

Minutes
State Board of Social Services
Comfort Inn-Chincoteague
August 14-15, 2002

Members Present

Debra Andrews
Carol Coryell
Robert Spadaccini
Phillip Jones
Jean Cobbs (Wednesday only)
Julie Christopher
Maggi Luca
Danny Brown

The meeting was called to order on Wednesday, August 14 at 9:00 a.m., Chairman Debra Andrews presiding.

Ms. Andrews welcomed new appointees to the Board: Julie Christopher, Margaret Luca, and Danny Brown. (Although the department was advised that Mamie Locke had been appointed to this Board, she had not been officially sworn in prior to this meeting).

Ms. Andrews conveyed her appreciation to Shelley Sabo, Shirley Rogers, Holly Korte, and Rufus Adkins for their service to the Board. A resolution will be sent to each of these members to thank them for their hard work and devotion in caring for citizens of the Commonwealth.

Stephen Blythe, Eastern Regional Director, Mary Parker, Director of Accomack County DSS and Richard Sterrett, Director of Northampton County DSS welcomed the Board to Chincoteague.

Local Directors were introduced. Attending: Sam Bush-Greenville Emporia, Lawrence Owes-Franklin City, Ben Owens-King William, Donna Douglas-Hanover, Mary Parker-Accomack, Earl Blythe-York Poquoson, Glen Radcliffe-Roanoke, and Richard Sterrett-Northampton.

Election of Officers

Members elected to the positions of Vice Chair and Secretary at the June meeting were not reappointed; thus another election to fill these offices was necessary.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Ms. Luca), moved to nominate Robert Spadaccini for the position of Vice Chair. Motion carried with all in favor.

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ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Cobb), moved to nominate Carol Coryell for the position of Secretary. Motion carried with all in favor. Congratulations were offered to the new officers.

Regulation Review/Update

Richard Martin advised that as of August 13, 2002, the Department of Social Services has 89 regulations in place.

55 of the 89 are currently in process:

Of these, 89, 33 are in the process of being repealed (28 of the repeals relate to old AFDC regulations that will be replaced by the new TANF regulation)

Of those 89, 17 are in the process of being amended

Of those 89, 5 are in the periodic review process

12 additional new regulations are in the process of being promulgated.
That totals 101 regulations and proposed regulations.

There are 8 regulations currently in public comment:

- 22 VAC 40-11 Public Participation Guidelines
- 22 VAC 40-250 Agency Placement Adoptions –AREVA
- 22 VAC 40-260 Agency Placement Adoptions-Subsidy
- 22 VAC 40-270 Agency Placement Adoptions-Appeals
- 22 VAC 40-675 Personnel Policies for Local Departments of Social Services
- 22 VAC 40-680 Virginia Energy Assistance Program-Low Income Home Energy Assistance Program (LIHEAP)
- 22 VAC 40-685 Virginia Energy Assistance Program-Home Energy Assistance Program
- 22 VAC 40-910 General Provisions for Maintaining and Disclosing Confidential Information of Public Assistance and Social Services Records

Hanover Jurisdiction-wide Request

Mr. Martin advised that Hanover County requested this action item be deferred until the October Meeting of the State Board.

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Basic State Classification Plan

Sally Blanchard, Director Senior of Human Resource Management advised that the division is proposing revisions to the existing classification of Computer Programmer, and the inclusion of a new classification entitled Screener. These changes will result in maintaining current class specifications based upon the needs of local departments of social services.

Discussion:

Mr. Spadaccini verified that Computer Programmer is a name change only without any salary change.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Coryell), moved to amend the Basic State Classification and Compensation plans by revising the class specification for Computer Programmer, and adding the new classification entitled Screener, for inclusion in the Basic State Classification Plan, effective July 1, 2002. Motion carried with all in favor.

Executive Order 21 (2002)

Mr. Martin provided members with a review of this document to include General Policy, Applicability, Regulatory Review Process, Notice of Intended Regulatory Action, Proposed Regulation, Final Regulation, Emergency Regulation, Periodic Review of Existing Regulations, Petition for Rulemaking, Waivers from Process Deadlines, Electronic Availability of Meeting Agenda and Minutes, and Electronic Availability of Guidance Documents.

Discussion:

Ms. Coryell confirmed that DPB (Dept. of Planning & Budget) reviews final regulations prior to submission to Governor Warner. She shared her concern, that in the past, final regulations had been changed after final Board approval.

Mr. Martin advised that the department would be given written notice whenever a change is made to the regulation following final Board approval. The Board will be notified of any actions/changes.

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Ms. Coryell questioned once the Board addresses the Governor's concern, under the APA process, who has final authority? Attorney General representation, Cameron O'Brion, advised that the Board has final authority on the regulation.

Mr. Martin reassured the Board that no changes would be made to a regulation without prior Board approval.

Child Support Enforcement Resolution

Acting Commissioner Ray Goodwin provided each member with a copy of Governor Warner's Certificate of Recognition to Virginia's Child Support Enforcement Program, officially recognizing August as Child Support Enforcement Month.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Mr. Jones), moved to endorse August 2002 as Child Support Enforcement Month. Motion carried with all in favor.

Organizational Chart

Acting Commissioner Goodwin reviewed organizational changes within the department. A copy was provided to each member.

Mr. Goodwin advised a briefing/orientation on the department would be held during the October 2002 meeting, to acquaint new members to the various programs within the department.

22 VAC 40-670-10 Degree Requirements for Social Work/Social Work Supervision Classification Series-Periodic Review

Mr. Martin advised this action would complete the periodic review as required. The department recommends that this regulation be retained with no change. Eighteen public comments were received between May 20 and June 9. Seventeen requested no change and one requested a 'clean up' of wording.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Coryell), moved to approve the Periodic Review report for submission to the Department of Planning and Budget and the Secretary of Health and Human Resources as required by the provisions of Executive Order Number 21 (2002) of regulation 22 VAC 40-670-10 entitled Degree Requirements for Social Work/Social Work Supervision Classification Series. Motion carried with all in favor.

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22 VAC 40-80-10 General Procedures and Information for Licensure – Notice of Intended Regulatory Action

Ms. Paula Dehetre briefed the Board on this regulation. This action will begin the process to amend the regulation to clarify and simplify some standards and to incorporate changes that have been made to the Code of Virginia since the last revision of this regulation. The goal of the amended regulation is to provide clear and concise information and requirements for applicants, licensees, and licensing staff regarding the licensing process.

Discussion:

Mr. Spadaccini referred to page 3—preapplication orientation and training, and questioned why this is not mandatory. Mr. Spadaccini stated that this may be a resource issue, or that providers may have lobbied for non-mandatory training, but felt that mandatory training would be appropriate. Ms. Dehetre stated that she would include this as a comment when staff was considering changes prior to bringing the final action back before the Board. Ms. Dehetre agreed that it should be mandatory.

Ms. Coryell and Ms. Cobbs also agreed that training should be mandatory, as individuals working in long term care need ongoing training.

Mr. Spadaccini also advised that the 4th bullet on page 3 used the “he” gender case.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Ms. Christopher), moved 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) for regulation 22 VAC 40-80-10 entitled General Procedures and Information for Licensure. Motion carried with all in favor.

22 VAC 40-90-10 Regulation for Criminal Record Checks for Assisted Living Facilities and Adult Day Care Centers-Exempt Final Adoption

Ms. Dehetre advised the effective date mentioned is October 1. Language should be inserted to say “October 1, or as soon as possible thereafter”.

She advised amendments to this regulation implement recent state legislative changes included in the recodification of Title 63.2 of the Code of Virginia.

Discussion:

Ms. Coryell questioned reciprocity with other states. Ms. Dehetre advised the department checks with State Police; however, fingerprints are not done.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Mr. Spadaccini), moved to approve the exempt final regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002) and the Administrative Process Act. This regulatory action will be effective October 1, 2002, or as soon as possible thereafter for regulation 22 VAC 40-90-10 entitled Regulation for Criminal Record Checks for Assisted Living Facilities and Adult Day Care Centers. Motion carried with all in favor.

22 VAC 40-92-10 Standards and Regulations for Licensed Child Day Center Systems – Exempt Final Adoption

The repeal regulation implements recent state legislative changes. The provisions of 63.1-196.01:1 were eliminated as archaic and obsolete. Since being adopted by the General Assembly in 1993, no one had sought licensure under these provisions.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Luca), moved to approve the exempt final regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002) and the Administrative Process Act for regulation 22 VAC 40-92-10 entitled Standards and Regulations for Licensed Child Day Center Systems. Motion carried with all in favor.

22 VAC 40-141-10 Minimum Standards for Licensed Independent Foster Homes – Periodic Review

This action will complete the periodic review as required by Executive Order 21 (2002). It is considered essential to protect the health, safety and welfare of children who are temporarily placed by their parents or legal guardians directly into a foster home, independent of local departments of social services or a licensed child-placing agency.

The regulation establishes minimum standards that ensure the activities, services, and facilities of licensed independent foster homes are conducive to the health, safety and well-being of children and provide for visitation with family and the maintenance of sibling groups when in the best interest of children.

This regulation addresses discharge planning to reunite children with their families, whenever appropriate, and establishes maximum time periods for children to remain in an independent foster home without oversight of the local department of social services and approval or adjudication of custody by the Juvenile and Domestic Relations Court. This regulation establishes standards to evaluate potential applicants by reviewing background information and the minimum education and experience necessary to care for foster children, thereby reducing the risk of harm to children.

Discussion:

Mr. Spadaccini referred to page 2 of the Town Hall document –minimum education listed. This was not listed on pages 4 and 5 under substantive changes and recommended it be listed. Ms. Dehetre will check on this item.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Mr. Spadaccini) moved to approve the Periodic Review report for submission to the Department of Planning and Budget and the Secretary of Health and Human Resources as required by the provisions of Executive Order 21 (2002) and approve the Notice of Intended Regulatory Action to amend for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002) for regulation 22 VAC 40-141-10 entitled Minimum Standards for Licensed Independent Foster Homes. Motion carried with all in favor.

22 VAC 40-190-10 Regulation for Criminal Record Checks for Child Welfare Agencies-
Notice of Intended Regulatory Action

Mr. Martin advised the Board approved a periodic review and NOIRA at its June 1998 meeting. That proposed action was not approved for publication under Executive Order 25 (98) review and was returned to the department. Statutory conflicts that were discovered in the executive review in 2000 have been resolved with the recodification of Title 63.2 of the Code of Virginia. He advised other legislative changes have occurred in the interim, thus requiring additional changes to the regulation. In order to incorporate these changes, the promulgatory process needs to begin anew. He requested the Board withdraw the Notice of Intended Regulation Action package.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Ms. Luca), moved to withdraw the Notice of Intended Regulation Action package to amend 22 VAC 40-190-10 entitled Regulation for Criminal Records Checks for Child Welfare Agencies, that was published in the Virginia Register in 15:19 VA.R.2442 June 7, 1999. Motion carried with all in favor.

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22 VAC 40-191-10 and 22 VAC 40-190-10 Background Checks for Child Welfare Agencies -Notice of Intended Regulatory Action

Mr. Martin advised this action would begin the process to repeal the existing regulation and adopt a replacement regulation. The new regulation will promulgate legislative changes from 1995 to the present.

ON MOTION DULY (Mr. Jones) and seconded (Mr. Spadaccini), moved to approve the Notice of Intended Regulation Action package to repeal 22 VAC 40-190-10 Regulation for Criminal Record Checks for Child Welfare Agencies, for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002) and approve the Notice of Intended Regulation Action package to establish 22 VAC 40-191-10 Background Checks for Child Welfare Agencies, for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

22 VAC 40-220-10 Agency Placement Adoptions-Guiding Principles Proposed Regulation

This regulatory action will repeal an unnecessary regulation. This regulation was adopted in 1989 and is based on best practices and state and federal laws in place at that time. Subsequently in 1997, the Adoption and Safe Families Act and the Multi-Ethnic Placement Act were adopted and this regulation is now in conflict with these federal mandates.

Mr. Martin read a Letter of Assurance and Impact Statement written by Al Wilson of the Attorney General Office.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Mr. Spadaccini), moved to approve the proposed repeal regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002) and approve the fiscal impact analysis for distribution to local boards of social services for 22 VAC 40-220-10 entitled Agency Placement Adoptions-Guiding Principles. Motion carried with all in favor.

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22 VAC 40-720-10 Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces-Final Adoption

The State Board approved the proposed regulation for this action on April 19, 2000. The proposed amendments were published in the Virginia Register on April 8, 2002, and the public comment period ended on June 7, 2002. No change has been made to this regulation since approved at the proposed stage by the State Board.

Discussion:

Mr. Jones verified and Mr. Martin agreed that if we move to a uniform standard, it would not go back for public comment.

ON MOTION DULY MADE (Mr. Jones) and seconded (Ms. Coryell) moved to approve the final regulatory package for regulation 22 VAC 40-720-10 entitled Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces for publication in The Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Under the provisions of the Administrative Process Act, this regulatory action will be effective 30 days after publication. Motion carried with all in favor.

Report on Family Domestic Violence and Child Fatalities

Ms. Cathleen Newbanks, Director of Family Services, provided a draft copy of the Child Fatality Protocol Report to members. Mr. Jones advised he was pleased with the format and quality of the document.

Child Protective Services Out-of-Family

Copies of the brochure developed by this Advisory Group were provided to Board members.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Mr. Jones) moved to approve the brochure developed by the Child Protective Services Out-of-Family Advisory Group for distribution. Motion carried with all in favor.

Ms. Rengnerth was requested to send a letter of appreciation to the Chair and Committee members for their dedication and hard work on this advisory group.

Public Comment

None

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22 VAC 40-730-10 Investigation of Child Abuse and Neglect in Out-of-Family Complaints-Final Adoption

The amended regulation implements recent state legislative changes. The word “preponderance” was added to military. This brings all regulations in line.

ON MOTION DULY MADE (Mr. Jones) and seconded (Mr. Spadaccini) 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) of regulation 22 VAC 40-730-10 entitled Investigation of Child Abuse and Neglect in Out-of-Family Complaints. Under provisions of the Administrative Process Act, this regulatory action will be effective 30 days after publication. Motion carried with all in favor.

22 VAC 40-705-10 Child Protective Services –Final Adoption

This regulatory action will amend 22 VAC 40-705-10. The amended regulation replaces an emergency regulation and implements the Differential Response System for Child Protective Services.

Discussion:

There was much discussion regarding the predispositional hearing being deleted from the regulation.

ON MOTION DULY MADE (Mr. Jones) and seconded (Ms. Cobbs), moved to adopt regulation 22 VAC 40-705-10 entitled Child Protective Services as recommended with exception that the predispositional hearing not be stricken. Vote was tied, motion failed.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Mr. Brown), moved to approve regulation 22 VAC 40-705-10 entitled Child Protective Services as recommended with an addition in “D” on page 32 after first sentence, insert wording “an opportunity for a local consultation with supervisory level personnel to “B” and “C” as written, subject to letter of assurance from Attorney General. Motion carried with all in favor.

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22 VAC 40-270-10 Agency Placement Adoptions-Appeals

Upon publication of the recodified Title 63.2 of the Code of Virginia, it was determined that the statutory authority to handle adoption appeals the same as other appeals of local board decisions had changed. The recodified provision at 63.2-517 provides for appeals of decisions concerning public assistance. By definition, adoption is not public assistance.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Mr. Jones) moved to approve the request to withdraw the Notice of Intended Regulation Action package to repeal 22 VAC 40-270-10 entitled Agency Placement Adoptions-Appeals, that was published in the Virginia Register in 18:22 VA.R. 2887 July 15, 2002. Motion carried with all in favor.

Future Meetings

| | |
|----------------------|-------------------------------|
| October 16-17, 2002 | Holiday Inn-Bristol |
| December 18-19, 2002 | Holiday Inn 1776-Williamsburg |

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ON MOTION DULY MADE (Ms. Coryell) and seconded (Mr. Jones), moved to approve the minutes as presented with change to “typo” on page 9 (Commonwealth was not capitalized). Motion carried with all in favor.

Unfinished Business

ON MOTION DULY MADE (Ms. Coryell) moved that if a member is faced with reappointment, he/she should not be included on the Slate of Offices for that year. Without a second, the motion could not be considered.

Human Resource Management

Sally Blanchard provided a briefing notebook on HR functions to each member, and provided information on deviating agencies.

Subcommittees

Ms. Andrews requested Ms. Rengnerth to provide copies of the previous subcommittee listing to each member. If a member is interested in serving, they should contact Ms. Rengnerth. Ms. Andrews will make appointments in October.

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Commissioner Comments

Acting Commissioner Goodwin advised he would provide an overview of the department/systems and share the Strategic Plan with members during the October meeting.

TANF is being redesigned. Expires 9/30/02.

Budget Reductions –1.5 billion dollar shortage in the Commonwealth. Governor Warner will give directions on how to handle this shortfall.

Guidance on Travel Regulations is forthcoming from the Chief of Staff and will be shared with the Board.

Organizational Chart was reviewed.

Ms. Coryell questioned if local funds were being reduced. Mr. Goodwin advised small agencies did not take reductions. Ms. Coryell reminded the Commissioner that this Board turned in almost 50% of it's budget and asked if it could be divided between agencies in need.

Mr. Goodwin advised Board funds come from a central appropriation of funds, and at times, the department does move funds to local lines if there is money to move. He further stated that approval is required from the Governor's Office-Department of Budget and Planning when moving line item dollars. He assured the members that he would do everything necessary to keep funds flowing where critically needed.

Mr. Jones noted that the budget had increased from 1 billion to 1.5 billion dollars over the past 8 years. Mr. Goodwin advised this is due to increases in childcare, and IV-E eligible cases being identified, etc.

2003 Legislative Review

Mr. Martin provided members with a draft of the 2003 Legislative Proposals.

- A. This proposal would enact a new Temporary Assistance for Needy Families Program based on the reauthorization of the federal TANF Program by Congress and the President. This would replace Virginia's Welfare Reform Program that is based on waivers that expire on July 1, 2003.

- B. This consumer protection legislation would regulate the practices of private child support collection agencies operating in the Commonwealth, in much the same manner as companies falling under the Fair Debt Collection Practices Act. The questionable practices of many of these companies must be curtailed. The Commonwealth has a responsibility to aid in the protection of its citizens, particularly those custodial parents who are desperate for many to provide basic necessities for their children. Other collection businesses operating in Virginia are required to be licensed. They fall under the auspices of the Fair Debt Collection Practices Act in order to prevent fly-by-night companies from scamming unsuspecting citizens. So, too, should private child support collection agencies be regulated, perhaps even more so due to the large volume of complaints voiced by the contractees who are powerless to remedy their predicaments.

- C. This proposal addresses four issues in the Commonwealth's adoption program.
 - a. Allows the Commissioner of the Department of Social Services to designate a qualified substitute agency to perform searches to locate birth families;
 - b. Imposes a 90-day timeframe for completing the search to locate a birth family;
 - c. Requires that any copy of the investigation report required by 63.2-1208 be returned to the clerk of the circuit court after the final disposition of the matter for destruction of the record; and
 - d. Requires the clerk of the circuit court to provide notice to the Commissioner of Social Service when there is a petition before the court for disclosure of identifying information from the preserved adoption record.

- D. The purpose of this legislation is to include the Commissioner of the Department of Social Services as a mandatory member of the Virginia Workforce Council. The Virginia Workforce Council is responsible for overseeing the state's workforce system, including all programs funded by the Workforce Investment Act of 1998. The Temporary Assistance for Needy Families Program is a federally funded program administered by the Department of Social Services. In addition, the Department of Social Services oversees the Community Action Agency Network and Welfare-to-Work programs. All of these programs are strong components of workforce development in Virginia. Including the Commissioner of the Department of Social Services as a member of the council will facilitate coordination and integration of workforce development and resources in the state.

- E. The proposed legislation makes it unlawful for any person in an unregulated home to provide maintenance for care or compensation to any unrelated aged, inform or disabled adult if he, or if he knows that any person who resides in the home, has a felony sex offense conviction. This proposal is important because it provides protection to a vulnerable population. This proposed legislation would reduce the risk of an elderly or disabled person being cared for in the home of a sex offender. It would mainly affect homes in which care is provided to one to three adults, since four adults would require licensure as an assisted living facility or an adult day care center with all its added protections, including those provided in the proposal.

- F. This proposal streamlines the procedures involved in the Financial Institution Data Match by:
 - a. Requiring that the 90-day expiration date on liens served on financial institutions apply to joint accounts as well as individual accounts;
 - b. Allowing the lien to be extended in order to keep assets frozen (in lieu of issuing a new order); and
 - c. Deleting the requirement that the financial institutions notarize their response forms to the Division of Child Support Enforcement, as the notary is simply validating computer signatures.

- G. This proposal would allow income-withholding orders generated by the Department of Social Services' Division of Child Support Enforcement to be issued by first-class mail.

- H. The proposed legislation will provide authority for the State Boards of Social Services; Education; Juvenile Justice; Mental Health, Mental Retardation and Substance Abuse Services; and the Blind and Vision Impaired to develop regulations pursuant to 54.1-3408A, paragraph 8 of the Code of Virginia. The goal of the proposal is to establish more safety and accountability in the existing system that allows layman working in certain human care facilities to administer drugs after they have completed a training course approved by the Board of Nursing.
- I. This legislative proposal allows the Department of Social Services to recover federal or state money from providers, vendors, or responsible persons that received an overpayment for services. Current law only allows for recovery from public assistance recipients.
- J. Quality Control Monitoring in the Department of Social Services has been in place for many years to meet federal mandates for the Food Stamp, Medicaid and the former Aid to Families with Dependent Children programs. The department needs to expand these comprehensive and consistent monitoring processes to public assistance and social service programs administered by the department, such as Child Care and Temporary Assistance for Needy Families, which do not have federal monitoring mandates. This legislation will provide the necessary authority to expand the monitoring processes to these programs and to access information necessary to carry out the monitoring functions.
- K. This proposal would amend 63.2-1709 of the Code of Virginia to strengthen adverse enforcement actions as follows:
 - a. Increase the maximum civil penalty sanction per inspection from \$500 to \$1000 and to assess a \$2500 maximum civil penalty for second offenses of the same violation that occur within 12 months following the initial citation. The intent is to strengthen the impact of the adverse enforcement actions, emphasize the seriousness of the situation, prevent repeat offenses that both endanger consumers and over-consume staff resources, and avert forcible closure actions.
 - b. Add a provision for the application of intermediate sanctions or forcible closure sanctions against a corporation or the same principals of several corporations when the corporation or principals own four or more facilities that show concurrent or sequential violations of a serious nature. These sanctions or forcible closures would be in

addition to any sanctions applied to the specific facilities in question. The intent is to require responsible corporate-wide practices.

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- c. Add a provision to enable the Department of Social Services to collect unpaid fines regardless of whether the facility or corporation has ceased operation. The department would like to gain clear authority to improve collection rates of those penalties using either the Office of the Attorney General Collections Division, debt set-off procedures, or other appropriate means. Allowing fines to go uncollected minimizes the impact of the enforcement action.

- L. There is a need for statutory language in the Code of Virginia that would exempt the records of investigations conducted by the Fraud Unit from the Freedom of Information Act. Currently, there is statutory language, which protects investigative records of other entities, such as the State Auditor. This statutory change would be consistent with the exemption provided to other agencies.

- M. This proposal closes a loophole in the protection of children and adults in out-of-home settings. It requires licensure for the provision of certain combinations of unregulated out-of-home care services to mixed populations of adults and children under one roof. The unregulated services covered are those that would, when provided individually, be subject to licensure except that the number of individuals receiving the specific service falls below the licensure threshold. This would address situations where the total number of individuals receiving care in a single setting raises concern about the safety and quality of care for those individuals. A care type called mixed operation would be added and defined in 63.2-100 of the Code of Virginia.

Visit from Governor's Office

Mr. Martin advised that Dr. William Murray sent his regrets for not being able to attend this meeting. It is his hope to attend the December meeting.

Va League of Social Service Executives (VLSSE)

Ben Owen, President of the League provided the following remarks:

22 VAC 40-675-10 Personnel Policies for Local Departments of Social Services
Definition of "local board" should delete the term "public welfare."
The definition of "local director" should delete the term "superintendent."

The definition of “on call” should include Adult Protective Service. It should be noted that the local compensation plan should include on call for Adult Protective Service issues.

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22 VAC 40-675-20

The phrase “..and the number and types of programs offered” should be omitted because the numbers and types of programs offered are fairly standard from agency to agency and have no bearing on caseloads.

22 VAC 40-675-70

C-Delete the following: “If the change is to request adoption of a local policy instead of a state policy, then the Local Policy Request Form must be submitted to the State Board through DSS’ DHRM. If a state policy is requested instead of a previously approved local policy, State Board approval must be obtained by submission through DSS’ DHRM.

The State Board should not be involved in this process. State Board involvement would adversely affect the timeliness of said changes and would add needless red tape to the process. In addition, State Board denial would be an infringement upon local administration.

22 VAC 40-675-90

C- This section should be deleted because it does not fit with the title and intent of “Commissioner’s responsibilities.”

22 VAC 40-675-110

B-This section refers to “prescribed standards” for local positions. To date, the department does not recognize any prescribed caseload standards.

22 VAC 40-675-160

A- Delete the following: “With prior approval by the State Board...” Prior approval from State Board would offer local boards no flexibility in selecting rates of pay.

B-This is a needless inequity. This provision limits nondeviating agency employees to a maximum; whereas, deviating employees may receive more than the maximum. If the Department does not provide funding for salaries over the maximum, then no local employee should be restricted a maximum range.

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22 VAC 40-675-180

A-The date “May 31” should be deleted, allowing DHRM to set a due date conducive with its timeframe.

A-1 Delete the phrase ..“for analysis and for State Board approval”. This function should be under the purview of DHRM. State Board involvement would cause needless time delays and red tape.

A-2 This should be deleted for the reasons stated in A-1.

E- This should include Adult Protective Services work as well as Child Protective Services work as specified in Virginia Code.

I- This section should be deleted. There is no instance when a title change would occur without a redefinition of duties. Redefinition is included above.

22 VAC 40-675-190

Adult Protective Services should be included as specified in Virginia Code.

B- Adult protective services should be included.

C-1 Chief social work supervisors are included in the social work class not the administrative support class.

D-1 Adult Protective Services should be included.

D-2 This may not be in compliance with Fair Labor Standards Act.

22 VAC 40-675-200

B- Delete the following: “Provisions shall be made by the Commissioner for overtime and compensatory time.”

C- This provision should be included in section 310.

D- This section states, “As specified in 22 VAC 40-675-300...” and does not need to be restated.

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22 VAC 4-675-210

D- DHRM should be responsible for approval as well as analysis of local compensation plans.

22 VAC 40-675-230

A- This section is redundant. It is covered in 22 VAC 40-675-60 and does not need to be repeated.

22 VAC 40-675-240

B- Delete the following: "The State Board places ...". This phrase is not necessary.

22 VAC 40-675-290

A5- This begins with an incomplete sentence. It states that Human Resource Management policies are promulgated by the State Board. State Board does not promulgate policy, as it promulgates regulations.

B5-State Board does not promulgate policy.

C5-This begins with an incomplete sentence. The State Board does not promulgate policy, it promulgates regulations.

22 VAC 40-675-310

B-2 The Local Compensation Plan does not include policy for demotion.

C2- "May" should be "shall".

D- This section should be eliminated. The concept of in-charge assignment is too vague. Brief absences may be covered by "acting" status.

E 2- The local compensation plan does not address employees in acting positions. The local compensation plan should address acting positions.

G- This section should be deleted. Any title change should be classified as a redefinition.

22 VAC 40-675-320

B 1a- (2) The Local Board or designee should have the option to approve the continuation of the employee in the position as though the resignation had not been filed. The local board should not be mandated to disregard a resignation if a signed resignation has been submitted by the employee.

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22 VAC 40-675-350

C1 and C2- These two sections should be consistent. A local director, whether promoted from within or hired from outside, should have performance ratings at the same intervals.

22 VAC 40-675-360

A1 –“termination” should be “dismissal” to be consistent with terminology used above.

A2- “One month prior to the anniversary” is needlessly restrictive. Stating that the evaluations are conducted “prior” to the anniversary is sufficient.

D- This entire section should be deleted. This degree of specificity should be included in policy but not in regulation. The regulations need only say that performance should be evaluated and the procedure for evaluating that performance should be included in policy only.

E- This entire section should be deleted for the reasons stated above.

F- This entire section should be deleted for the reasons stated above.

G4- This section should be deleted. Local agencies should not be mandated to send DHR copies of every employee’s performance evaluation.

22 VAC 40-675-390

C1 and C2- Delete State Board approval. Approval should be with the Commissioner. The State Boards lacks expertise in this area and Board approval would cause needless delay and red tape.

22 VAC 40-675-400 through 440

These sections should be deleted. Standards of Conduct Guidelines are appropriate for policy but do not belong in regulation. Regulations need only state that a Standard of Conduct be set forth and implemented under certain conditions.

22 VAC 40-675-450

“Procedure” should be “rights”.

A- "Procedure" should be "process".

22 VAC 40-675-460

B- "Are" should be "shall be".

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22 VAC 40-675-470

B and C- These sections are inconsistent. It is not clear whether employees require permission for any outside employment or only outside employment with a state or local agency.

Mr. Owens confirmed these comments would be submitted as part of the formal minutes of this Board.

Comments-Local Directors

Mary Parker provided Job Fair bags to members. She also spoke on streamlining Benefit Programs and the lack of staff to handle increased workload (energy assistance and cooling were specifically mentioned).

She also spoke of this being a growing Hispanic community and not having a social worker that speaks Spanish.

Adult Services and Guardian Services are on the rise with 10-12 cases in DSS now. There are only two workers handling this caseload.

She commented she was grateful to have only lost \$9,000 from state funds, mentioning that local funds were cut by \$19,000.

She also advised that there is a lack of mental health services for both children and adults.

Sam Bush-Greenville Emporia spoke on several issues. As co chair of the Legislative Committee of the League, he plans to have a brief summary of legislative proposals to review at the October Board meeting.

Other issues that are being faced locally are no dental services available for recipients within a 100-mile area.

He also advised of Guardianship and CSA issues.

Resolution

On behalf of the Board, Chairman Andrews presented a resolution to Mary Parker and one to Richard Sterrett and staff for their hard work and for their assistance in ensuring this meeting was a success.

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Board Comments

Mr. Jones thanked Mary Parker and Richard Sterrett for the reception, meal and gifts. He welcomed new appointees and advised he looked forward to working with them. He asked that a resolution from the department be sent to the four members that were not reappointed.

Ms. Coryell echoed Mr. Jones comments. She also mentioned her visits to local agencies and how receptive local directors were to her visit.

Ms. Luca stated she enjoyed the meeting and was thrilled she had been appointed to this Board. She is very interested in this area and hopes to make a difference.

Mr. Brown stated he was honored to be here and invited everyone to Russell County.

Ms. Christopher advised it is a pleasure and honor to be a part of an active, busy Board. She thanked the Commissioner for his efforts in preparing a training class to familiarize appointees to programs and systems within the department. She also thanked local directors for taking their time to come to the meetings and allow the Board to hear of local concerns.

Ms. Andrews again welcomed the new appointees, and thanked the four former members for continued dedication. She also thanked local directors for their input.

With no further business and ON MOTION DULY MADE (Mr. Jones) and seconded (Ms Coryell) moved to adjourn the meeting. Motion carried with all in favor.

Submitted by Pat Rengnerth

Approved October 2002