

Minutes
State Board of Social Services
February 16, 2005
VA Dept. of Social Services
7 N. 8th Street
Richmond, Virginia

Members Present

Danny Brown, Vice Chair
Maggi Luca, Secretary
Robert Spadaccini
Carol Ann Coryell
Nettie Simon-Owens
William (Billy) Mitchell
Jean Cobbs

Members Absent

Julie Christopher (out-of-country)
Marilyn Rigby (family illness)

Call to Order

The February 16, 2005 meeting of the VA State Board of Social Services was called to order at 9:00 a.m., Vice Chairman Danny Brown presiding.

Welcome & Introductions

Mr. Brown welcomed meeting attendees. Local Directors and Board members introduced themselves.

Mr. Brown advised that Ms. Christopher and Ms. Rigby would not be in attendance today.

Conflict of Interest Training

Members were provided mandated Conflict of Interest Training provided by the Office of the Attorney General. Certificates and attendance records will be kept on file in the Home Office.

Mr. Spadaccini questioned how the remaining members would receive this training and if it were problematic that the deadline had already passed. Mr. Martin confirmed the DVD will be made available to the two Board members prior to the next two meetings. The Office of the Attorney General is aware this training was provided past the deadline as there were problems obtaining a copy of the DVD.

Mr. Spadaccini requested and members were provided a copy of the slides shown in this video.

Regulatory Review

Mr. Martin advised that as of February 15, 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Of those 62-, 14 are in the process of being repealed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
Of those 62, 3 are under periodic review
9 additional new regulations are in the process of being promulgated

That totals 71 regulations and proposed regulations.

Mr. Martin advised there are five regulatory actions currently in public comment:

22 VAC 15-10, Public Participation Guidelines, Child Day Care Council's regulation, comment on periodic review ends on February 28, 2005

22 VAC 40-100, Minimum Standards for Licensed Child Care Institutions, public comment on periodic review ends on February 28, 2005

22 VAC 40-130, Minimum Standards for Licensed Child Placing Agencies, public comment on notice of intended regulatory action ends on March 9, 2005

22 VAC 40-160, Fee Requirements for Processing Applications, public comment on periodic review ends on February 28, 2005

22 VAC 40-705, Child Protective Services, public comment on notice of intended regulatory action ends on March 9, 2005

Legislative Report

Mr. Martin provided members with a handout on Social Services related legislation as of February 16, 2005. He highlighted HB 2921; SJR 331; SB 857; HB 2163; SB 1243; HB 2744; HB 1761; HB 2268; HB 2512; HB 2807; SB 1183; HJR 685; HJR 770; HJR 657; HB 1798; SB 1143; HB 2462; and HJR 713.

Committee of the Whole

Child Protective Services Presentation

Rita Katzman, Program Manager for Child Protective Services provided members with the Annual Child Maltreatment Fatality Report covering the timeframe of July 1, 2003 through June 30, 2004.

Members were provided a copy of the Review of Child Protective Services in Virginia (HD No. 21) as reported by the Joint Legislative Audit and Review Commission.

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Ms. Katzman reviewed the Keys to Prevention: A Blue Ribbon Plan to Prevent Child Abuse and Neglect in Virginia. She advised that during FY 2004, a child died every 13 days in Virginia due to child abuse or neglect. Local social service departments investigated 32, 148 suspected incidences of child abuse and neglect.

Investigators determined that 6,876 children were victims of abuse or neglect and 8,597 were at high or moderate risk for abuse.

She advised the Department of Social Services and Prevent Child Abuse Virginia initiated a strategic planning process to develop a practical plan of action to prevent child abuse and neglect. VDSS contracted with the VCU Center for Public Policy to facilitate the Plan development.

A 45 member steering committee was convened and met four times between the beginning of August and early December. Committee members included representatives of state and local agencies; nonprofit organizations; academic institutions; the military, and parents.

Four public input sessions (Virginia Beach, Fairfax, Charlottesville, and Wytheville) and three parent focus groups (Richmond, Alexandria, and York) were held in August and early September to support the development of the Plan.

One hundred forty-one participants representing parents, social service agencies, nonprofit organizations, service providers, schools, hospitals, health departments and program administrators provided their insights on needs and solutions.

Johanna Schuchert, Director of Prevent Child Abuse Virginia advised that effective programs and strategies are currently in place to help reduce incidences of child abuse and neglect, but improvements can be made. The Plan identified nine strategies that will help further reduce child abuse and neglect:

- Establish a long-term leadership structure and provide authority for Plan implementation and monitoring;

- Develop creative, flexible and sustainable funding mechanisms to support prevention efforts;

- Expand and strengthen prevention partnerships;

- Enhance the prevention capacity of the Department of Social Services;

Further the use of evidenced-based and promising new prevention approaches and programs;

Solicit feedback from parents and communities to help identify needs and successful programs;

Increase advocacy efforts at the state and local levels;

Implement interdisciplinary training on abuse and neglect prevention and expand cultural literacy; and

Extend public education and outreach programs.

Members were invited to attend a one-day conference on April 4 at the Sheraton Park South to kick-off Child Abuse Prevention Month and to formally unveil the Prevention Plan.

Discussion:

Ms. Katzman was asked, and she agreed to provide a presentation on Structured Decision Making (SDM) at the April meeting.

Assisted Living Facility (ALF) Presentation

Carolynne Stevens, Director of Licensing Programs provided an update on Assisted Living Facilities. She advised there were 17 Bills related to ALFs. Fourteen were multi-issue bills for varying scope and focus; consolidated to two; 1 created a bed surcharge to fund training Ombudsman program (tabled); 1 establishes a Day of Recognition for long term care workers; and 1 permits ALF staffs to do gastric tube care and feeding under RN delegation.

Frequent themes in multi-issue Bills include protections and service coordination for residents with mental health, mental retardation, behavioral issues; enforcement tools and methods; management and safety issues, including licensure of ALF administrators and medication administration technicians; and public disclosure.

Multi-issue Bills introduced were HB 424; HB 2150; HB 2337; HB 2362; HB 2512; HB 2545; HB 2896; SB 1000; SB 1085; SB 1140; SB 1183; SB 1185; SB 1187; and SB 1212. Ms. Stevens advised that HB 2512 and SB 1183 are the surviving, mirror image omnibus bills. Twelve other bills were consolidated into these; their patrons joined chief patrons of the surviving omnibus bills in their respective houses.

Discussion:

Mr. Spadaccini suggested that Ms. Stevens consider bringing a Resolution before the Board in April designating the second Wednesday of every June as a day of recognition to acknowledge the contributions of and pay tribute to the direct care staffs and members of other professions that provide dedicated assistance and health care services to enhance the quality of life of persons receiving long term care in the Commonwealth (HB 1980).

Public Comment

None

VLSSE Update

Ben Owen, President of the VA League of Social Service Executives updated the members on the PIP and his discussions with Ms. Christopher surrounding the Plan.

Donna Douglas, director of Hanover DSS and chair of the Child and Family Services Team of the League mentioned an article in the February Governing Magazine that listed Virginia as one of the top managed states in the nation.

She advised the League supports the Plan to the extent funds are available.

(A copy of this Plan is attached to the official Minutes housed in the home office.)

Mr. Owen advised that the Commissioner had notified the federal government that the contract needed to be renegotiated due to lack of funds. As it stands now, only 1 of 6 priorities could be met due to lack of funds.

With approval from Commission Jones, Mr. Owen stated he will convene a meeting with State Board members, state staff, and Ms. Douglas' committee to review the fiscal impacts on upcoming regulations.

Mr. Owen stated that grievance procedures for local departments are moving nicely, with the assistance of Phyllis Sisk.

He shared his thoughts on Medicare part D- prescription drug coverage as having the potential to be a huge role for local DSS offices. A meeting with the Commissioner and various partners has been scheduled for next week to discuss this issue. He advised it is too late to become part of the budget from legislative view this year but is hopeful the Governor will support local agencies in administering this program.

Mr. Owen thanked the members for attending the League Legislative Reception in January. The League stands ready to work with the Board whenever possible.

Commissioner Comments

Commissioner Jones commented the General Assembly was going well. He stated the PIP continues to be a challenge and there is a need to keep up the pressure for additional funds.

He stated the need for more workers in local offices and stated Medicare D is problematic as local agencies will play an information and resource role to people requesting their assistance.

Commissioner Jones further stated there is an effort underway involving state and local staff to look at business practices overhauling the information systems. Consultants will outline business practices and build new systems. This is a long-term effort that could take up to several years. How to fund this effort is also an issue.

Closed Session

ON MOTION DULY MADE (Ms. Luca) and seconded (Ms. Simon-Owens) 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 child protective service issue as permitted by subsection (a), paragraph of Section 2.2-3711 of the CODE of Virginia and to hear a personnel matter as permitted by subsection (a), paragraph (1) of Section 2.2-3711 of the CODE of Virginia. Included in this discussion were Commissioner Jones and AG representative Usha Kodura. Motion carried with all in favor. (Absent from meeting and vote: Ms. Christopher and Ms. Rigby.)

ON MOTION DULY MADE (Ms. Coryell) and seconded (Ms. Simon-Owens) moved to leave Closed Meeting and return to open session. Motion carried with all in favor. (Absent from meeting and vote: Ms. Christopher and Ms. Rigby.)

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.

Action Items

22 VAC 40-880-10 Child Support Enforcement Program

Notice of Intended Regulatory Action

Nick Young, Director of Child Support Enforcement reviewed the proposed changes to the regulation. All outdated CODE cites will be updated. All outdated references to the non-custodial and custodial parents will be updated.

Proposed changes to the regulation outline DCSE requirements for consideration of self-employment tax paid in the computation of a support obligation. Parents must provide tax returns.

Proposed changes to the regulation conform state regulation to state law. Topics include treatment of un-reimbursed medical/dental expenses and income withholding.

The proposed regulation allows the department to negotiate for payment in full from the non-custodial parent before seized property is returned to the non-custodial parent.

The proposed change to the regulation gives authority to the department to not issue refund checks for less than one dollar. This provides greater cost effectiveness for the department.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Simon-Owens) moved to approve the Notice of Intended Regulation Action package to amend Regulation 22 VAC 40-880-10 et. seq., Child Support Enforcement Program for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Motion carried with all in favor. (Absent from meeting and vote: Ms. Christopher and Ms. Rigby.)

Social Worker Resolution

On behalf of the Virginia Alliance of Social Work Practitioners, the following Resolution was read by Secretary Luca.

Whereas, Social Work and Employment Services Workers in local Departments of Social Services in Virginia provide strength based, family focused services to families in the Commonwealth; and

Whereas, Virginia continues to see changes in service programs as they become more intensive and complex in nature and local Social Work and Employment Services Workers are called upon to be knowledgeable in all areas of Social Work practice; and

Whereas, Virginia's 2500 local Social Work and Employment Services Workers have been in the forefront of public efforts to meet the needs of all Virginians to maintain families, to create permanency for children, to protect aged and disabled adults and to protect children; and

Whereas, local Social Workers must assist diverse populations and provide supportive interventions to adults and families in various situations to include: enrolling new persons in VIEW Service programs, investigating complaints of Adult Abuse and Neglect, arranging for adults Companion/Homemaker services, conducting Medicaid Preadmission screenings, conducting Assisted Living Facility Assessments, providing Foster Care services, completing Adoptions, investigating Child Protective Services Referrals, arranging for Child Care Services, and providing family stabilization services.

Now, Therefore Be It Resolved, the State Board of Social Services does hereby commend all Social Work and Employment Service Workers in local Departments of Social Services across the Commonwealth for a job well done and recognizes the month of March, 2005 as Social Work Month; calling upon Virginians to join in acknowledging their public service and contributions this 16th day of February, 2005.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Mr. Spadaccini) moved to approve the Resolution recognizing the month of March, 2005 as Social Work Month; calling upon Virginians to join in acknowledging their public service and contributions. Motion carried with all in favor. (Absent from the meeting and vote: Ms. Christopher and Ms. Rigby.)

Non-Deviating Local Social Service Agencies with Employee whose Salary Exceeds the State's Reimbursable Salary Range Maximum for Their Assigned Job Classification

Phyllis Sisk, Acting Human Resource Director advised the Division had received Compensation Plans from 39 local departments of social services who have one or more employee whose salaries exceed the State's reimbursable salary range maximums for their respective classifications at some point during the fiscal year. Ms. Sisk stated that with Board approval, these documents will be included as part of each Agency's Compensation Plan for FY 2004-05, with the understanding that any compensation paid in excess of the State's reimbursable salary range maximum shall be paid wholly from the funds of such county or city and any federal funds that are available and appropriate for use.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Ms. Simon-Owens) moved to approve the compensation plans for the following counties/cities who have one or more employees whose salary exceeds the State's reimbursable salary range maximums for their respective classifications. Any compensation paid in excess of the State's reimbursable salary range maximum shall be paid wholly from the funds of such county or city and any federal funds that are available and appropriate for use: Campbell; Dinwiddie; Appomattox; Nelson; Page; Northumberland; Westmoreland; Accomack; Amelia; Bedford; Botetourt; Caroline; Carroll; Charlotte County; Essex; Fluvanna; Fredericksburg; Halifax; Hopewell; Isle of Wight; King George; King and Queen; Lee; Mecklenburg; Northampton; Pittsylvania; Prince Edward; Pulaski; Richmond County; Russell; Washington; Shenandoah; Smyth; Southampton; Clarke; Surry; Warren; Tazewell; and York-Poquoson. Motion carried with all in favor. (Absent from the meeting and vote: Ms. Christopher and Ms. Rigby.)

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ON MOTION DULY MADE (Ms. Coryell) and seconded (Mr. Spadaccini) moved to approve the Minutes from the previous meeting with two corrections. On page 15, the words "and seconded" were not listed in the motion, and on page 3, the words the "subcommittee and not the Board" were reversed in the first motion. Motion carried with all in favor. (Absent from the meeting and vote: Ms. Christopher and Ms. Rigby.)

Future Meetings

ALF Roundtable Meeting	March 16	VDSS Home Office
Board meets in Wythe County	April 20-21	
Board meets in Halifax	June 15-16	

Old Business

None

New Business

None

Committee Reports

None

Board Comments

Mr. Mitchell thanked staff for their work in preparing today's meeting and wished everyone a safe trip home.

Mr. Spadaccini thanked the League for a wonderful reception and wished Ms. Rengnerth an early birthday wish for March 16.

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Ms. Luca stated she was energized by the topics covered in today's meeting and looked forward to becoming engaged and being proactive. She advised of a primary election June 14 and would be late arriving in Halifax for the meeting.

Ms. Coryell echoed other's remarks about the success of this meeting. She also advised that due to a prior commitment, she would not be at the March 16 Roundtable meeting.

Ms. Simon-Owens thanked staff for preparing the meeting; to the local directors for attending; and commented this was an engaging meeting.

Ms. Cobb said this had been a wonderful meeting and offered her congratulations to Commissioner Jones on a job well-done.

Mr. Brown thanked everyone for their participation. Members, in turn, thanked Mr. Brown for doing an outstanding job conducting today's meeting.

Meeting adjourned at 3:35 p.m. ON MOTION DULY MADE by Ms. Simon-Owens and seconded (Ms. Luca). Motion carried with all in favor. (Absent from the meeting and vote: Ms. Christopher and Ms. Rigby.)

Submitted by Pat Rengnerth