

**Commonwealth of Virginia  
State Board of Social Services**

**Virginia Department of Social Services  
Northern Regional Office  
170 West Shirley Avenue  
Warrenton, Virginia 20186**

**April 16, 2014**

**Attending:** Mr. Robert Spadaccini (Chair), Mr. Willie Greene (Vice Chair), Mr. Thomas Atwood (Secretary), Dr. Jack Knapp, Ms. Josie Webster, Mr. William Henderson, Mr. Darrell Jordan, and Dr. Danny Avula

**Absent:** Ms. Lisa Robertson, Reverend Dr. Ray Johnson, and Ms. Heidi Metcalf-Little

**Also in Attendance:** Ms. Margaret Ross Schultze (Commissioner), Mr. Eric Reynolds (Assistant Attorney General)

**Meeting called to order at 9:00 A.M.**— Mr. Robert Spadaccini, Chair  
Mr. Spadaccini welcomed Board members, Commissioner Schultze and guests. He thanked Ms. Vickie Johnson-Scott for hosting the Board meeting and invited her to the floor.

**Welcome and Introductions** – Ms. Vickie Johnson-Scott, Northern Regional Director  
Ms. Johnson-Scott welcomed the Board to the Northern Region and introduced her staff.

**Review of Agenda** – Ms. Karin Clark, Regulatory Coordinator, reviewed the meeting agenda. Mr. Spadaccini noted that action items 6-8 had been acted upon in previous meetings. However, because of the appointment status of the members who either moved or seconded the actions at the time, new actions were needed to ratify the votes.

**Comments from Commissioner of Social Services** – Commissioner Schultze welcomed Board members and guests, and introduced Mr. Eric Reynolds. Mr. Reynolds was filling in for Allen Wilson, Sr. Asst. Attorney General. Commissioner Schultze provided updates on DSS' three primary areas of focus:

1. Eligibility Modernization. Commissioner Schultze gave an update on the MAGI Medicaid system, noting that as of last week, seventy-one percent of applications were through the system. Twenty percent of local departments have disposed of 90% or more applications.
2. Permanency for Children in Foster Care. Jeff Price, Director of the DSS Office of Research and Planning is gathering data on where the children are by age, in order to better determine where efforts should be focused.

3. Child Support Enforcement. The Division of Child Support Enforcement (DCSE), through the “Family Strong” approach, is looking at parental engagement and a more holistic method delivering services. In addition, they are exploring “right sizing” organizationally. The Commissioner will invite Craig Burshem, DCSE Director, to provide an update at a future meeting.

Commissioner Schultze also informed that DMV now has the ability to provide birth certificates. She and other agency heads met with the First Lady in March to learn about her initiative on food and nutrition. Finally, she informed the Board of receiving the March 2014 report, *Sleep-Related Infant Deaths in Virginia*, under a cover letter from the Chief Medical Examiner (CME). The report included 19 recommendations, three of which are in DSS’ arena. She reported that action on one recommendation has been completed, and the other two are in process.

**Department of Social Services Budget Overview** – Mr. J. R. Simpson, Deputy Commissioner, Finance and Administration

Mr. Simpson provided an overview of the budget. The presentation highlighted DSS’ current budget, the introduced 2014-2016 budget, funding trends and statewide impact. The introduced budget included a provision for extending foster care and adoption subsidy payments to age 21. However, the fate of the provision remains uncertain due to the lack of a final budget. Mr. Atwood inquired about net savings as a result of child welfare transformation on a per child basis. Mr. Simpson indicated he would provide follow-up information on this topic.

**On Motion Duly Made**, (Mr. Jordan), second (Mr. Henderson), moved that the Board send a letter of support to the General Assembly regarding the provision in the introduced budget to extend foster care and adoption payments to age 21. There was discussion regarding whether this type of action was appropriate for a regulatory body. It was suggested that the letter include data and/or observations regarding positive outcomes, to provide rationale for the support. Motion approved by voice vote of four yes (Henderson, Spadaccini, Jordan and Atwood), two no (Greene and Knapp).

**Regional Child Fatality Review Team** – Ms. Rita Katzman, Manager, Child Protective Services Program

Ms. Katzman greeted Board members and informed that April is Child Abuse Prevention month. She updated them on action plans and initiatives of the regional Child Fatality Review teams. The teams are in their third year. Thirty-nine cases will be reviewed in the next round, with focus on mental health and substance abuse. Ms. Katzman referenced a safe sleep video produced in Baltimore, and was asked to add a link to the video on the DSS web site.

Mr. Henderson inquired of the Commissioner whether a PSA could be developed around the issue of safe sleep. Commissioner Schultze noted the possibility of her, in a future meeting with Secretary Hazel, referencing the CME report and discussing an administration-level campaign.

**Northern Region Child Fatality Review Update – Mr. Ed Schuster, Chair**

Mr. Schuster welcomed the Board to the northern region. He informed the Board that his team has 23 members, including a pediatrician, and updated Board on the accomplishments of his review team. He stressed the importance of having pediatricians and representatives of law enforcement as team members. In his last two years of reviews, the number one cause of infant fatality is related to unsafe sleep. Mr. Schuster introduced some members of his team.

**Report from April 15 Child Fatality Committee meeting – Mr. Spadaccini**

Mr. Spadaccini briefed the Board on the April 15 meeting, noting that much of what was discussed had just been covered by Ms. Katzman and Mr. Schuster for the full Board. He stressed the importance of engaging local boards, suggesting that presentations be done at local board meetings to raise awareness.

**Special Note – Mr. Spadaccini**

Word had just been received that the Governor appointed as Board members Ms. Webster and Dr. Avula, and reappointed Mr. Greene.

**COMMENT PERIOD**

**Comment from the Public**

**Ms. Kim Smith, Skyline Community Action Partnership**

Ms. Smith addressed the Board and provided an overview of her agency. Skyline CAP determined that their emergency services were not as effective as intended, so the agency now focuses on housing. They offer guidance and housing counseling services to homeowners and home repair for low to moderate income families. Ms. Smith stated they are working towards some of the same goals as DSS.

**Ms. Carol Keil, Fairfax County Office for Children**

Ms. Keil informed the Board they surveyed families about their satisfaction with the child care services offered by her office. Parents felt what they are doing makes a positive difference and that children are being prepared for success in life. Comments showed that child care subsidies make a difference. Ms. Keil indicated that proposed changes to the child care subsidy regulation are of concern because the impact on the level of services will make it harder for families to maintain self-sufficiency. In particular, she is concerned about the 72-month limit, mandatory registration with the Division of Child Support Enforcement, and the inability of teen

parents under age 18 to obtain services. She noted coming federal changes and expressed appreciation for the partnership with DSS.

**Ms. Courtney Park-Jamborsky, Director of Cornerstone/Laurel Learning Center**

Ms. Park-Jamborsky addressed the Board by stating their program provides care to 133 children, ages 6 weeks to 12 years old. She expressed concerns with the proposed child care subsidy regulation.

**Comments from Local Boards and Directors of Social Services**

Ms. Catherine Pemberton, Director, Powhatan DSS

Ms. Pemberton noted that the level of sustained CPS appeals has improved. She discussed concerns regarding the processing of Medicaid applications at the local level, indicating that citizens are unclear on what to expect. She also indicated that her agency submitted a system help ticket nineteen days ago, and the problem has yet to be resolved. Commissioner Schultze asked Ms. Pemberton to provide her with the ticket number so that it could be looked into.

Ms. Carla Taylor, Director, Shenandoah DSS

Ms. Taylor stressed her area has not bounced back from the economic downfall, with one out of every four citizens being a client of her agency. She also stated that a survey of 250 family partnership participants showed that 98% are very satisfied.

**Comments from the Virginia League of Social Services Executives - Mr. Carl Ayers, President**

Mr. Ayers greeted the Board and discussed the upcoming bi-annual League conference in May. Mr. Ayers updated members on the General Assembly regarding budgetary issues caused by the impasse and also on VaCMS. He noted his recent presentation to the Medicaid Innovation and Reform Commission, with Commissioner Schultze commending him for his presentation. Mr. Ayers thanked DSS for hearing local concerns and putting financial resources in the system to address issues. He addressed how his locality is raising awareness of safe sleep practices and closed by indicating that League officer elections are in May. He and Ms. Pemberton are eligible to serve second terms.

**Comment from the Virginia Community Action Partnership - Mr. Jim Schuyler, President**

Mr. Schuyler briefed the Board on community action and the status of funding. He indicated that implementation of new federal organizational standards for the community action is moving along quickly. He noted a set of proposed state and federal accountability measures for the CSBG network were released for comment in March. Mr. Schuyler shared they received funding from the federal Office of Community Services to develop the Learning Community Project and shared the latest data from the Virginia CASH Campaign.

**Fauquier DSS Information Sharing - Ms. Jan Selbo, Director**

Ms. Selbo provided the Board with Fauquier DSS' annual report. She discussed her concerns about inadequate staffing and the stress being caused by overdue applications. Regarding her child welfare caseload, she noted that substance abuse by parents was a contributing factor. Ms. Selbo asked the Board to carefully consider the impact of regulations on local departments.

**Meeting recessed and Board members received a tour of Fauquier DDSS by Ms. Selbo.**

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**Thursday, April 17, 2014**

**Meeting reconvened at 9:00 A.M.**

Mr. Spadaccini noted that, for Action Item 3, Assistant Attorney General Reynolds had provided Board members a confidential attorney-client privileged memo in addition to a letter of assurance. Due to the likely need for a closed session to discuss this action, Action Item 3 was moved to the end of the list of action items.

**Regulations for Certain Child Welfare Agencies and Resource, Foster & Adoptive Homes -  
Mr. Spadaccini**

A March 2014 memo to members from Assistant Attorney General Michelle L'Hommedieu was redistributed to members. The memo pertained to provisions on restrictions of firearms in the following Board regulations: 22VAC40-211; 22VAC40-111; 22VAC40-141; and 22VAC40-151. The Board discussed three possible options, agreeing that the broadcast option (option 1) was the best approach for inclusion in future regulatory actions.

**Briefing - Proposed Assisted Living Facility Regulation**

Ms. Lynne Williams, Director, Division of Licensing  
Ms. Williams briefed the Board on proposed action on 22VAC40-72, Standards for Licensed Assisted Living Facilities, which the Board will consider at the June meeting. Proposed changes pertain to liability insurance levels for purposes of disclosure resulting from 2013 legislation. The Board asked Ms. Williams to provide a breakdown of the number of facilities by size and a few quotes on premiums to utilize as examples to help with the discussion in June.

**Briefing - Proposed Permanency Regulation**

Mr. Alex Kamberis, Assistant Director, Division of Family Services  
Mr. Kamberis briefed the Board on proposed action on 22VAC40-201, Permanency Services. He explained that several federal laws have required several of the proposed changes. Mr. Spadaccini asked that, if at all possible, the proposed regulation be on the June meeting agenda.

## **Briefing-Final Child Care Subsidy Regulation**

Ms. Mary Ward, Manager, Child Care Subsidy Program

Ms. Ward briefed the Board on the subsidy program, as well as final action on 22VAC40-661, Child Care Services. Board will consider a final regulation at the June meeting. Ms. Ward stated the changes would be to the following sections: Definitions, Child Care Programs, Income Eligibility Scale and Copayments, Provider Requirements, Payment Amount, Case Management, Fraud and Non-Fraud overpayments. It was noted by members that the periods of disqualification in the regulation differ from other DSS programs and are less stringent. The possibility of amending the regulation at the final stage to make it consistent with the other regulations was discussed.

**Regulatory Update** - Ms. Karin Clark, Regulatory Coordinator

### **ACTION ITEMS**

- 1. Approve February 2014 minutes**  
*On Motion Duly Made*, (Ms. Webster), second (Dr. Avula), moved to approve the February meeting minutes as amended with all in favor.
- 2. 22VAC40-160, Fee Requirements for Processing Applications – Withdraw NOIRA**  
*On Motion Duly Made*, (Mr. Atwood), second (Mr. Henderson), moved to approve withdrawal of this action, with all in favor.
- 3. 22VAC40-295, Temporary Assistance for Needy Families – Proposed**  
*On Motion Duly Made*, (Mr. Henderson), second (Mr. Jordan), moved to approve the proposed regulation, with all in favor.
- 4. 22VAC40-601, Supplemental Nutrition Assistance Program – Final**  
*On Motion Duly Made*, (Dr. Knapp), second (Mr. Greene), moved to approve the final regulation, with all in favor.
- 5. 22VAC40-41, Neighborhood Assistance Tax Credit Program – Exempt**  
*On Motion Duly Made*, (Dr. Knapp), second (Ms. Webster), moved to approve the exempt regulation item, with all in favor.
- 6. 22VAC15-51, Background Checks for Licensed Child Day Centers – Fast Track**  
*On Motion Duly Made*, (Ms. Webster), second (Mr. Atwood), moved to approve the fast track regulation, with all in favor.
- 7. 22VAC40-191, Background Checks for Child Welfare Agencies – Exempt**  
*On Motion Duly Made*, (Dr. Avula), second (Mr. Jordan), moved to approve the exempt regulation, with all in favor.
- 8. 22VAC40-295, Temporary Assistance for Needy Families – NOIRA**  
*On Motion Duly Made*, (Mr. Jordan), second (Mr. Henderson), moved to approve the NOIRA, with all in favor.

## **Closed Meeting**

**On Motion Duly Made**, (Mr. Atwood), second (Dr. Knapp), moved to go into a closed meeting for the purpose of consultation with legal counsel and/or briefings by staff members and attorneys pertaining to actual or probable litigation concerning legal advice as permitted by § 2.2-3711 (A) (7) of the Code of Virginia. The issue of discussion was 22VAC40-295, Temporary Assistance for Needy Families, proposed regulation. Attending the closed meeting were: Mr. Spadaccini, Mr. Greene, Mr. Atwood, Dr. Knapp, Ms. Webster, Mr. Henderson, Mr. Jordon, Dr. Avula, Ms. Jackson, Ms. Clark, Commissioner Schultze, Mr. McWhinney, and Mr. Steinhauser. Motion approved with all in favor.

**On Motion Duly Made**, (Mr. Atwood), second (Mr. Henderson), moved to return to open meeting and certified that such closed meeting was conducted in conformity with Virginia law; that only public matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which members agreed and signed the certificate of closed meeting. Motion approved with all in favor.

## **Appoint Nominating Committee for Officers – Mr. Robert Spadaccini**

Mr. Spadaccini appointed Dr. Knapp (Chair), Mr. Jordan and Mr. Henderson.

## **Board Member Comments**

Mr. Atwood observed that, regarding the vote to send the letter of support to the General Assembly, it should be the default position of the Board to not take such action. However, he believes it is appropriate in this situation because of the positive impact on children in care. He was involved in developing the Fostering Connections Act of 2008 and is gratified to see the impact. He agrees with the policy regarding restoration of parent rights, as discussed by Mr. Kamberis earlier in the meeting.

Mr. Greene is honored to be reappointed. He enjoyed the presentations and requested that handouts be provided for future presentations.

Dr. Knapp appreciated the challenge to the Board by Ms. Selbo to make reasonable regulations.

Ms. Webster appreciated appointment to the Board and the opportunity to attend the CPS conference. She also enjoyed the opportunity to travel and tour a local department.

Mr. Henderson indicated the pictures in a CPS brochure handed out earlier were troubling and he was curious about the training and support CPS workers receive for the difficult work they do. He requested that a presentation on this topic be provided at a future meeting.

Mr. Jordan indicated he enjoyed this meeting, and thanked the Board for supporting the letter regarding fostering to 21, as it provides an opportunity to advocate for good public policy and for DSS. He requested an update on the VAdopts campaign at a future meeting.

Dr. Avula appreciated the Board appointment and views it as an opportunity to further integrate public health and social services. He noted a theme during many of the presentations, which was that good data is needed to make good policy decisions. He requested that future presentations include relevant data.

Mr. Spadaccini indicated that Ms. Robertson resigned from the Board and that she expressed her appreciation for the opportunity to serve. He thanked Ms. Johnson-Scott and staff for hosting the meeting, as well as Ms. Selbo and her staff. He asked that a commending resolution for Fauquier Department of Social Services be prepared for presentation at the June meeting. Mr. Spadaccini stated a briefing on the Eastern Region Child Fatality Review Team report will be on the June agenda. He thanked Ms. Jackson, Mr. Reynolds and Ms. Clark for assisting. In conclusion, Mr. Spadaccini wished everyone a safe trip home and is looking forward to seeing everyone in June.

**Meeting adjourned at 12:15 P.M.**

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