

Minutes
State Board of Social Services
The Lamplighter Restaurant-Clarksville
June 19-20, 2002

Attendees

Phillip Jones
Debra Andrews
Rufus Adkins
Shirley Rogers
Carol Ann Coryell
Holly Korte
Robert Spadaccini

Absent

Shelley Sabo-out of state commitment
Jean Cobbs

The meeting was called to order on Wednesday, June 19, 2002, Chairman Jones presiding. Members were welcomed, and introductions provided by Lee Patterson and Sandra Gregory. Ms. Gregory and staff were thanked for hosting a wonderful cookout at Rudd's Creek Park on Tuesday evening.

Legal Costs

The Honorable Judge Slayton spoke to the Board on legal costs associated with local social services. He advised that the courts rely heavily on DSS, and without their support, the jobs of judges would be almost impossible.

He advised this is a great opportunity to have a tremendous impact on social services. He stated: Be a player; take an active role; and speak with people that have institutional knowledge to keep reform on track.

Regulatory/Legislative Review

Mr. Martin advised that as of June 18, the department has 89 regulations in place. Of the 89, 58 are in process

- Of those 89, 32 are in the process of being repealed (28 of the repeals related to old AFDC regulations that will be replaced by the new TANF regulation)
- Of those 89, 14 are in the process of being amended
- Of those 89, 12 are in the periodic review process
- 11 additional new regulations are in the process of being promulgated

That totals 100 regulations and proposed regulations.

Mr. Martin provided a copy of the 2003 Legislative Preview to members.

- We will continue and further develop legislative relationships
- The process for legislative coordination will be updated and improved
- The development of the legislative package will be altered to allow time for thorough review and analysis
- Pre-filed bills will be reviewed prior to the start of the legislative session
- The legislative action summary and the bill review process will be automated further
- We will schedule regular meetings with cabinet and agency legislative liaisons throughout the year
- The 472 carryover bills from the 2002 Session will need to be reviewed prior to December

Regulations

Periodic Reviews for Approval

22 VAC 40-410-10 Entitlement Date in the General Relief Program

22 VAC 40-570-10 General Relief Program-Locality Options

22 VAC 40-630-10 Disability Advocacy Project

22 VAC 40-640-10 General Relief Program-Deeming Income from Alien Sponsors

22 VAC 40- 20-10 Food Stamp Program-Income Conversion Method

22 VAC 40-540-10 Allowance of Telephone Cost in the Food Stamp Program

Discussion:

RE: 22 VAC 40-20-10: Mr. Spadaccini noted that Virginia uses three standards and asked if other states use the same logic? Ms. Sheil advised that in 1990, USDA required DSS to choose a method—most states follow the same method as Virginia.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Coryell), moved to jointly approve the periodic review reports 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 Twenty-five (98) for regulations 22 VAC 40-410-10; 22 VAC 40-570-10; 22 VAC 40-630-10; 22 VAC 40-640-10; 22 VAC 40-20-10; and 22 VAC 40-540-10. Motion carried with all in favor.

22 VAC 40-11-10 Public Participation Guidelines – Periodic Review

This regulation sets forth the procedures the State Board of Social Services uses to obtain public input when developing, revising or repealing a regulation. The regulation covers the following topics: petitions from interested parties, solicitation of input, public hearings, and withdrawal of regulations.

Minutes
State Board of Social Services
June 19-20, 2002
Page 3

Public Comment received on behalf of the VLSSE was “adding language facilitating notification of local DSS directors of proposed regulatory action via email and specifically including electronic communication as a means of providing public comment are actions that will bring the regulations into line with current practice”.

Mr. Martin advised that there is little or no comment received from placing ads in newspapers. Since these ads are costly and because notification can be provided via email and Internet, he would like to discontinue advertising in newspapers on a regular basis.

Ms. Coryell questioned legal ramifications. Mr. Martin advised there were none, as this is not mandatory.

Mr. Spadaccini and Mr. Jones verified with Mr. Martin that the Board would review, on a case-by-case basis, if an ad is to be placed and would make the final decision.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Rogers), 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 Twenty-five (98), 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 Number Twenty-five (98). Motion carried with all in favor.

22 VAC 40-375-10 Economic and Employment Improvement Program for Disadvantaged Person –Proposed New Regulations

This regulatory action will establish a new regulation to implement the provisions of Chapters 483 and 491, 2000 Acts of Assembly. The Economic and Employment Program for Disadvantaged Persons Program was transferred from the Governor’s Employment and Training Department to Social Services Department.

Discussion:

Mr. Spadaccini inquired why there was no fiscal impact related to this regulation. Jane Brown verified that 100% TANF funds would be used; therefore, there will be no fiscal impact.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Ms. Rogers), moved to approve the proposed regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order Number Twenty-five (98) and approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.

22 VAC 40-700-10 Child Protective Services Central Registry Information –Proposed Amended Regulation

This regulatory action will amend the regulation to make it consistent with the regulation entitled Child Protective Services (22 VAC 40-705-10), which requires preponderance of the evidence for founded disposition and to ensure consistency.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Ms. Andrews), moved to approve the proposed regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order Number Twenty-five (98) and approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.

Child Fatality Report & Family Services Review

Ms. Cathleen Newbanks reviewed the above listed reports. Mr. Adkins questioned when a copy of the Fatality Report done by VCU would be released. Ms. Newbanks will mail a copy to Mr. Adkins.

After review of these reports, the Chair asked that Board members contact Ms. Rengnerth when they want to discuss a specific fatality to ensure staff will be prepared prior to a meeting.

Ms. Newbanks invited Ms. Coryell to be involved in the Medical Examiner Review Report team.

ON MOTION DULY MADE (Ms. Rogers) and seconded (Ms. Korte), moved to approve The Child Fatality Protocol that mirrors previous Board requests. Motion carried with all in favor.

Minutes
State Board of Social Services
June 19-20, 2002
Page 5

Minutes
Discussion:

Mr. Spadaccini advised his name was misspelled on page 7.

ON MOTION DULY MADE (Ms. Rogers) and seconded (Ms. Korte), moved to approve the Minutes from the April 2002 meeting with the change in spelling to Mr. Spadaccini's name as listed on page 7. Motion carried with all in favor.

Future Meetings

August 14-15	Chincoteague, VA
October 16-17	Western Region TBA
December 18-19	Williamsburg

Old Business

Conflict of Interest Review- deferred to August.

Regulation Process Review- deferred to August.

Bylaws

Ms. Rengnerth reviewed the following changes:

To ensure Board packets are mailed and received in accordance to member request, the mailing date is to be changed from 7 to 14 days.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Rogers), moved to approve changing the Board Bylaws to reflect the change in mailing date from 7 to 14 days. Motion carried with all in favor.

New Business

None

Committee Reports

Ms. Coryell spoke of her visits to local departments of social services in southwest Virginia. She advised this has been a rewarding experience with positive feedback from directors and staff.

Minutes

State Board of Social Services

June 19-20, 2002

Page 6

Concerns:

Comprehensive Services

Foster Care- No regulations

Caseload Standards –Have not been done since 1979

Adult Protective Service cases are on the rise

Bordering states do not follow Interstate Compact

Day Care is a paperwork nightmare. Some people can't afford the sliding fee scale

Differential Response is good for the client, but causes additional work on staff

Local agencies would like to view the Board Packet electronically prior to a meeting

OASIS - Seeing improvement

Local agency would like to be included in leave share within their agency

Acting Commissioner Goodwin advised these are areas that would be discussed during the Strategic Planning meeting on July 11-12, 2002.

Child Day Care Council Update

Reverend Adkins advised of concerns that licensing inspectors are inconsistent throughout Virginia. Some are mentioning "national standards". He advised there are no national standards to follow for child day care.

Public Comment

Ben Owen-Director King William County

Advised he was elected President of the VLSSE. He advised he looks forward to working with the department and Board. He further advised the League also has subcommittees that review local agency concerns and will work toward resolving them.

CPS Public Hearing:

Issues: Primary changes involve continuing implementation of a differential response. The proposed differential response system will allow the local departments of social services to utilize a family assessment track in addition to the investigation track utilized in the singular response system. The Department of Planning and Budget's Economic Impact Analysis indicated that the main effect of the proposed changes is that the number of investigations will decrease and the family approach will be utilized in a significant number of cases. However, the Department of Social Services believes that because of other factors, the family assessment approach has the potential to increase the resources need to process valid abuse/neglect complaints.

Committee Position:

Conversion to dual track child protective program without additional funding to pay for needed services may have been underestimated. The impact analysis acknowledges that this awareness of needs with no additional funding may be “frustrating” at the community level. Committee would recommend that regulations specify that services be only provided to the extent that funds are available.

Eliminate predispositional consultation requirement: Predispositional consultation requirements are confusing and complicated. Local departments should discuss the results of the investigation with the alleged abuser prior to rendering the finding, however, the predispositional hearing is not the venue to do so. Additionally alleged abusers are to be given the opportunity to hear and refute the evidence supporting a founded disposition at the local conference. Such opportunity should be provided orally and in writing.

Eliminate requirement regarding notification of entry into home: Current language is adversarial and problematic. Workers should respect the parent rights and notify them of benefits and consequences of completing the family assessment or investigation before conducting a family assessment or investigation.

Betty Wells-Director Halifax County

Introduced local Board member and agency staff. The Board was welcomed to Clarksville and invited to host a meeting in Halifax.

Compensation Issues

Sally Blanchard and Wayne Wolfe reviewed several handouts to members, including Federal Merit System Standards and 2002-2003 Compensation Policies for Agencies.

Ms. Blanchard confirmed the department audits deviating agencies. She further confirmed that once the Board approves a deviation, HR is given approval by the Commissioner to continue approval without coming back to the Board, as long as the agency is within the Board recommended minimum and maximum amounts.

Mr. Adkins advised the Board had not granted this authority to the Commissioner for delegation, it must come before the Board for approval.

Mr. Adkins mentioned pay banding and auditing of local agencies. He advised he will not talk one-on-one to HR staff, but desires this to be deferred to the August Meeting.

Minutes
State Board of Social Services
June 19-20, 2002
Page 8

Comp Issue in Deviating Agency

Mr. Goodwin mentioned the May 31 letter sent to the Board regarding Southampton County and their request to pay certain classifications above the range maximums by up to four percent.

Mr. Adkins was concerned that the department is not looking at race, sex, and position of local agency staff. Ms. Blanchard advised classification is done on the position not a person; however, she will provide this information at the August meeting.

Note:

A fax letter dated June 20 was sent to Ray Goodwin from Jane Maddrey-Southampton County regarding the Compensation request.

The compensation plan for the Southampton County Department of Social Services includes a four percent Cost of Living raise effective July 1, 2002. Every member of staff will receive a 4% raise if the State Board grants its permission. Both the administrative board and the Southampton County Board of Supervisors have approved the salary proposal.

ON MOTION DULY MADE (Mr. Adkins) and seconded (Ms. Rogers), moved to approve the Southampton DSS 2002/2003 Compensation Plan Request. Motion carried with all in favor.

Mr. Adkins reiterated that he had reviewed the Minutes from previous meetings and delegation authority had not been given to the department. Under advisement from AG rep, Al Wilson, delegation authority should not be given without further review by his office. Mr. Wilson will provide interpretation and findings at the August meeting.

Piedmont Presentation

On behalf of eight Piedmont counties, Shawn Rozier provided the Board with a very informative look at the region, calling attention to the plight and high unemployment rate in this area. Joyce Grogan showed a video where this area gained national attention when Tom Brokaw's staff did a story on the high unemployment rate in the Piedmont area.

The Board was asked to support flexible policies that promote training and retraining of the workforce, promote awareness of current economic situation in Southside Virginia, and to foster cooperation and collaboration with community partners.

Minutes
State Board of Social Services
June 19-20, 2002
Page 9

Southside plans to talk with representatives in Southwest Virginia on how they dealt with high unemployment and other problems in their areas.

Recess Wednesday. A Board reception will be held at Charlotte Court House at 5:00 PM.

Thursday, June 20, 2002
Reconvene

Chair Jones acknowledged the presence of Frank Joseph, former Board member and local Director of Danville. Mr. Joseph received a warm welcome from everyone in attendance.

Child Support Enforcement

-Paternity Establishment

In concurrence with this presentation and since an action item is forthcoming, after consultation with the Attorney General representative, Mr. Spadaccini disclosed of his employment with Maximus Incorporated, a publicly traded company on the New York Stock Exchange, which is listed on his disclosure form on file with the Secretary of the commonwealth. Maximus may or may not elect to participate in response to the In Hospital Paternity RFP if approval is granted by the State Board for the Department to issue the RFP. Under Code 2.2-3112, Section 2, he may participate in any action this Board takes.

Nick Young, Director of Child Support Enforcement provided the Board with a power point presentation on the Arrearage Project, Pep Program, and current DCSE initiatives. A copy of that report is attached to the formal copy of the Minutes that are housed at Central Office.

Bidding Process for Paternity Establishment

Mr. Young advised New Jersey has had great success in using a private company, PSI from Denver, CO., and believes Virginia will benefit by privatization in this area. He advised this is competitive bidding through a RFP. All state guidelines for procurement are being followed.

Ms. Coryell asked if the low bidder would receive this bid. Mr. Young advised the proposal would be structured where price is not an overriding consideration. This program is well funded by the federal government and price is secondary to performance.

Ms. Korte questioned who would have the final decision on selecting a vendor.

Mr. Young advised there would be a panel to rank the vendors, and he and the Commissioner will have the final sign off approval.

ON MOTION DULY MADE (Mr. Adkins) and seconded (Ms. Rogers), moved to give Nick Young authority to proceed with the RFP to privatize the Paternity Establishment Program with a sunshine clause that this will come back before the Board in August 2003 with statistics on how this program is progressing. Motion carried with all in favor.

Mr. Young advised he would brief the Board at intervals on how negotiations and contract is progressing.

Mr. Adkins asked if Mr. Young would provide figures on how many child support cases are closed; arrearage totals, and dollar amount collected on cases.

Mr. Young agreed to provide this information at the next update.

Ms. Coryell mentioned a letter she had received from Delegate Robert McDonnell and would like Mr. Young to address her concerns in writing. Mr. Young agreed. Each Board member was provided a copy of Delegate McDonnell's letter and each member was provided a copy of the response to Delegate McDonnell from Mr. Young. This exchange of letters was related to the Governor's decision to de-privatize the Arlington and Alexandria DCSE offices.

Nominating Committee

As Chair of this committee, and ON MOTION DULY MADE, (Ms. Korte) and seconded (Ms. Rogers) moved to approve the following slate of officers:

Debra Andrews-Chair
Rufus Adkins-Vice Chair
Shirley Rogers-Secretary

ON A substitute MOTION DULY MADE (Mr. Adkins) and seconded (Ms. Coryell), moved to nominate Robert Spadaccini for Chair.

Discussion:

Ms. Coryell advised during her year as Chair, any member that was up for reappointment could not be considered on the slate.

Mr. Jones advised the Bylaws are silent on this issue.

Mr. Jones advised Bylaws needed to be amended in August to address this concern.

Vote on Substitute Motion by Reverend Adkins:

Vote for Mr. Spadaccini as Chair: Adkins, Coryell, and Spadaccini

Oppose Mr. Spadaccini as Chair: Andrews, Jones, Korte, and Rogers

Motion did not carry.

Vote on Motion to accept the slate of officers as presented by the Nominating Committee:

***For Slate presented by the Nominating Committee: Korte, Andrews, Rogers, and Jones
Against Slate presented by the Nominating Committee: Spadaccini, Adkins, and
Coryell***

Motion carried. The Slate as presented by the Nominating Committee was approved.

Award Presentation

Vice Chair Ms. Andrews, on behalf of Board members, presented a silver revere bowl to Mr. Jones, acknowledging his outstanding service to the Board as Chair for 2001-02.

Acting Commissioner Goodwin presented a Resolution to Mr. Jones for his outstanding service to the Department of Social Services while serving as Chairman of the Board.

Commissioner's Comments

Mr. Goodwin advised he would keep the Board informed on who is selected for Commissioner.

Strategic Planning Meeting will be held on July 15-16. He will provide members with a summary and plans to ask for Board endorsement.

Board Comments

On behalf of the Board, Chair Jones asked Ms. Rengnerth to compose a letter to Governor Warner indicating the Board's recommendation to name Ray Goodwin as Commissioner of the department. Other members echoed thanks to Mr. Goodwin, and spoke of their desire to have him named Commissioner of the department.

Minutes
State Board of Social Services
June 19-20, 2002
Page 12

For members that may be terminating June 30, the Chair recognized them as distinguished citizens, and thanked them for their efforts in protecting citizens and children of the Commonwealth.

Board members thanked Ms. Gregory and her staff for the wonderful cookout at Rudd's Creek and welcome to Mecklenburg County, and to Shawn Rozier and staff for the lovely reception in Charlotte Court House. Ms. Andrews was thanked for her part in the reception and tour of the Court House.

Reverend Adkins thanked Mr. Jones for serving as Chair and doing an outstanding job. He also thanked Ms. Rengnerth for her excellence in serving the Board as liaison.

Ms. Rogers thanked Chairman Jones for his service to the Board.

Ms. Andrews thanked Chairman Jones for his outstanding service to the Board.

Ms. Korte thanked Chairman Jones for his outstanding service to the Board.

ON MOTION DULY MADE (Ms. Rogers) and seconded (Ms Korte) moved to adjourn the meeting. Motion carried with all in favor.

Submitted by Pat Rengnerth
Approved by State Board of Social Services on August 15, 2002