

**DRAFT Minutes**  
**Commonwealth of Virginia**  
**State Board of Social Services**

VA Department of Social Services  
7 N. 8<sup>th</sup> Street  
Richmond, VA 23219

April 15-16, 2009

**Members Present**

Trudy Brisendine, Brenda Hornsby, Shirley Culpepper, Peppy Linden, Maggi Luca, Barbara Manuel, Michelle Larkin, and Bela Sood.

**Members Absent**

Danny Brown

**CALL TO ORDER**

The meeting was called to order at 9:00 a.m. by Chairperson Trudy Brisendine.

**Announcements**

Danny Brown is absent due to scheduling conflict.

Committees met from 9:00-10:00 a.m.

**WELCOME AND INTRODUCTIONS**

Commissioner Conyers welcomed the Board to Central Office and introduced staff in attendance. Attendees included Jane Clements, Paul McWhinney, Sam Bush, Marianne McGhee, Bettie Jo Zarris, Tom Steinhauser, J.R. Simpson, and Assistant Commissioner Margaret Schultze.

**REVIEW OF THE AGENDA**

Richard Martin, Manager of the Office of Legislative and Regulatory Affairs reviewed the meeting agenda.

The Board approved hearing the Concurrent Planning presentation at their June meeting.

Members have a late hotel checkout on Thursday.

**Status of Regulations**

Richard Martin advised that as of April 15, 2009, the department has 58 regulations in place. Five of the 58 are currently in the process of being amended, 15 are being repealed, and six additional new regulations are being promulgated. That totals 64 regulations and potential regulations. This report is attached to the minutes.

### **Poverty Summit**

Marianne McGhee, Director of the Office of Public Affairs provided an update on Poverty Awareness.

Members received a handout, entitled *Rethinking Poverty: Exploring Economic Opportunities for all Virginians*. Ms. McGhee advised three focus areas include asset development, individual and community resilience, and workforce training and education.

On Monday, April 20, Michael Cassidy, from the Commonwealth Institute, will brief the Poverty Reduction Task Force and Secretary Tavenner on Virginia statistics.

On May 7, Dr. Ron Haskins, Senior Economic Fellow with the Brookings Institution will provide a macro review of poverty. Governor Kaine and Secretary Tavenner will attend this Poverty Summit.

On May 20, there will be a National Governor's Summit Workshop in Washington, DC for summit grantees.

Ms. McGhee advised there would be a series of regional meetings during the summer of 2009 to understand local challenges and solutions. These are open to the public and members are encouraged to attend a meeting in their respective areas. Members will receive meeting date and site information. The report is attached to the minutes.

### **American Recovery and Reinvestment Act (ARRA)**

J. R. Simpson, Chief Financial Officer provided information on the department's funding streams. A handout, including funding for Title IV-D-Child Support Enforcement, Title IV-E Foster Care and Adoptions; Temporary Assistance to Needy Families; Supplemental Nutrition Assistance Program, Child Care and Development Block Grant, Community Services Block Grant (CSBG) and Americorps was provided to members.

Mr. Simpson advised the document provides the department's best available information as of April 13, and in most cases, is simply an attempt to indicate the direction the various funding sources are likely to take. The General Assembly approved budget language is reflected for Title IV-D and IV-E.. For CSBG and Americorps, it is clear these funds will only be available to the existing networks. The handout is attached to the minutes.

### **Child and Family Services Review (CFSR) and Child Welfare Transformation Updates**

Paul McWhinney, Director of the Division of Family Services provided an update on the CFSR. An on-site review for the week of July 13, 2009 is scheduled.

Site selection criteria include the largest metropolitan area in Virginia; a mix in population size; a mix of geographic areas; and representation from a cross-section of practice and a range of strengths and areas needing improvement. Fairfax County, Tazewell County, and Hampton will be reviewed for the on-site assessment.

There will be 65 cases reviewed-25 in home (CPS ongoing) and 40 foster care. Fairfax has two teams to review 35 cases and Hampton and Tazewell have one team that will review 15 cases at each site.

Family Services staff has reviewed the draft statewide self –assessment and provided feedback. The final version is due May 2009.

Exit interviews will be held at each locality July 16. The State exit interview will be held in Richmond July 17, 2009, and State Board members were invited to attend.

Mr. McWhinney provided insight about the Child Welfare Advisory Committee (CWAC). This advisory group to the division director was created as the stakeholder group for the first round of the CFSR. Information about this committee, including membership, charter, meeting dates, minutes, etc., can be found on the VDSS public website.

Transformation Plans for 2009 were reviewed. There are two distinct phases of the Virginia Children's Services System Transformation. The first phase is to work with 13 localities to develop a shared vision for children's services and best practices at state and local levels. The second phase is to implement the reform statewide.

Education and information sharing, short-term training, and regional capacity building are three critical strategies for statewide rollout.

The handout, including more in-depth information, is attached to the minutes.

### **2009 Legislation Update**

Richard Martin provided an update on social services related legislation as of February 18, 2009. He advised that next Monday is the last day to act upon bills. February 23 is the final day for committees to take action on legislation (midnight). Conference report on the budget bill is due by midnight on February 24.

### **COMMENT PERIOD**

#### ***Public Comment***

Frankie Minor, from Dryden, Virginia spoke to the Board on amendments and proposals related to the Assisted Living Facility (ALF) regulations. He offered his assistance working with state staff to take a better look at the proposed changes and impacts on ALFs.

Sandra Minton, from Abingdon, Virginia spoke to the Board on amendments and proposals related to the Assisted Living Facility regulations. The 90-day residency period will harm their businesses since many of the clients are from Tennessee.

***Local Boards and Directors of Social Services***

Ben Owen, Director of King William Department of Social Services greeted the members and remarked he had interacted closely with the Board in the past, while representing the VLSSE.

***Local Boards and Directors of Community Action Agencies***

None

***Virginia League of Social Services Executives' (VLSSE)***

Sarah Snead, President of the VLSSE provided greetings from the League. Increased caseloads continue to be an issue at the local level. Agencies are collectively doing more with less and asked the Board to continue keeping an eye on caseloads at the local level.

While realizing the financial burden on the state, the VLSSE thanked the Commissioner for minimizing the burden on local agencies. Many agencies have been through layoffs or furloughs, and travel reductions due to budget issues. If members would like further information on budget cuts at the local level, please let Ms. Snead know.

The VLSSE will host a Spring Conference in Lynchburg. This is a collaborative event between state and local governments. Additional information will be provided to Board members planning to attend.

***Virginia Community Action Partnership (VACAP)***

Jim Schuyler, Executive Director of VACAP, provided an update on the Virginia CASH Campaign, and the Earned Income Tax Initiative. Twenty-eight coalitions make up the Virginia CASH Campaign. Eleven coalitions surpassed last year totals.

Coalition results, as of April 8, 2009, showed 16,568 federal returns were processed with \$19,276,334 in refunds (average refund \$1,163). This was a tax prep savings of \$3,313,600.

EITC returns totaled 5,075 with a total refund of \$7,098,331.

State returns totaled 15,810 with a total refund of \$1,496,742. This work was completed with 753 volunteers.

The IRS reported there was a 24 percent increase to hits on their website. E filing was up over 6 percent. Self-prepared returns were up over 20 percent and tax professionals down by 0.1 percent.

Twenty-nine agencies met on March 19-20 to discuss expectations resulting from the stimulus funds.

Members were invited to attend the VACAP Conference in Virginia Beach June 8-11, 2009. Mr. Schuyler will provide further information to anyone planning to attend.

He advised that VACAP is ready to roll out their new website [www.vaeitc.org](http://www.vaeitc.org).

### ***Commissioner's Report***

Commissioner Conyers advised this department would move to 801 Main Street (across the street) in October. Although the building is smaller, it has been refitted to meet department needs.

VLSSE Conference-. Much of this conference will focus on the results of a customer service survey sent to locals on how the state is meeting their needs.

SNAP- the Food Stamp Program was renamed SNAP effective April 1, 2009. Agencies are seeing many first-time clients. There are 100,000 additional people taking advantage of this program over last year's figures. TANF figures show an increase of 9,000.

Safe and Stable Family Resources- A group convened in Petersburg, representing the Fatherhood Initiative, Department of Social Services, Health Department, Prisoner Reentry, VA Cooperative Extension Service, faith-based, and private donors, to address ways to work with people, using a holistic approach.

Assisted Living Facility Regulations-There has been a great deal of work done on these regulations to foster better relationships. The Board will hear public and political comments on the Virginia Residency Requirement proposed in the regulation. Establishing a residency requirement will ensure that more AG beds are available to low income Virginia residents in need of ALF placements and reduce the number of out-of-state residents who relocate to Virginia in order to take advantage of the AG Program.

### **Committee Reports**

*Committee on Children's Issues:* Ms. Hornsby, Chair

Present: Barbara Manuel, Michelle Larkin, Trudy Brisendine, Paul McWhinney, Phyl Parrish, Susan Taylor, and Bela Sood

*Resource, Foster & Adoptive Family Home Standards*

Ms. Hornsby and Ms. Larkin shared concerns regarding changes made in this regulation for training of providers from "defined hours" of training to "acquiring competencies." Ms. Parrish shared that cost was a factor driving the changes. Discussion ensued regarding the proposed plan for measuring acquired competencies and discretionary implementation of training by local departments.

Ms. Hornsby raised a concern for rural localities that might lack resources and staff needed for training. Mr. McWhinney shared his philosophy of a “strong principled supervision” approach from the state in providing implementation guidance for local departments. Susan Taylor of the Resource Family Unit joined the committee discussion and provided further clarification on the Pride curriculum, which addresses core competencies, modes of training, Pride Trainers, and KRAFT (contract with VCU). Ms. Taylor reported that the content of PRIDE is prescribed but the method of teaching is discretionary. The curriculum is designed for nine weeks (27 hours) and includes an evaluation at the end of each series addressing competencies. Kraft will provide support in the form of trainers for rural areas lacking resources. Ms. Sood also emphasized the importance of properly measuring competencies and providing families with sufficient training.

Ms. Hornsby asked about the requirement of a tuberculosis screening in place of a TB test. Ms. Parrish shared that staff from the Department of Health recommended only a tuberculosis screening. Ms. Sood agreed that a screening should suffice.

The committee recommended approval of the adoption of 22 VAC 40-211, Resources, Foster and Adoptive Family Home Approval Standards.

*Assessment Process for Additional Daily Supervision and Therapeutic Foster Care Standards*

Ms. Parrish shared that there will be concerns (from local departments and private providers) related to establishing a standardized rate for additional daily assistance of therapeutic foster care. Rates currently vary (widely) amongst private providers. The committee concluded that we need more information and will discuss this regulation further during the June committee meeting. Ms. Parrish agreed to invite a department staff member from the Data Analysis Unit to the next committee meeting. The committee also recommended that Matt Wade (Data Analysis Unit) should provide a presentation for the Board on rate setting during the June meeting.

*Child Welfare Transformation:* Mr. McWhinney suggested that we invite Ray Ratkey to an upcoming Board meeting for a full presentation on the Child Welfare Transformation initiative. The committee supported this idea.

*Committee on Adult Issues:* Mr. Brown, Chair was absent so Shirley Culpepper represented him.

Present: Peppy Linden, Maggi Luca, Anthony Conyers, B.J. Zarris, Gail Nardi, Lynne Williams, Judy McGreal, Leslie Knachel, Tom Steinhauser, Margaret Schultze, Sam Bush, Jane Clements, and Karin Clark.

22 VAC 40-25-Proposed Regulation

Auxiliary Grant Program

Proposed changes to the regulation include removing the requirement that assisted living facilities (ALFS) accepting individuals with an Auxiliary Grant (AG) submit an annual audit report to DSS and replacing it with a requirement for an annual AG certification; the addition of a Virginia residency requirement for AG eligibility; clarifications regarding ALF's participation in the AG Program and the submission of the provider agreement; amendments to the assessment process for emergency ALF placements; clarification for ALF providers regarding procedures surrounding resident discharges from facilities; and use of person-centered language throughout the proposed text.

22 VAC 40-72 Exempt Final Adoption

Standards for Licensed Assisted Living Facilities

This regulatory action is necessary to implement a recent amendment to §54.1-3042 of the Code of Virginia by the 2009 Session of the General Assembly that allows an applicant for registration as a medication aide to act as a medication aide on a provisional basis if the person has provided to the Virginia Board of Nursing evidence of successful completion of the education or training course required for registration. The applicant may not act as a medication aide on a provisional basis for more than 120 days before successful completion of any required competency evaluation. However, upon notification that the applicant has failed to successfully complete the written examination after three attempts, the person must immediately cease acting as a medication aide.

22 VAC 40-311 Final Adoption

General Relief Program

General Relief (GR) is a program that provides assistance to individuals that are not eligible for other forms of assistance and is an optional program at the local level. The regulation defines the different types of assistance available, how income and resources are evaluated for aliens, how recipients can receive assistance through the disability advocacy project, and establishes the date for which eligibility for GR begins. This regulation combines the provisions of four existing regulations into one comprehensive set of rules for the GR program. There are no substantive changes in policy.

**ACTION ITEMS**

**Approval of February 2009 Minutes**

***ON MOTION DULY MADE** (Ms. Linden) and seconded (Mr. Culpepper) moved to approve the Minutes of the February 2009 meeting. Motion carried with all in favor.*

**22 VAC 40-25, Auxiliary Grant Program: Levels of Care and Rate Setting**

**Proposed Regulation**

Mr. Martin asked members to strike the word "and" from page 8 of 14 and strike "a" from page 12 of 14.

Mr. McWhinney briefed the members on this regulation. Amending the regulation will enhance the health, safety and welfare of vulnerable adults age 60 and over and individuals age 18 to 59 who have a disability and reside in ALFs throughout Virginia. The annual certification will provide sufficient assurances that the personal funds of individuals residing in an ALF are maintained appropriately and not commingled with facility funds. Implementing use of an annual certification form instead of the costly and complicated annual audit requirement in the current regulation will reduce burdensome reporting requirements that may hinder provider's willingness to continue to accept individuals who receive AG.

Establishing a residency requirement will ensure that more AG beds are available to low income Virginia residents in need of ALF placements and reduce the number of out-of-state residents who relocate to Virginia in order to take advantage of the AG Program.

Clarifying assessment procedures for emergency admissions to ALFs and the ALF providers' responsibilities associated with discharging residents will improve communication between local departments of social services and ALF providers regarding individuals who are receiving AG payments. These clarifications will also ensure conformity with current licensing regulations. Amending the regulations will have no impact on environmental issues.

***ON MOTION DULY MADE*** (Committee) and seconded (Mr. Culpepper) moved to approve the proposed regulatory packet to amend 22 VAC 40-25, Auxiliary Grant Program: Levels of Care and Rate Setting for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 36 (2006) and approve the fiscal impact analysis of this action for distribution to local boards of social services pursuant to §63.2-217 of the Code of Virginia.

*Motion carried with all in favor.*

## **22 VAC 40-72, Standards for Licensed Assisted Living Facilities**

### **Exempt Final Adoption**

This action is necessary to implement a recent amendment to §54.1-3042 of the Code of Virginia by the 2009 Session of the General Assembly that allows an applicant for registration as a medication aide to act as a medication aide on a provisional basis if the person has provided to the Virginia Board of Nursing evidence of successful completion of the education or training course required for registration. The applicant may not act as a medication aide on a provisional basis for more than 120 days before successful completion of any required competency evaluation.

However, upon notification that the applicant has failed successfully to complete the written examination after three attempts, the person must immediately cease acting as a medication aide. Judy McGreal and Lynne Williams were on hand to answer questions.



**ON MOTION DULY MADE** (Mr. Culpepper) and seconded (Ms. Sood) moved to approve the exempt final regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order 36 (2006) and the Administrative Process Act. This regulatory action will become effective July 1, 2009. Motion carried with all in favor.

## **22 VAC 40-411, General Relief Program**

### **Final Action**

The regulation defines the different types of assistance available. The regulation provides the rules for the disability advocacy project, which will be made available to Supplemental Security Income recipients who have received written notification that their disability claim has been denied. The regulation changes the time frames that localities can provide assistance to provide more flexibility at the local level. The regulation updates provisions regarding eligibility of aliens, so that the regulation is consistent with the federal Personal Responsibility and Work Opportunity Reconciliation Act. Obsolete terms, such as references to the Aid to Families with Dependent Children Program, were updated. Tom Steinhauser was on hand to answer questions.

**ON MOTION DULY MADE**, (Ms. Linden) and seconded (Ms. Hornsby) moved to approve the final regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order 36 (2006) and the Administrative Process Act. The final regulatory package includes the promulgation of 22 VAC 40-411, General Relief Program, and the repeal of 22 VAC 40-410, Entitlement Date in the General Relief Program, 22 VAC 40-570, General Relief (GR) Program-Locality Options, and 22 VAC 40-640, General Relief Program-Deeming Income from Alien Sponsors. This regulatory action may become effective thirty days after publication. Motion carried with all in favor.

## **22 VAC 40-170, Voluntary Registration of Family Day Homes – Requirements for Providers**

### **Exempt Final Action**

The proposed regulation is necessary to implement Chapter 29 of the 2009 Acts of Assembly where the General Assembly amended §63.2-1704 of the Code of Virginia to eliminate the requirement for a regulation to govern the actions of Voluntary Registration Contracting Organizations that certify family day homes as eligible for registration. The Code still requires the DSS to contract with any organization performing the duties and responsibilities of a VR Contracting Organization. Leslie Knachel was on hand to answer questions.

**ON MOTION DULY MADE**, (Ms. Larkin) and seconded (Mr. Culpepper) moved to approve the exempt final regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order 36 (2006) and the Administration Process Act. This regulatory action will become effective July 1, 2009. Motion carried with all in favor.

**22 VAC 40-211, Resource, Foster, and Adoptive Family Home Approval****Standards****Final Action**

The purpose of the proposed action is to adopt a new regulation specific to the approval requirements for resource, foster, adoptive, and respite family home providers approved by local departments. The new regulation will fill the void left by the 2007 repeal of 22 VAC 40-770, Standards and Regulations for Agency Approved Providers. The new regulation will ensure compliance with changes to federal and state laws and regulations regarding resource, foster and adoptive family homes. Adherence to these standards are essential to protect the health, safety, and welfare of families and children who are part of Virginia's foster care system. In addition, the new regulations will create consistency between providers approved by local departments and licensed child placing agencies. This consistency was an action step of the Performance Improvement Plan developed in response to the federal Child and Family Services Review and is required by federal regulations. Paul McWhinney was on hand to answer questions.

***ON MOTION DULY MADE*** (Ms. Hornsby) and seconded (Mr. Culpepper) moved to approve the final regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order 36 (2006) and the Administration Process Act. This regulatory action may become effective thirty days after publication. Motion carried with all in favor.

**22 VAC 40-221, Assessment Process for Additional Daily Supervision and Therapeutic Foster Care Standards****Notice of Intended Regulatory Action**

The purpose of the proposed action is to establish a requirement for the use of an approved DSS process to assess a child for the purpose of determining the additional daily supervision component of the foster care maintenance payment. It will also establish standards for local departments of social services to use when providing therapeutic foster care services. This regulation is needed to ensure that Virginia meets federal requirements for seeking federal reimbursement by having a statewide rate structure for local departments to use in determining the additional daily supervision component of the foster care maintenance payment.

Standards for operating a therapeutic foster care program or providing therapeutic foster care services are needed to ensure a comprehensive approach and consistency statewide in the provision of those services. Paul McWhinney was on hand to answer questions.

***ON MOTION DULY MADE*** (Ms. Larkin) and seconded (Mr. Culpepper) moved to approve the final regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order 36 (2006) and the Administrative Process Act. Motion carried with all in favor.

**Information Item**

**Child Abuse Prevention Month and Update from the Governor's Advisory Board of Child Abuse and Neglect (GAB)**

Rev. Thurman Echols, Chair of this Board advised that April is Child Abuse Prevention Month in Virginia. He further stated the GAB has provided extensive input into the Child Protective Service regulations to include expansion of physical neglect with person required to register as a violent offender; electronic taping; and expanding CPS training for supervisors and workers.

Members were invited to attend the Child Abuse Prevention symposium April 24, 2009.

The members thanked Reverend Echols for the dedication and work performed by this Board.

**Articles from the Washington Post**

Members reviewed articles in the Washington Post concerning an adoptive mother and the death of a child.

**New Business**

Appointment of Nominating Committee

Maggi Luca will serve as Chair with committee members Peppy Linden and Bela Sood. A proposed slate of officers will be discussed at the June meeting.

**Recess 5:00 p.m.**

**Thursday, April 16, 2009**

Reconvene at 9:00 a.m., Chairperson Trudy Brisendine presiding. Assistant Commissioner Margaret Schultze set in for Commissioner Conyers, who was not available this morning due to a prior meeting conflict.

**Board Member Comments**

Members thanked the VDSS and staff for their usual excellent job in providing materials in a timely manner.

Members shared their appreciation in attending the Volunteer Award Ceremony held at the Executive Mansion on Wednesday night.

Mr. Martin was thanked for highlighting the regulations that the Board is currently focusing on.

Members voiced their excitement over the upcoming Poverty Summit.

Adult Protective Service and Foster Care Month will be recognized during the Month of May.

### **Informational Items**

#### *Child Support Debit Card and CNN Video*

Nick Young, Deputy Commissioner of Division of Child Support Enforcement provided an update on the debit card and shared a video shown on CNN.

Members confirmed that clients receive several letters advising the benefits of using the card prior to it being mailed. A copy of these letters will be provided to members at the end of today's meeting. Mr. Young advised he is open to Board input on revising the letters that will better educate the client.

#### *Overview of the Division of Community and Volunteer Services*

Jack Frazier, Director provided an overview of the division. The Board was asked to help raise awareness of Virginia's diverse programs that are made available through the department. Members were encouraged to meet regional directors and attend meetings in their areas.

A suggestion was made to ask Fran Inge to attend a future meeting and speak on the Family and Children's Trust Fund (FACT).

Ms. Larkin asked for a copy of Mr. Frazier's report.

### **2009 Legislation Update**

Richard Martin advised the department tracked and analyzed 80 bills this year (36 pertaining to Family Services).

Cynthia Coiner from DCSE was on hand to answer questions on SB 1237. The effective date will be determined. A new regulation will be developed to deal with this (18-24 months prior to final regulation).

2010 Budget- Mr. Martin reported that his office will begin working on the 2010 budget. If members know of any items to go on the "shopping wish list," please send them to him by June 1.

He advised that neither Health Professions nor the Social Work Board have plans to move forward on the social worker licensure certification but that does not mean that someone else will not introduce a legislative proposal.

### **UNFINISHED BUSINESS**

#### *Review of Board Work Plan for FY2009*

The Chair reported that internal accomplishments for the year included Board Orientation; Committee appointments; agenda development plan; continuing education, and conflict of interest training.

Board members served on various DSS workgroups; received updates on the Child Welfare Transformation and CFSSR Review; supported legislative initiatives; and staff collaboration.

Working partnerships were strengthened through public comment outreach; enhanced linkages to CAA's; supportive of VLSSE positions; attended Commissioner's Roundtable events; and supported the First Lady's For Keeps Program.

**NEW BUSINESS**

None

**FUTURE MEETING SCHEDULE**

June 17-18, 2009 Central Regional Office

August 20-21, 2009 TBD

**CHAIRMAN'S COMMENTS**

The Chair thanked the Commissioner for sparing local agencies further financial impact.

Agenda items for next meeting include:

- Presentation by Matt Wade on Rate Setting
- Foster Care and Adoption
- Stimulus Update
- Legislative Shopping List
- PSA Response on Virginia 211
- Concurrent Planning Update
- Child Care Presentation & Unit Overview
- FACT Presentation
- Presentation by Ray Ratke (August) on the Child Welfare Transformation Initiative

**Adjournment**

With no further business to discuss and by consensus, the meeting adjourned at 11:53 a.m.

Submitted by:  
Pat Rengnerth  
April 16, 2009