

Minutes
VA State Board of Social Services
October 18-19, 2006

Radford University
Radford, VA

Members Present

Danny Brown, Chair
Nettie Simon-Owens, Vice Chair
Peppy Linden, Secretary
Trudy Brisendine
Marilyn Rigby
Bela Sood
Shirley E. Culpepper
Maggi Luca

Members Absent

None

Wednesday, October 18, 2006

The meeting was called to order at 9:00 a.m., Chairman Danny Brown presiding.

Welcome and Introductions

Board welcome was provided by Tony Cox, Manager of Radford City, Penelope Kyle, President of Radford University; Dr. Karma Castleberry, Associate Provost & former Dean of Waldron College of Health and Human Services; Dr. Jo Brocato, Radford School of Social Work; Jenny Burroughs, Institute for Children and Families; Tony Fritz, Western Regional Director; Vicky Collins, Director of Radford Department of Social Services; and Jim Wallis, Director of Pulaski Department of Social Services.

The Chair and Board members welcomed Shirley E. Culpepper as the newly appointed member to the State Board of Social Services.

Local Directors were recognized and thanked for their attendance.

Regulation Status Report

Richard Martin reported that as of October 17, the department has 60 regulations in place. 27 of the 60 are currently in process:

- Of those 60, 17 are in the process of being repealed
- Of those 60, 7 are in the process of being amended
- Of those 60, 3 are currently in periodic review
- 10 additional new regulations are in the process of being promulgated

That totals 70 regulations and proposed regulations, 37 of which are currently active. (A copy of the Status of Regulation Report is attached to the official minutes housed in the home office.)

Governor's Executive Order 36 and Changes to Regulatory Process

Mr. Martin briefed the members on the Governor's Executive Order 36 and the regulatory process. A copy of this Order is attached to the official minutes housed in the home office.

Commissioner Remarks

Commissioner Conyers thanked members for attending the Assisted Living Facility (ALF) public hearings. He advised he felt these were informative meetings and created a better framework for the complexity of issues associated with them.

He stated there were many groups with varying points of view represented at the public hearings. In speaking with ALF providers, he was advised that 85-90% of their resident population have mental health issues. Regulations must be set forth to speak to this reality. Ms.Carolynne Stevens, Director of Licensing of Programs was asked to speak to the Board on the regulations and their status.

A special meeting to consider final action on Assisted Living Facility Regulations was discussed and voted upon.

ON MOTION DULY MADE (Mr. Culpepper) and seconded (Ms. Brisendine) moved to hold a special meeting on November 1 beginning at 9:00 a.m. at the VDSS home office to discuss the Assisted Living Regulations. Motion carried with 7 aye (Brown, Culpepper, Rigby, Sood, Brisendine, Luca, and Linden), 1 nay (Ms. Simon-Owens).

Public Comment

Susan Clark, Director of Galax Department of Social Services spoke to a study currently being done by the Board of Social Work with regard to social work licensure. She advised that local agencies have a difficult time keeping social work positions filled now, when a license is not required. She wants to be able to hire the best person to fill the job and not just one with a social work license. She reminded the Board that all staff is governed under Standards of Conduct set by the State Board of Social Services to ensure clients are best served.

Current legislation gives an exemption to public agencies. The Board was asked to support this continued exemption.

Linda Nisbet, Director of Montgomery County Department of Social Services spoke on the PRIDE Pilot Program. This is a New River Valley project with five DSS agencies. The cost per placement is \$3-500 per month versus \$1500-5,000 in a private therapeutic home. Not only is this cost effective, it provides fewer placements, fewer adoptions and provides mentoring.

Harold Stanley spoke on the Assisted Living Facility Regulations and their impact on his residential care facility. He advised he and his wife own this facility and take special care of the people living there. He advised residents are taken on vacation each year at the owner's expense. They are taken to movies, and given birthday celebrations without any additional or proper funding from the state. He advised they have new beds and a new sprinkler system. He further advised they cannot afford a \$25,000 generator if these proposed regulations pass. It is also difficult to get college-educated staff at \$6 per hour. He further stated that his home is for sale. He had a potential buyer; however, the deal fell through when the bank told the buyer that a residential facility was not a good investment with the new regulations being passed.

Bob Williams advised he has been in the assisted living facility business for thirty-three and a half years. He did not see these regulations rising to emergency status. He read the following letter that Governor Timothy Kaine wrote to the Honorable Phillip A. Hamilton Chairman, Joint Commission on Health Care:

I am writing to you today regarding the assisted living regulations proposed by the Department of Social Services. I know that these regulations have been of interest to the Commission and in particular to its Long-term Care and Medicaid Reform Subcommittee.

I have approved these regulations for public comment to move the regulatory process forward from a timing standpoint. However, I am concerned that in some cases the regulations are excessive and may exceed the underlying statute. Accordingly, I am approving them for public comment with the provision that the agency pay close attention to public comment and revisit the concerns expressed during public comment at the final adoption stage.

I have also signed this biennium's Appropriation Act, which contained language suspending certain aspects of the regulation. It is my intention to only approve final regulations that are consistent with this budget language, and I expect the Board of Social Services, in its final regulations, to reflect the clear legislative intent in this budget language.

I appreciate your leadership and the Commission's leadership on long-term care issues and look forward to continuing to work with you to improve long-term care services in the Commonwealth. Signed Governor Kaine.

Mr. Williams stated that after hearing earlier conversations regarding when a special meeting must take place in order to meet deadlines sounds to him like the regulation is already a done-deal. He stated that regulations are time-consuming. ALF's are social models as opposed to Nursing Homes paid \$5000. He mentioned that ALF's in West Virginia are paid \$1100 per month; Delaware \$1700; Pennsylvania \$1500 and North Carolina \$1700.

Janet Brennend, New River Valley Agency on Aging spoke on Auxiliary Grants to ALF residents. She represents the local Ombudsman Program and hears the voices of residents. From an advocacy standpoint, without a budget for salaries/benefits, you can't hire qualified people. She advised that in the past five years, two ALF's have closed and the residents had to be relocated to different parts of the state; away from their families. There is currently only one Auxiliary Grant facility in the New River. If this facility should close, 66 residents would have to be relocated. She asked the Board to give consideration to raising the AG rate.

Laura Glasscock, VAHA spoke on the ALF regulations. She has concerns over the new proposed regulations. She is not opposed to training that is mentioned but is concerned that ALF's are being conformed to a medical model. She mentioned privacy issues and evacuation drills replacing fire drills. She gave an example of one resident being seriously injured during a drill. She reminded Board members that each facility has a written operating plan. She asked that cost of training be considered. In closing, she asked members the question "don't businesses have a right to privacy"?

Commissioner Comments

Commissioner Conyers spoke on the topic of licensure for social workers. He stated that the HR Director would say there is a problem recruiting social workers now, without licensure. There is currently one agency that has a vacancy for social worker that just can't be filled.

Regarding the ALF regulations and public comment, he advised there are 62 major areas of contention; based on 250 pieces of public comment, relative to 62 areas. Of these, 27 areas have been changed; 19 areas were changed with modifications; and there were 14-15 areas that changes were not accepted. The department thinks these were areas of misunderstanding (you are not required to buy a generator and have it installed, just make provisions for a back up i.e. leasing, etc.).

He spoke on changes to the regional office structure. The goal is to strengthen the structure with a 5 region configuration. Much more services will be delivered at that level. Regional directors will work with local directors, CAP agencies, Chambers of Commerce, and other players.

The position of Family Services Director is vacant with the move of Vicki Johnson-Scott to regional operations director in northern Virginia. He advised the department will cast a wide net to fill this vacancy as it is a critical position to social services in Virginia.

Commissioner Conyers mentioned the IVE federal agreement that was discussed at a previous Board meeting. He is pleased to announce that J. R. Simpkins and his staff delivered a draft cost allocation plan on September 29, ahead of the scheduled October deadline. The Plan, once approved, will allow us to seek reimbursement for costs that we have not been able to receive.

First Lady Ann Holton is focusing on foster care in Virginia, with specific emphasis on children aging out of foster care.

Commissioner Conyers advised that Governor Kaine is interested in preschool readiness. We must ensure we use state resources to the best of our ability to ensure this happens. Kathy Glazer, former DSS staff, has been assigned lead in this effort. Social Services will be a major player in this initiative for young people and we are excited about our involvement.

He advised the department continues their involvement with Earned Income Tax Credit Programs across the state. We need to ensure the working poor can take advantage as much as possible and avoid the danger of refund loans.

Volunteer Services are being reviewed for better coordination.

He announced SPIDER won two awards for technology.

He advised that Child Support Enforcement was recognized as Agency of the Year in America.

He closed by saying that although we have issues to work on, there are good things going on in Virginia.

VLSSE Comments

Sarah Snead, President of the League stated she shares the Board's passion of working on behalf of the citizens of the Commonwealth and stands ready and willing to work close with the Board. Members were provided with a copy of the current roster.

She advised that all local agencies are represented in VLSSE except three, and one-third of its members serve on their Board and meet quarterly.

Ben Owen will continue to serve as liaison to the Board of Social Services and attend meetings when he is available. Otherwise, Susan Clark will fill in. Ms. Snead advised she will attend meetings whenever possible and looks forward to working with the Board of Social Services.

The VLSSE conference will be at the Crowne Plaza-West in Richmond November 1, 2, and 3. Members of the Board were welcomed to attend.

ACTION ITEMS

22 VAC 40-120

*Minimum Standards for Licensed Family Day Care Systems
(Withdrawal of Final Action)*

In order to ensure that the final regulation for family day systems is in agreement with the final regulation for family day homes, the Board was requested to withdraw action to repeal, 22 VAC 40-120, Minimum Standards for Licensed Family Day Care Systems, and to establish a new regulation 22 VAC 40-121, Standards for Licensed Family Day Systems, that was taken on December 16, 2004.

ON MOTION DULY MADE (Ms. Simon-Owen) and seconded (Ms. Rigby) moved to approve withdrawal of action to repeal 22 VAC 40-120, entitled Minimum Standards for Licensed Family Day Care Systems and to establish a new regulation 22 VAC 40-121, entitled Standards for Licensed Family Day Systems. Motion carried with all in favor.

22 VAC 40-700

*Child Protective Services Central Registry Information
(Periodic Review)*

This action will complete the periodic review of this regulation as required by 2.2-4017 and Executive Order 36 (2006).

ON MOTION DULY MADE (Ms. Brisendine) and seconded (Ms. Simon-Owens) moved to approve the Periodic Review Report for 22 VAC 40-700 Child Protective Services Central Registry Information 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 36 (2006). Motion carried with all in favor.

22 VAC 40-720

*Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces
(Periodic Review)*

This action will complete the periodic review of this regulation as required by 2.2-4017 and Executive Order 36 (2006).

ON MOTION DULY MADE (Ms. Rigby) and seconded (Ms. Simon-Owens) moved to approve the Periodic Review Report for 22 VAC 40-720 Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces 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 36 (2006). Motion carried with all in favor.

22 VAC 40-730

*Investigation of Child Abuse Neglect in Out of Family Complaints
(Periodic Review)*

This action will complete the periodic review of this regulation as required by 2.2-4017 and Executive Order 36 (2006).

ON MOTION DULY MADE (Ms. Simon-Owens) and seconded (Ms. Linden) moved to approve the Periodic Review Report for 22 VAC 40-730 Investigation of Child Abuse and Neglect in Out of Family Complaints 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 36 (2006). Motion carried with all in favor.

22 VAC 40-810

*Fees for Court Services Provided by Local Departments of Social Services
(Proposed Repeal)*

This action repeals 22 VAC 40-810, Fees for Court Services Provided by local Departments of Social Services. The provisions of this regulation have been included in the proposed regulation 22 VAC 40-201, Permanency Services – Prevention, Foster Care, Adoption, and Independent Living.

ON MOTION DULY MADE (Ms. Rigby) and seconded (Ms. Simon-Owens) moved to approve the proposed regulatory package to repeal 22 VAC 40-810, Fees for Court Services Provided by Local Departments of Social Services for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 36 (2006) and approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.

Future Meeting Schedule

ON MOTION DULY MADE (Ms. Simon-Owen) and seconded (Ms. Sood) moved to approve the Board meeting schedule as follows:

February 14-15, 2007

April 18-19

June 20-21

August 15-16

October 17-18

December 12-13

Motion carried with all in favor.

INFORMATION ITEMS

Overview of Radford City DSS

Vicky Collins, Director of Radford City Department of Social Services provided members a handout highlighting the department, legacy partnerships, new initiatives and challenges being faced. A copy of this handout is attached to the official minutes housed in the home office.

Children's Committee

Trudy Brisendine advised the committee that she and Maggi Luca had met with Rita Katzman on August 29, 2006 to follow up on information presented to the Board in June in the Child Fatality Report. Ms. Brisendine will prepare a brief handout on issues

Ms. Katzman noted for distribution at the December Board meeting. Ms. Katzman will be available to respond to any questions on the handout at that meeting. Other items discussed included: progress reports on the work of adoption assistance and child welfare committees, child day care appropriations, amendments to CASA regulations, and an overview of potential 2007 CPS legislation, including: a "Parents Bill of Rights" and videotaped statements in CPS (HB 2932).

Ms. Linden agreed to contact the Out-of-Family Committee for an update on how 2005 legislative changes impacted CPS cases over the past year.

Recess

Poverty Committee Meeting to immediately follow

There will be a reception from 5:30-7:30 p.m. at Radford University tonight.

Thursday, October 19, 2006

Meeting reconvened at 9:00 a.m., Danny Brown, Chair presiding.

Radford University Presentation

Cathryne Schmitz, Director of School of Social Work at Radford University welcomed members and provided a packet of information highlighting the University. A copy of this packet is attached to the official minutes housed in the home office.

Ms. Schmitz advised that word had just been received from Council that they had been fully re-accredited for 8 more years. She further stated they are fully committed to education of students and the community. Radford University also hosts the annual Child Welfare Conference.

Rhonda Seltz, coordinator for the FAMIS Project asked the Board to support eligibility workers. She also requested the Board look into the computer system used by West Virginia that assists workers in doing a better job.

Michael Sinclair, Assistant IV-E coordinator highlighted the IV-E Stipend Program at Radford.

Susan Rigney, Coordinator for CRAFFT advised that foster care home approval regulations are close to becoming a reality. She advised it is important to ensure adoptive and foster care families receive training they need.

Martha Rady, Coordinator of the Child Advocacy Center of the New River Valley spoke to members. She advised the multi-disciplinary team is the main focus through CAC, using safe and friendly environment. They partner with local agencies to identify gaps in services.

Beth Deskins, Coordinator for Outreach and PACE. She provided highlights of this program, mentioning that Ms. Rigby serves as consultant on the PSS Project. Several federal level changes that took place October 1 are causing challenges, but they are working through them.

Jane Conlin, Roanoke DSS Director, spoke on the Certificate Program in Eligibility Practice; goals, and future plans. This program is a partnership between the City of Roanoke Department of Social Services and Radford University School of Social Work.

The Certificate Program offers twelve credit hours with content delivered in four course modules. Course education outcomes and core competencies are based on ‘best practice’.

Educational outcomes include: examining effective determination and re-determination of the eligibility process for benefit programs; effective customer service, commitment to vision, values, quality work, achieving outcomes, teamwork and self-management. It enhances job knowledge as well as provides caseload management tips on maintaining a balance of quality and quantity of work.

Commissioner Conyers advised he has a great deal of interest in making this program available to eligibility workers statewide and commended Ms. Conlin and staff for their program.

Ms. Conlin and Ms. Schmitz spoke to the Board on licensure, title protection, and exemptions.

Deanine Evans, field coordinator advised they depend on collaborative partnerships. There are 43 MSW second year students in the field, 25 first year students in the field, 15 on the Abingdon campus, and 30 BSW level students will be in the field this spring.

There are 8 placements at the VA Hospital receiving a \$4000 stipend. The PACE Program stipend is \$3000.

Ms. Schmitz advised that partnerships allow us to stay in tune to needs in the communities and resources are needed to continually fill gaps.

Ms. Conlin mentioned HB 1146. She advised there are 2500 people in social worker positions that have a Bachelor degree. Only 40% of these have a MSW and very few of this number are licensed in the Commonwealth. She advised that licensure will create a huge problem and stressed the need for a waiver continuance.

If this legislation should pass, she hopes there will be a multi-year implementation program. She advised we need to support tuition reimbursement.

Chairman Brown commended Dr. Schmitz and her staff for the valuable information provided.

Update on Community Outreach

Jane Brown, Director of the Office of Community Partnerships and State Liaison to Virginia Faith-Based and Community Initiative provided an update on Community Outreach and on the Governor's Association Policy Academy on Prisoner Reentry.

Minutes

ON MOTION DULY MADE (Ms. Simon-Owens) and seconded (Ms. Rigby) moved to approve the June 2006 minutes as presented. Motion carried with all in favor.

Unfinished Business

None

Ms. Brisendine advised there is a great deal of work to cover regarding the ALF regulations and requested the special meeting cover only this issue.

ON MOTION DULY MADE (Ms. Brisendine) and seconded (Ms. Linden)) moved that the special meeting on November 1 will be limited to discuss and act on 22 VAC 40-71, Standards and Regulations for Assisted Living Facilities; 22 VAC 40-72, Standards for Licensed Assisted Living Facilities; and 22 VAC 40-80, General Procedures and Information for Licensure. No other action items, information items, or comment periods should be scheduled or included on the agenda. Motion carried with 7 aye (Brown, Culpepper, Rigby, Sood, Brisendine, Luca, and Linden), 1 nay (Ms. Simon-Owens).

Ms. Luca asked that the entire Board be made aware of all state-level meetings (mentioned ALF meeting specifically) and not just the Board Liaison to the committee.

Ms. Simon-Owens asked that Ms. Christopher and Mr. Mitchell be recognized for their valuable work on the State Board. Efforts are already underway to coordinate schedules for a recognition service.

Committee Reports

Poverty Committee

Ms. Brisendine provided members with a report titled: ***New 2006 Updated Virginia Self-Sufficiency Data and National Utilizations of Self-Sufficiency in Policy, Program, and Direct Service.*** The report (which includes a self-sufficiency tool) was funded by a grant from the Virginia Department of Social Services and was issued with a Department Press Release on September 1, 2006. Ms Brisendine requested that Wider Opportunities for Women, a nonprofit organization in Washington, DC, be invited to do a presentation at the December Board meeting on how organizations around the country are using this data in an affirmative way.

Following the Board presentation, members of the Poverty Committee would convene to brainstorm how this information could be utilized in Virginia.

Ms. Rigby advised she supported the work of the Poverty Committee but was concerned over the work of the Board and priorities in collaborative efforts. She advised that the Department of MHMRSAS and other state partners had been previously asked to come and meet with the Board. She reminded the Board of their focus on duties as required. Chairman Brown agreed with Ms. Rigby, mentioning that we want everyone to be self-sufficient, but we should first concern ourselves with regulations and then move to other work.

Board Member Comments

Ms. Brisendine thanked everyone for their work in setting up this meeting; for transportation to and from events; breakfast, lunch, the reception, and for the informative presentations. Ms. Rigby was personally thanked for her involvement in setting up the meeting.

Ms. Linden thanked Radford and local agencies for hosting the meeting and to Ms. Rigby for her involvement.

Ms. Simon-Owens thanked local, regional, and RU staff for their assistance in hosting the meeting. She appreciated the explanation and revelation of work that everyone does. Thanks were given to Ms. Rengnerth and Mr. Martin for their work commitment and to Mr. Brown as the new Chair.

Ms. Rigby thanked Ms. Schmitz for graciously inviting the Board to Radford University. She thanked the faculty and staff in the School of Social Work, community partners, Vicky Collins, Jim Wallis and Susan Clark for their assistance. She was pleased to share in this as she is the retired Director of Social Work and delighted to have the Board in Radford.

Mr. Culpepper echoed other comments and appreciated everyone's help as he begins his service on the Board.

Ms. Luca advised this is her favorite kind of meeting; she learned so much. She thanked Ms. Rigby for her involvement for setting up the meeting and welcomed Mr. Culpepper to the Board. Ms. Luca advised she would like an update on Child Care Provider Training and the numbers of people attending. Ms. Rengnerth and Mr. Martin were thanked for their work.

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Mr. Brown echoed other member comments. He advised he was associated to the Western Region and thanked Jim Wallis, Vicky Collins, and Radford University for the reception, meals, and transportation. He stated he appreciates the work that Ms. Rengnerth, Mr. Martin, and the Commissioner do. Thanks to Amanda Nichols for filling in for Mr. Wilson.

Adjournment

ON MOTION DULY MADE (Ms. Simon-Owens) and seconded (Ms. Rigby) moved to adjourn the meeting. Motion carried with all in favor.

Respectfully submitted by Pat Rengnerth