contingent upon sufficient funds being appropriated by the 2005 session of the General Assembly.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Mr. Brown) moved to approve the reclassification of the Newport News Department of Social Services from locality grouping 11 to locality grouping 111, effective July 1, 2005, contingent upon sufficient funds being appropriated by the 2005 session of the General Assembly. Motion carried with all in favor. Mr. Mitchell abstained from the vote due to conflict of interest.

Locality Grouping-Fauquier

Members were asked to approve the reclassification of the Fauquier Department of Social Services from locality grouping 1 to locality grouping 111, effective July 1, 2005, contingent upon sufficient funds being appropriated by the 2005 session of the General Assembly.

ON MOTION DULY MADE (Ms. Rigby) and seconded (Ms. Simon-Owen) moved to approve the reclassification of the Fauquier County Department of Social Services from locality grouping 1 to locality grouping 111, effective July 1, 2005, contingent upon sufficient funds being appropriated by the 2005 session of the General Assembly. Motion carried with all in favor.

Meeting recessed at 4:25 p.m.

Thursday, December 16, 2004

Meeting reconvened at 9:00 a.m. Chairman Christopher presiding.

Action Items

22 VAC 40-121-10 Standards for Licensed Family Day Systems- Final Adoption
Doris Sherrod was on hand to answer Board member concerns.

Discussion: Mr. Spadaccini asked the reasoning for training hours to begin at 10 and then move to 12. Ms. Sherrod advised the original recommendation was to begin at 12; however, this was changed to 10 for consistency.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Coryell) moved to approve the final regulatory package to establish 22 VAC 40-121-10 et seq., Standards for Licensed Family Day Systems and repeal 22 VAC 40-120-10 et seq., Minimum Standards for Licensed Family Day Systems, for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21. Motion carried with all in favor.

22 VAC 40-170-10, Voluntary Registration of Family Day Homes-Requirements for Contracting Organizations—Final Adoption

Ms. Sherrod advised there were grammatical and technical changes only.

Discussion:

Mr. Spadaccini commented that on page 8 of the Townhall, first aid had been changed to CPR but a number of hours had not been specified. Ms. Sherrod advised the opportunity to address this had been done so in a companion provider regulation.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Simon-Owen) moved to approve the final regulatory package to amend 22 VAC 40-170-10 et seq., Voluntary Registration of Family day Homes—Requirements for Contracting Organizations, for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21. Motion carried with all in favor.

22 VAC 40-72-10 et seq., Standards for Licensed Assisted Living Facilities and 22 VAC 40-71-10 et seq., Standards and Regulations for Licensed Assisted Living Facilities—Notice of Intended Regulatory Action.

Discussion: None

ON MOTION DULY MADE (Ms. Coryell) and seconded (Mr. Spadaccini) moved to approve the Notice of Intended Regulation Action package to repeal 22 VAC 40-71-10 et seq., Standards and Regulations for Licensed Assisted Living Facilities and to promulgate a new regulation 22 VAC 40-72-10 et seq., Standards and Regulations for Licensed Assisted Living Facilities for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21. Motion carried with all in favor.

22 VAC 40-130-10 et seq., Minimum Standards for Licensed Private Child-Placing Agencies – Notice of Intended Regulatory Action

The Committee's recommendation from page one of the Minutes was read into the Minutes. (Motion on page 1 of these minutes) Approved by Board.

22 VAC 40-705-10 et seq., Child Protective Services – Notice of Intended Regulatory Action

The Committee's recommendation from page one of the Minutes was read into the Minutes. (Motion on page 1 of these minutes) Approved by Board.

22 VAC 40-201-10 et seq., permanency Services –Prevention, Foster Care, and Adoption and Independent Living.

Ms. Christopher asked Ms. Johnson-Scott to explain to members why the copy of the regulation before them was not the regulation mailed to members to review. The Chair was assured that members will not receive information the same day as asked to vote on it.

Mr. Spadaccini commented that no public comments had been received. Mr. Bush advised the League would be sending formal comments at the proposed stage.

To the Commissioner, Mr. Spadaccini advised he appreciated that funding will be tailored to the local agencies.

The Committee's recommendation from page one of the Minutes was read into the Minutes. (Motion on page 1 of these minutes). Approved by Board.

Chairman Christopher asked that members receive a copy of the Budget. Mr. Martin will send a copy.

22 VAC 40-740-10 et seq., Adult Protective Services-Proposed amended Regulation

The Committee voted not to approve this regulation on page 1 of the minutes. Following discussion with Marjorie Marker on clarifications within the regulation, the committee and members proposed a new regulation.

ON MOTION DULY MADE (Ms. Simon-Owen) and second (Mr. Spadaccini) moved to approve the proposed regulatory package to amend 22 VAC 40-740-10 et seq., Adult Protective Services with the removal of items B and D on page 25 to say a: For first offenses of non-reporting pursuant to 63.2-1606 H of the Code of Virginia, the penalty shall be not more than \$500. B. for second and subsequent offenses pursuant to 63.2-1606-H of the Code of Virginia, the penalty shall be not less than \$100 and not more than \$1000.00. Motion carried with all in favor.

22 VAC 40-901, Community Services Block Grant Program—Proposed Regulation

The Committee's recommendation from page one of the Minutes was read into the Minutes. (Motion on page one of Minutes.) Passed with all in favor.

Following action items, Mr. Spadaccini took the opportunity to introduce his wife Barbara to the Board and commented how valuable her support has been to him as he enters his 10th year of service on this Board..

Danny Brown introduced his brother Roger to members of the Board.

Presentations

Approval of Eligibility Worker Appreciation Month Resolution

Arlene Hamilton, First Vice President of B.P.R.O read a resolution to Board members requesting their support in designating February Eligibility Worker Appreciation Month.

ON MOTION DULY MADE (Ms. Simon-Owens) and seconded (Ms. Rigby) moved to support designating February as Eligibility Worker Appreciation Month. Motion carried with all in favor. A copy of the signed Resolution will be housed with the official Minutes.

Jack Frazier Acting Director of the Division of Quality Management provided members with a copy of the Quality Management Plan for Performance Management. A copy of this presentation is housed with the official Minutes housed at the Home Office in Richmond.

Richard Pyle provided information on the Auxiliary Grant Rate Setting Procedure.

Ms. Christopher requested Mr. Martin to have someone mail the Board the individual poverty rate in Virginia.

Mr. Spadaccini stated that this past August the Board had approved the regulation governing Auxiliary Grants in where he and Ms. Coryell unsuccessfully attempted to have an amount included within the regulation itself. He reviewed some statistical amounts based on the presentation and the inability to provide adequate care based on the current grant amount. He further commented that the presentation the Board just received illustrated the current grant amount was insufficient and the need for increasing the amount.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Mr. Mitchell) requested an advisory letter be sent to Governor Warner and copied to legislators Callahan and Chichester that members concurred that the current rate is insufficient and would like their support in establishing the AG rate at \$1500 for the next legislative session. Motion carried with all in favor. Ms. Rengnerth will draft a letter and send to the Chair on Friday.

Minutes

ON MOTION DULY MADE (Ms. Simon-Owen) and seconded (Ms. Rigby) moved to approve the minutes from the August meeting. Motion carried with all in favor.

Chairman Christopher reviewed items listed in the October minutes that had not been moved upon. Particularly, she advised she took exception to the Commissioner not moving forward on a concern she had in August where children can be placed in a foster home where a 17 year old could have a sexual felony against them and no background check is done due to their age. She reminded members they had voted to pass this regulation several months ago with the understanding this issue would be addressed in legislation from the department.

Future Meetings

Mr. Brown asked if the Board would consider moving the April meeting to the Western Region and having the Northern Region covered in October 2005. Member agreed with the change.

Chairman Christopher requested that the department ensure rooms large enough to accommodate members and citizens be used for future committee meetings.

There will not be a January 2005 meeting

February 16-17 will be held in Central part of Virginia

March 16 will be a roundtable meeting with David Fallis, ALF providers, profits/non-profits, AARP, department staff. (Ms. Christopher will provide 4- page listing of interested parties.)

April 20-21 Wythe County

June 15-16 Halifax County

August 17-18 Portsmouth

October 19-20 Northern Region of State

ON MOTION DULY MADE (Ms. Coryell) and seconded (Ms. Rigby) moved to approve the above future meeting schedule.

Old Business

Bylaws were deemed to be correct and dropped from the agenda without further discussion.

Due to time constraints, the visit to the Assisted Living Facility will be cancelled.

New Business

Chairman Christopher announced that in the future, all correspondence received by members would be forwarded via email, fax, or postal mail to Ms. Rengnerth for dissemination. At the suggestion of Richard Martin, Ms. Rengnerth will forward these items to the department's Office of Public Affairs for response and tracking with a copy to Board members.

It was agreed that Nick Young continues to be most responsive in answering Child Support Enforcement Issue and should continue to answer correspondence as done in the past. Ms. Rengnerth will track these responses and advise all Board members.

Mr. Mitchell thanked Mr. Young for his promptness in handling correspondence and advised he will continue to work with Mr. Young and keep the department in the loop with correspondence received.

Ms. Christopher requested that Board materials be three-holed punched; names of staff providing presentations before the Board are to be listed on the agenda; and all materials sent with the Board Packet have a corresponding agenda item listed on them.

The department was also requested to provide revised Board meeting items to members in a timely manner.

It was the general feeling of members that the committees worked very well. The Chairman was complimented on her desire to have the Board better informed through the establishment of committee work.

Committee Report

Ms. Coryell attended the CPS Out of Family meeting on November 8 in Charlottesville. This was a meet- and- greet session for new members and several returning members.

Proposed DOE legislation was reviewed during the meeting. The next meeting is set for March 8 in Charlottesville.

Board Comments

Member comments echoed each other for the most part with thanks given to Ms. Sewell and Fredericksburg for their hospitality in hosting the Board meeting and for the lovely luncheon.

Mr. Spadaccini stated his belief in order to be successful and to serve the citizens of the Commonwealth effectively the Board must continue to work in partnership with the Department and local agencies. Ms. Rigby stated that she shared his belief and hope the Board would continue down this path.

Thanks were given to Mr. Martin, Mr. Wilson and Ms. Rengnerth for a job well done throughout the year and to department staff for their responsiveness to Board concerns.

Ms. Coryell and Mr. Brown were thanked for their Christmas gifts.

Meeting adjourned at 1:30 p.m. on Motion duly made by Mr. Spadaccini and seconded by Ms. Coryell.

Submitted by Pat Rengnerth
Approved February 2005