

Minutes  
State Board of Social Services  
Lynchburg Division of Social Services  
99 Ninth Street  
Lynchburg, Virginia

Present

Debra Andrews, Chair  
Julie Christopher, Vice Chair  
Maggi Luca, Secretary  
Carol Ann Coryell  
Danny Brown  
Billy Mitchell  
Jean Cobbs  
Phillip Jones

Absent

Robert Spadaccini  
(out of country-work related)

Call to Order

The meeting of the State Board of Social Services was called to order at 9:05 a.m.; Chairman Andrews presiding.

Welcome and Introductions

Ms. Andrews recognized Mark Johnson, Director of Lynchburg Department of Social Services. Other local directors recognized included Ben Owen, Carol Brunty, Sam Bush, Fred Fraley, S. E. Culpepper, Leighton Lankford, Shawn Rozier, and Earl Blythe.

Mr. Johnson welcomed the Board to Lynchburg and announced a tour of the department and further overview of the agency will be held following public comment.

Mr. Wilson introduced Ms. Usha Koduru, new Assistant Attorney General from his office.

Mr. Richard Martin introduced Ken McCabe, analyst from the Department of Planning and Budget.

Ms. Andrews advised a tour of the Central Virginia Training Center had been arranged following the meeting for any members wishing to attend.

Regulation Status Report

Mr. Martin advised that as of June 14, 2004, the Department has 89 regulations in place with 54 currently in some process. Of those 89, 45 are in the process of being repealed (28 of the repeals relate to old AFDC regulations that will be replaced by the new TANF regulation); 7 are in the process of being amended; 2 are in the process of periodic review; and 11 additional new regulations are in the process of being promulgated for a total of 100 regulations and proposed regulations.

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He further advised that possible regulatory action for the August meeting may include 22 VAC 40-25, Auxiliary Grant Programs: Levels of Care and Rate Setting; 22 VAC 40-90, Regulation for Criminal Record Checks for Home for Adults and Adult Day-Care Centers; 22 VAC 40-141, Minimum Standards for Independent Foster Homes; 22 VAC 40-690, Virginia Child Care Provider Scholarship Program; and 22 VAC 40-745, Assessment in Adult Care Residences.

Overview of the Office of Interdepartmental Regulation

Charlene Vincent, Coordinator for the Office of Interdepartmental Regulation provided an informative overview of the Office.

Ms. Vincent advised that the Departments of Mental Health, Mental Retardation and Substance Abuse; Education; Juvenile Justice; and Social Services jointly promulgate the Standards for the Interdepartmental Regulation of Children's Residential Facilities.

The Office works with three committees: Coordinating, Liaison and Advisory. The main responsibilities of the Office is to coordinate the licensure of children's residential facilities; process background investigations for all employees, volunteers, contract services providers of CRF's and facilitate training.

Discussion:

Ms. Coryell asked if a timeframe was set when a child must leave the facility.

Ms. Vincent advised this is not set in the standards.

Ms. Luca questioned why so many of these facilities are opening. Ms. Vincent advised she didn't know. She also verified that this type of facility can not be opened in one's own home.

Mr. Mitchell questioned how inspectors and regulators are organized to serve the state. Ms. Vincent advised they are located in Richmond.

Ms. Christopher asked if the increased growth of new homes had affected the job the department can do with only four inspectors. It was advised that unfortunately not everyone has the experience in opening a residential facility and lack of experience is making the job more difficult due to increased oversight.

Mr. Brown asked if Health is involved in inspections. Ms. Vincent advised a health inspection is done annually.

Ms. Christopher asked the amount of complaints averaged during a year. Ms. Vincent stated they have increased; however, she does not have the actual statistics today.

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Ms. Cobbs asked if annual assessment is done in all homes and how the children adjusting. Ms. Vincent advised that standards don't look at quality; they address areas of life, health, and safety.

#### Action Items

##### Request to Establish a Temporary Donated Sick Leave Policy – Wythe County

Phyllis Sisk, Acting Director of Human Resource Management advised that employees of the Department of Social Services have a donated leave policy. The Wythe County Department of Social Services adheres to the Administrative Manual for local agencies. This manual does not have a policy for donated sick leave.

The Department is recommending that the Wythe County Department of Social Services be allowed to implement a proposed donated sick leave policy for their agency until the Administrative Manual can be amended to include provisions for such a policy.

#### Discussion:

Mr. Mitchell verified that employees are ineligible to accrue leave while on leave without pay. Ms. Sisk advised a person must be in leave without pay status to receive leave and thus receive their salary.

Ms. Andrews asked who donates leave to the pool. Ms. Sisk advised any employee that wishes can donate leave.

***ON MOTION DULY MADE (Ms. Luca) and seconded (Mr. Brown) moved to approve the request to establish a temporary donated sick leave policy for Wythe County. Motion carried with all in favor.***

##### Locality Grouping Change for Augusta County and the City of Staunton

Ms. Sisk advised that Augusta County and the City of Staunton have petitioned the State Board to move from Locality Group II to Locality Group III. The Department has reviewed the request and assessed the fiscal impact. The department is requesting the Board approve the reclassification effective July 1, 2004.

#### Discussion:

Ms. Coryell questioned the cost and if money was available to cover the retroactive request. Ms. Sisk advised the State will not allow retroactive payment. The estimated cost to the State will be \$200,000.

Mr. Mitchell stated there couldn't be a big difference in cost of living between Staunton and Augusta.

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Commissioner Jones advised there are sufficient funds in the TANF Block Grant that will allow the Department to pay for this within budget.

***ON MOTION DULY MADE (Ms. Christopher) and seconded (Mr. Mitchell) moved to approve the Locality Grouping Change for Augusta County and the City of Staunton. Motion carried with all in favor.***

Locality Grouping Change for York County and the City of Poquoson

Ms. Sisk advised that York County and the City of Poquoson have petitioned the State Board to move from Locality I to Locality III. The Department reviewed the request and assessed the fiscal impact. The department recommended the Board approve the reclassification of York County and the City of Poquoson from Locality Group I to Locality Group III.

There was some discussion among Mr. Mitchell and Ms. Coryell as to the request moving from a Group 1 to a Group III when other agencies in the area are in a Group II status. After discussion with Earl Blythe, Director of this agency, Mr. Mitchell advised he would not oppose the change.

***ON MOTION DULY MADE (Mr. Brown) and seconded (Ms. Luca) moved to approve the Locality Grouping Change for York County and the City of Poquoson from Group I to Group III. Motion carried with all in favor except Ms. Coryell voting nay.***

22 VAC 40-191-10

Background Checks for Child Welfare Agencies

Exempt Final Regulation

This regulatory action will amend the regulation entitled Background Checks for Child Welfare Agencies. The amended regulation implements Chapter 714, 2004 Acts of Assembly. The Office of the Attorney General has determined that this action is exempt from the normal requirements of the Administrative Process Act.

The first change reflects a provision added to the Code of Virginia that parents and guardians may be alone with their own children in a religious exempt child day center without obtaining background checks. This change is being made pursuant to Chapter 467, 2003 Acts of Assembly.

The second change reflects a provision added to the Code of Virginia that a child-placing agency may approve as a foster parent an applicant convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny, who has had his civil rights restored by the Governor, provided 25 years have elapsed following the conviction. This change is being made pursuant to Chapter 714, 2004 Acts of Assembly.

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The Board was asked to approve the exempt final regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002). This action may be effective 30 days after publication.

Discussion:

Mr. Mitchell questioned the rationale to do a background check on parent/guardian.

Mr. Martin advised there was none but the regulation required anyone left with a child.

Someone questioned this in regulation so the department felt the need to spell it out.

Ms. Cobb verified that if a person was involved in an offense over twenty-five years ago, they are not required to report the offense. Mr. Martin advised that is correct in this case; however, there are other offenses that stay with you for life.

***ON MOTION DULY MADE (Ms. Christopher) and seconded (Ms. Luca) moved to approve the exempt final regulatory package for 22 VAC 40-191-10 entitled Background Checks for Welfare Agencies. Motion carried with all in favor.***

22 VAC 40-80-10

General Procedures and Information for Licensure

Final Adoption

This regulatory action amends 22 VAC 40-80-10 entitled General Procedures and Information for Licensure. The regulation incorporates statutory changes since the regulation was last amended in 1995. Additionally, a new section related to hearing procedures has been added at the request of the Office of the Attorney General. The Board is requested to approve the final regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002). Under provisions of the Administrative Process Act, this regulatory action may be effective 30 days after publication.

Discussion:

Ms. Coryell verified this regulation was worked on prior to the news articles in the Post. She had concerns with definitions on compliance and the difference between standards and regulations. Mr. Martin advised that standards are individual requirements within a regulation. Ms. Coryell confirmed with Commissioner Jones that the Department is working on putting more teeth in the regulation targeting those that are not complying.

***ON MOTION DULY MADE (Ms. Christopher) and seconded (Mr. Mitchell) moved to approve the final regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002) for 22 VAC 40-80-10 entitled General Procedures and Information for Licensure. Motion carried with all in favor.***

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22 VAC 42-11-10

Standards for Interdepartmental Regulation of Children's Residential Facilities  
Proposed New Regulation and Proposed Repeal

This regulation will establish a new regulation 22 VAC 42-11-10 entitled Standards for Interdepartmental Regulation of Children's Residential Facilities and repeal the existing regulation 22 VAC 42-10-10 entitled Standards for Interdepartmental Regulation of Children's Residential Facilities. The new regulation will meet federal regulations, ensure that services provided to residents are appropriate for their needs, bring the standards in line with current industry standards and needs, clarify frequently misinterpreted standards, and delete unnecessary requirements.

The Board was asked to approve the proposed regulatory package to establish 22 VAC 402-11-10 entitled Standards for Interdepartmental Regulation of Children's Facilities for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002) and approve the proposed regulatory package to repeal 22 VAC 42-10-10 entitled Standards for Interdepartmental Regulation of Children's Residential Facilities. Finally, the members were asked to approve the fiscal impact analysis for distribution to local boards of social services.

Discussion:

Much discussion followed the comments made during Public Comment regarding this regulation. Commissioner Jones stated that the members are voting on the Notice of Intended Regulatory Action so we can move forward and put this proposal into the public comment phase. He is convinced we can work in good faith to address everyone's concerns.

***ON MOTION DULY MADE (Ms. Christopher) and seconded (Ms. Coryell) moved to approve the proposed regulatory package to establish 22 VAC 402-11-10 entitled Standards for Interdepartmental Regulation of Children's Facilities for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002), approve the proposed regulatory package to repeal 22 VAC 42-10-10 entitled Standards for Interdepartmental Regulation of Children's Residential Facilities and approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.***

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22 VAC 40-901-10  
Community Services Block Grant Program  
Notice of Intended Regulatory Action

The purpose of this regulatory action is to provide guidelines for the Virginia Department of Social Services to use in evaluating organizations for designation as a community action agency. The guidelines will be used by the department in making its recommendations to the Governor for designation and funding of new community action agencies.

The Board was requested to approve the Notice of Intended Regulation Action package for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002).

Discussion:  
None

***ON MOTION DULY MADE (Ms. Christopher) and seconded (Mr. Brown), moved to approve the Notice of Intended Regulation Action package for 22 VAC 40-901-10 entitled Community Services Block Grant Program. Motion carried with all in favor.***

22 VAC 40-740-10  
Adult Protective Services  
Notice of Intended Regulatory Action

The Board was asked to approve the Notice of Intended Regulatory Action for 22 VAC 40-740-10 entitled Adult Protective Services.

Discussion:  
Ms. Coryell questioned whether mandated reports are investigators. Mr. Martin advised they were not. There is a listing of people mandated by law to report abuse.

***ON MOTION DULY MADE (Ms. Christopher) and seconded (Ms. Coryell) moved to approve 22 VAC 40-740-10 entitled Adult Protective Services. Motion carried with all in favor.***

Public Comment

*Donald E. Wheatley* provided public comment on the changes to the Standards for the Interagency Regulation of Children's Residential Facilities and asked that letters from Senator Creigh Deeds and Delegate James Shuler is part of the Public Comment. (Letters are official documents housed with the Board packet in the Home Office).

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*Senator Deeds*

I am writing you regarding the new Standards for Interagency Regulation of Children's Residential Facilities 22 VAC 42-10 and 11 (Proposed New Regulation and Proposed Repeal). While I understand this is not the appropriate time for public comment, I hope that the Board will seriously consider the following concerns throughout the deliberations on these regulations.

Mr. Donnie Wheatley, the Executive Director of the Boys Home in Covington, feels strongly that the Boy's Home and other children's residential group homes should be excluded from this process. As you know, there is a wide range of residential facilities throughout the Commonwealth that provide differing levels of care and supervision commensurate with the medical, psychological, and social problems of the children within their facility. Mr. Wheatley is concerned that the new regulations will place an undue burden on the residential group homes. I am certain that Mr. Wheatley has corresponded directly with the Board.

I appreciate your attention to this issue. Again, I hope that you will bear in mind Mr. Wheatley's comments as you move through the regulatory process. Please let me know if you have any questions.

Sincerely,  
R. Creigh Deeds



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*James M. Shuler*

It is difficult, if not impossible to devise regulations that meet everyone's needs and approval. I do not envy the task the Social Services Board faces in considering preliminary changes to the above-mentioned standards. I know the Board is interested in moving forward with the revision requirements of the process.

I bring to your attention the concerns raised by Mr. Wheatley, Executive Director of the Boy's Home in Covington. Prior to the public comment period, Mr. Wheatly is asking that you reconsider what the changes will mean to homes that, at least to my understanding, are currently serving children conscientiously, capably and effectively. I do not pretend to understand the justification behind the changes or the problems that the new regulations are meant to solve. I do know that no child will be well served if ongoing and effective services to some will have to be curtailed or eliminated. While it can be argued that the public comment period is designed to improve proposed regulations, it is prudent to first structure the best proposal possible.

I know you have the best interests of children in mind. I encourage you to widen your view of agencies that address children's residential needs and pause to make certain the state has in place the best structure for meeting the needs of children. Thank you for your attention to my comments at this early stage of reevaluating current standards.

Best Regards,  
James M. Shuler

*Marc Jaccard* from the Evans Home provided public comment on the changes to the Standards for the Interagency Regulation of Children's Residential Facilities.

*Susan Clark*, Director of Galax Department of Social Services thanked Phillip Jones for his dedication to the Board and the citizens of the Commonwealth. This will be Mr. Jones final meeting and he will be greatly missed.

*Shawn Rozier*, Director of Charlotte County Social Services thanked Debra Andrews for her dedication and work as Chair to the State Board of Social Services.

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Presentation of Awards

On behalf of the State Board members, Chairman Andrews presented Mr. Jones an engraved Revere Bowl for ten years of dedication to the State Board and citizens of the Commonwealth. He will be greatly missed.

On behalf of the State Board members, Vice Chairman Christopher presented Ms. Andrews an engraved Revere Bowl in honor of her service to the Board as past Chairman.

Commissioner Comments

Commissioner Jones provided members with a copy of the Child and Family Services Review Report and Press Release. The report pointed out that Virginia can do better. The department is currently working on a plan to present to the federal government. A major area of concern was the amount of time children were in foster care before adoption. Commissioner Jones will share a draft performance improvement plan with the Board at the August meeting.

Commissioner Jones spoke briefly on the food stamp fraud issue and advised there are approximately 150 applications to review, as well as many at the local level. He advised 37 employees have been exonerated and returned to work. There are 26 employees that have been referred to the Commonwealth Attorney; 17 applications are in review for administrative hearing and 1 employee from the Hampton area resigned. He is in hopes this issue will be wrapped up at the State level within the next 30-60 days. Due to the 600 cases at local level, the timeframe for wrap up will more than likely extend past a year.

Commissioner Jones shared copies of press articles on assisted living facilities. He advised the reporter had been working on this issue for the past 3 years and is sure the articles will lead to legislative and regulatory changes that will enhance care in these facilities. He further stated that the area of medication abuse needed to be addressed.

Commissioner Jones plans to have a more in depth discussion on the Budget at the August meeting.

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#### VLSSE

Ben Owen, President of the League, congratulated Phillip Jones for his hard work and dedication serving the citizens of the Commonwealth and also to Debra Andrews as her term of Chair expires.

Mr. Owen advised the League is not at the point of having public comment finalized on the Fraud Free Regulation, but will do so in writing during public comment period.

He advised that Workforce Development was carried over to the next year in General Assembly. The League is appointing a workgroup to review.

Mr. Owen advised the League held their May Conference in Bristol. He was reappointed to serve as President for the next two years. Members offered their congratulations to Mr. Owen and expressed their pleasure at continuing to work with him.

#### Overview of Lynchburg Department of Social Services and Office Tour

Mr. Johnson advised the department encourages and supports positive actions that families and individuals take toward the development of independence, self worth, and responsible citizenship. He shared their values, leadership philosophy and leadership principles with members. Mr. Johnson stated we must create an organizational culture and environment which nurtures and develops all our talents and resources. Leadership is everyone's responsibility. All people are different and we should value those differences and grow from them. The sharing of knowledge and information is a right and responsibility. People need interaction in order to identify with and communicate with others. Individuals are creative, responsible, make valued decisions and take risks. When vision is shared by everyone; there is commitment to the Mission.

Members thanked Mr. Johnson for this very informative overview.

Recess until Thursday

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Reconvene at 9:00 a.m. Thursday, June 17.

#### Informational Items

##### New Parent Tool Kit

Dottie Wells, Co-Director of Child Care and Development Division provided members with a New Parent Tool Kit. She advised that Governor Warner will announce the Toolkit roll out during a conference at Danville Hospital on June 18. 100,000 kits plus 10,000 kits in Spanish will be distributed to all new parents in the Commonwealth. It provides information and referrals for additional resources. Kits will be distributed through Prevent Child Abuse, Virginia; CHIP of Virginia; Virginia Department of Health-Resource Mothers Program; and local departments of social services. Pilot programs ran in Southwest and Hampton Roads in April. Kits will be available statewide before the end of June.

These kits will increase parent knowledge about infant and child care; increase positive parenting behaviors which promote bonding, optimal child development, and school readiness; and increase knowledge and ability to access information and referrals. This kit was sponsored by Freddie Mac Foundation; HarperCollins Children's Books; Family and Children's Trust Fund; Virginia Chapter of the American Academy of Pediatrics; Dominion; Children's Medical Center at the University of Virginia; Carilion Health System; Inova Fairfax Hospital for Children; VCU Health System and Virginia Hospital Center. Partners for the new parent kit include the Office of the Secretary of Health and Human Resources; VA Department of Health; Virginia Department of Medical Assistance Services; Virginia Department of Social Services; Virginia Department of General Services; CHIP of Virginia; iParent magazine; Prevent Child Abuse, Virginia. In-Kind support was given by March of Dimes-Virginia Chapter; Virginia Department of

Mental Health, Mental Retardation, and Substance Abuse Services; and Virginia Poison Control Network.

Members thanked Ms. Wells for this very informative presentation and for the New Parent Toolkit.

#### Legislative Update

Mr. Martin provided members a copy of the Department of Social Services Legislation Activity Report. Members were asked to contact Mr. Martin if they had any questions.

#### Minutes

***ON MOTION DULY MADE (Ms. Coryell) and seconded, (Ms. Luca), moved to approve the Minutes from the April Meeting as presented. Motion carried with all in favor.***

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#### Future Meeting

The next meeting will be held on August 17-18, 2004 in Newport News.

Mr. Brown suggested that Ms. Rengnerth contact the Breaks Interstate Park for the October meeting.

#### Unfinished Business

CPS OOF Letter from Chairman Timoney—It was decided to table this issue until the newly appointed Board Chairman could address it at the August meeting.

#### New Business

Danny Brown, Chair of the Nominating Committee presented the following slate of nominees:

Julie Christopher for Chairman

Danny Brown for Vice Chairman

Maggi Luca for Secretary

***ON MOTION DULY MADE (Mr. Brown) and seconded (Mr. Jones) moved to approve the slate of offices as nominated. Motion carried with all in favor. New officers will take effect July 1, 2004.***

#### Committee Reports

Ms. Christopher advised the Child Day Care Council is doing an excellent job.

### Board Comments

Jean Cobbs thanked everyone for their support, kindness and sympathy for her recent loss. She thanked Mr. Johnson for hosting this very important meeting, to Ms. Andrews for serving as Chair, to Mr. Jones for his dedication to the Board and to Ms. Rengnerth for all she does for the Board.

Billy Mitchell thanked Lynchburg for hosting the meeting and to staff for providing informative programs. He thanked Mr. Martin and Ms. Rengnerth for their part in assembling this meeting.

Carol Coryell echoed thanks to Lynchburg for their hospitality and to Ms. Andrews for organizing the tour to Central Virginia Training Center. She wished Ms. Andrews and Mr. Jones all the best and thanked them for their service to this Board.

Danny Brown said it was a privilege serving with Mr. Jones and Ms. Andrews. He congratulated Ms. Cobbs on becoming a new grandparent. He further stated he appreciated the work Mark Johnson and Ms. Rengnerth had done in setting up this meeting. In closing, he invited Mr. Jones to come to the August Meeting at the Breaks and bring his fiddle.

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Maggi Luca advised this was a memorable meeting. She appreciated the visits to the Central Virginia Training Center, the Office Tour, and the New Parent Took Kit. She thanked all support staff in educating her to social service issues.

Phillip Jones thanked Mr. Johnson for hosting this meeting. He congratulated Ms. Christopher, Mr. Brown, and Ms. Luca on their appointments. He introduced Patricia, wife and mother of his five children. He stated he had served on this Board for the past 10 years and enjoyed working with the members, Al Wilson, and held true affection for Ms. Rengnerth.

Julie Christopher echoed comments on hospitality and advised she will miss Mr. Jones. She also expressed her desire that he bring his fiddle to the Breaks. She thanked Ms. Andrews for serving as Chair. Thanks were also given to Mark Johnson for his presentation on quantifying jobs with outcomes. She thanked Mr. Martin and Ms. Rengnerth for doing a great job while facing injury and illness. She closed by saying she looked forward to working with everyone this year.

Debra Andrews congratulated the new officers and said she hoped to see everyone in August. Ms. Andrews reminded the Board that her daughter Lauren attended the last meeting and wrote a paper as part of her school project. Ms. Andrews announced Lauren received 100% as a grade for the paper. She thanked Ms. Rengnerth for her dedication and assistance to the Board.

*ON MOTION DULY MADE (Ms. Luca) and seconded (Ms. Coryell) moved to adjourn the meeting at 10:30 a.m. Motion carried with all in favor.*

Respectfully submitted by Pat Rengnerth  
Approved August 2004