

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

**Wingate by Wyndham
20 Sanford Drive
Fredericksburg, Virginia 22406**

**October 16, 2013
9:00 A.M.**

Attending: Mr. Robert Spadaccini, Sr. (Chair), Mr. Willie Greene (Vice Chair), Mr. Thomas Atwood (Secretary), Dr. Jack Knapp, Ms. Trudy Brisendine, Ms. Josie Webster, Ms. Lisa Robertson, and Mr. William Henderson.

Absent: Ms. Heidi Metcalf, Reverend Ray Johnson, and Dr. Danny Avula.

Also in Attendance: Ms. Margaret Ross Schultze (Commissioner), Mr. Allen Wilson (Sr. Assistant Attorney General).

Meeting called to order at 9:00 a.m. – Mr. Robert Spadaccini, Chair
Mr. Spadaccini welcomed Board members, Mr. Michael Muse, Director of Stafford County Social Services, Commissioner Margaret Ross Schultze and other guests. He thanked Mr. Muse for hosting the meeting and he also introduced Pastor Fred Donahue, Chairman of Stafford County Board of Social Services.

Stafford County Welcome – Mr. Michael Muse welcomed the Board and thanked them for allowing Stafford County to host this meeting. He introduced members of his staff and talked about plans for coordinating a celebratory event for 2014.

Pastor Fred Donahue welcomed the Board and expressed his concerns about children in foster care and the issue of locating permanent homes for them as well as those within the adoption process.

Commending Resolution for Stafford DSS – Mr. Robert Spadaccini, Sr., (Chair) asked Mr. Thomas Atwood to read the resolution for Stafford County to Board members and to the public before presenting it to Mr. Michael Muse on behalf of Stafford County DSS. ***On Motion Duly Made*** (Ms. Trudy Brisendine), seconded (Dr. Jack Knapp), moved to approve this resolution, with all in favor.

Service Award for Allen Wilson – Commissioner Margaret Ross Schultze presented a service award to Mr. Allen Wilson, Senior Attorney General, who has provided legal counsel to DSS for ten years. Mr. Wilson cordially accepted his award.

Review of Agenda – Ms. Karin Clark, Regulatory Coordinator, reviewed the meeting agenda. Mr. Spadaccini noted the Office of Attorney General letters of assurance were not yet available for action items 8 and 12. These actions were removed from the agenda by consensus.

Overview of Child Support Enforcement – Mr. Spadaccini introduced Mr. Craig Burshem, Deputy Commissioner/Director, Division of Child Support Enforcement. Mr. Burshem addressed the Board by mentioning the progress that has been made within Child Support Enforcement since he began as Director ten months ago and the progress to be made to create a holistic family approach to child support enforcement. He presented a brief history of Child Support Enforcement in Virginia, covering major federal legislation, performance measures, federal model and current division initiatives. A copy of this presentation is attached the official minutes maintained by VDSS.

Comments from Commissioner of Social Services – Commissioner Margaret Ross Schultze welcomed Ms. Josie Webster to the Board and congratulated Mr. Greene on being re-appointed to the Board for the next four years. She talked about the adoption initiative for Virginia, the MAGI Portal, which had an October 1st launch, and the impacts of the government shutdown on VDSS.

Resolution Regarding Government Shut Down

The possibility of a resolution recognizing the impact of the government closure was discussed. With a poll of members by the chair to approve such a resolution being tied, no further action was taken.

Proposed CPS Regulation – Ms. Rita Katzman, Program Manager, Child Protective Services, addressed the Board and provided an overview of proposed amendments to the CPS regulation. Prior to Ms. Katzman’s presentation Mr. Wilson indicated that the proposed CPS regulation was still under review by the Attorney General’s Office Ms. Katzman addressed the Board and provided an overview of proposed amendments to the CPS regulation.

Comment Period

Comments from the Public

Rosemary Burton, VCCA (Virginia Child Care Association)

Concerned about the child care swipe cards being a problem for child day care centers in which the swipe machines that subsidy parents use daily to sign their children “in” or “out” of the center and to pay weekly tuition, has to be connected and re-connected several times a day. The problem with this is that while parents are swiping the cards they receive an error message. This can be a serious issue for smaller providers and in some cases they have closed their doors because they had not received money from the subsidy program. Ms. Burton was asked to provide follow-up information including contact information for impacted programs.

Mr. Joshua Silverman, Silverman Law Firm

Concerns regarding Action Item #13, 22VAC 40-72, Standards for Licensed Assisted Living Facilities. Mr. Silverman is opposed to the proposed number of \$300,000 because he does not feel that it is an adequate number. He asked that the Board would adopt \$1 million instead of the proposed \$300,000.

Mr. Bob Gunthorp, Richie Law Firm

Concerns regarding Action Item #13, 22VAC 40-72, Standards for Licensed Assisted Living Facilities. He is concerned that staff in ALFs are not as qualified to provide appropriate care to residents as staff in nursing homes are. He indicated that frequently when problems arise, staff in ALFs do not recognize that residents may need or require skilled care and that they do not seem to understand the damage that this could potentially cause to a resident(s). He asked the Board to consider a minimum amount of coverage at the \$1 million level of liability insurance coverage.

Ms. Abigail Schriener, Extra Special Parents (licensed child placing agency)

Concerns about 22VAC40-131-250.A. (Intake, acceptance, and placement) regarding having a placement agreement from licensing for an emergency removal order to place a child. She asked that the Board review this so that they (child placement agencies) won't be cited for something until the courts are open.

Ms. Judy Hackler, Virginia Assisted Living Facility Association

Would like the Board to support the Fast Track for Action Item #13, 22VAC 40-72, Standards for Licensed Assisted Living Facilities. Her association has been consulting with Licensing Programs and feel that the proposed \$300,000 minimum liability insurance coverage for ALFs is adequate. She indicated that any amount greater than this would be a burden to smaller ALFs and would financially impact these providers.

Ms. Marilyn Stevens, SERVES (A Non-Profit Food Pantry)

Partners with Stafford Department of Social Services and encourages other local departments in her area to utilize their services as well. They have a multitude of avenues that could assist with fulfilling needs. She relayed that just knowing that they have the united front of DSS, makes all the difference in what they do to help those in need.

Comments from Virginia League of Social Services Executives

Ms. Catherine Pemberton, Director of Powhatan County DSS

On behalf of their affiliate associations, she presented Commissioner Schultze with a certificate of appreciation from BPRO for her support. Local departments have experienced some glitches following the October 1st launch of the new eligibility program, but she is optimistic.

Comment from Virginia Community Action Partnership

Mr. Jim Schuyler, Executive Director

Most VACAP agencies are experiencing difficulty and the website has received increased inquiries. The end of the shutdown of the Federal Government may actually have an impact on Community Action Agencies due to the proposed sequestration cuts of funds for these agencies which would cause more harm than good to these agencies.

Stafford DSS Presentation

Mr. Michael Muse, Director, Stafford County DSS

Mr. Muse thanked the Board and introduced more of his staff members. He also welcomed the Board to Stafford's 350th birthday celebration. Mr. Muse provided various statistics about Stafford County via a PowerPoint presentation and handouts.

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Welcome from Stafford

Mr. Anthony Romanello, Stafford County Administrator

Welcomed the Board to Stafford. He mentioned that Stafford County was the boyhood home of George Washington and celebrity Wayne Newton. He also mentioned that next year there will be a year long celebration of the 350th birthday of Stafford County, established in 1664.

Fraud Presentation

Mr. Tom Steinhauser, Director, Division of Benefits Programs

Mr. Steinhauser addressed the Board and explained that his division oversees the TANF, SNAP, Medicaid & Energy Assistance Programs. His presentation covered statutory authority over fraud control, some statistics, disqualification, data mining and program integrity initiatives. It was noted that disqualification provisions differ among benefit programs. Mr. Spadaccini inquired as to whether the disqualification provisions for SNAP and TANF are in regulation or statute. Mr. Steinhauser responded that for SNAP, it is in statute, and for TANF, in regulation. Mr. Spadaccini asked when the TANF regulation would next be before the Board. It was noted that the TANF regulation was on the October agenda for a NOIRA; however, the purpose of the NOIRA was narrow in scope, focused only on penalties. A copy of this presentation is attached the official minutes maintained by VDSS.

Regulatory Update

Ms. Karin Clark, Regulatory Coordinator

Ms. Clark reviewed the regulatory status report, noting all movement in regulatory actions since the August 2013 meeting.

Dr. Knapp inquired about 22VAC40-185, and whether there has been movement on it. Commissioner Schultze indicated that the Secretary's Office is making a concerted effort to move pending regulations forward and this one is on their radar. She further noted that she is meeting with the Department of Planning and Budget regarding two long-pending regulations, to see if movement is possible.

ACTION ITEMS:

1. Benefit Worker Appreciation Month Resolution

Mr. Atwood read the resolution for Benefit Worker Appreciation Month. **On Motion Duly Made** (Mr. Atwood), seconded (Ms. Brisendine), moved to approve this resolution, with all in favor.

2. Resolution Commending Powhatan DSS

Mr. Spadaccini (Chair) announced that the date on the resolution will be changed to an effective date of October 17, 2013 and that it will be re-signed by the Chair. The Board may be able to take a road trip in December and present the resolution to Powhatan DSS at such time. **On Motion Duly Made** (Mr. Atwood), seconded (Dr. Knapp), moved to approve this resolution and the changes as stated, with all in favor.

- 3. Approve June 2013 Meeting Minutes**
On Motion Duly Made (Ms. Brisendine), seconded (Mr. Greene), moved to approve the June 2013 meeting minutes as amended, with all in favor.
- 4. Approve August, 2013 Meeting Minutes**
On Motion Duly Made (Mr. Greene), seconded (Ms. Robertson), moved to approve August 2013 meeting minutes as amended, with all in favor.
- 5. Administrative/HR Manual Change for Local Departments of Social Services – Approve Chapter 6**
Ms. Lori Schamerhorn briefed the Board on the policy changes. **On Motion Duly Made** (Mr. Atwood), seconded (Dr. Knapp), moved to approve changes to this policy for effectiveness November 1, 2013, with all in favor.
- 6. Administrative/HR Manual for changes for Local Departments of Social Services – Approve Chapter 7**
Ms. Lori Schamerhorn briefed the Board on the policy changes. **On Motion Duly Made** (Ms. Robertson), seconded (Mr. Henderson), moved to approve changes to this policy for effectiveness November 1, 2013, with all in favor.
- 7. 22 VAC 40-670, Degree Requirements for Social Work/Social Work Supervision Classification Series-Periodic Review**
Ms. Lori Schamerhorn briefed the Board on periodic review. **On Motion Duly Made** (Ms. Brisendine), seconded (Ms. Robertson), moved to retain this regulation with no changes, with all in favor.
- 8. 22 VAC 40-675, Personnel Policies for Local Departments of Social Services – Fast Track (Tabled)**
- 9. 22 VAC 40-35, Virginia Independence Program – Fast Track**
Mr. Tom Steinhauser briefed the Board on the action. **On Motion Duly Made** (Mr. Henderson), seconded (Dr. Knapp), moved to approve this regulation, with all in favor.
- 10. 22 VAC 40-294, Temporary Assistance for Needy Families – NOIRA**
Mr. Tom Steinhauser briefed the Board on the action. **On Motion Duly Made** (Mr. Atwood), seconded (Mr. Greene), moved to approve this regulation, with all in favor.
- 11. 22 VAC 40-201, Permanency Services – Prevention, Foster Care, Adoption and Independent Living – Emergency/NOIRA**
Mr. Alex Kamberis briefed the Board on this action, including the legislation mandating the emergency regulation. **On Motion Duly Made** (Mr. Henderson), seconded (Ms. Brisendine), moved to approve this regulation. There was discussion by the Board. A typographical error was noted on page three. Also noted was inconsistency with references to “Commissioner and designee.” Mr. Spadaccini requested that the

inconsistencies be rectified to improve the clarity of the regulation. Correcting the error and amending the language for clarity was approved by consensus.

Motion Duly Made to make corrections and clarification duly made (Dr. Knapp), seconded (Mr. Atwood), approved with all in favor.

The motion to approve the regulation as amended was approved with all in favor. Mr. Wilson noted that a new letter of assurance will be provided reflecting the new date.

12. 22 VAC 40-705, Child Protective Services Proposed (Tabled)

13. 22 VAC 40-72, Standards for Licensed Assisted Living Facilities – Fast Track

Mr. Spadaccini noted the public comment he received on the action, both in favor and opposed. Mr. Steve Lambert briefed the Board on the legislation prompting the amended regulation and provided general information on assisted living facility capacity.

Mr. Spadaccini noted that the Board had options, including approving the fast track as presented, amending it to change the maximum amount of required liability insurance, or change to the normal three-stage process, the latter of which would provide opportunities for public comment and additional information for consideration.

On Motion Duly Made (Dr. Knapp), seconded (Mr. Greene), moved to approve the regulation as presented. Mr. Atwood opposed the motion because the Fast Track process is intended for non-controversial Fast Track Actions, which this is not. Mr. Atwood proposed an amendment to the motion, to approve a NOIRA rather than a Fast Track.

On Motion Duly Made (Mr. Atwood), seconded (Mr. Greene), moved to amend the original motion for this regulation by having it proceed as a NOIRA. Approved with one nay.

14. 22 VAC 40-25, Auxiliary Grant – Withdraw NOIRA

15. 22 VAC 40-771, Adult Services Providers – Withdraw NOIRA

16. 22 VAC 40-740, Adult Protective Services – Withdraw NOIRA

17. 22 VAC 40-775, Adult Services Standards – Withdraw NOIRA

The Chair recommended that the Board take actions 14-17 in bulk with an action to withdraw the NOIRAs. **On Motion Duly Made** (Dr. Knapp), seconded (Mr. Atwood), moved to withdraw all actions. Mr. Spadaccini recognized Ms. Paige McCleary in the audience, for her work on the four regulations.

18. Approve 2014 Meeting Schedule

On Motion Duly Made (Mr. Atwood), seconded (Mr. Henderson), moved to approve 2014 Meeting Schedule, with all in favor.

Mr. Spadaccini (Chair) asked Mr. Wilson of the status of Standard 22 VAC 40-141 from last February's Board meeting regarding firearms language in which this regulation was tabled during this meeting. Mr. Wilson indicated he would check on the status and report back to Board.

Board Member Comments:

Ms. Robertson: Enjoyed being in Stafford County and Ms. Katzman's presentation regarding the proposed regulation for Child Protective Services.

Mr. Henderson: Made comments relating to this being Ms. Brisendine's official last day with the Board and he expressed his appreciation for her contributions.

Mr. Greene: Expressed that he was very glad to have been reappointed for another four years to the Board. He appreciated Stafford County for hosting the meeting, and noted the convenience of holding the meeting in the location of lodging.

Dr. Knapp: Appreciated the report on the adoption initiative and Stafford County's hosting.

Mr. Atwood: The presentation by the Division of Family Services was excellent. He requested a presentation on the hearings process and a list of the public speakers.

Ms. Brisendine: Noted that this was her last Board meeting. She looks forward to new challenges and thanked the Board.

Mr. Spadaccini: Appreciated having the meeting and lodging in the same locations. The Child Fatality Committee will meet in December, and he announced that Mr. Henderson agreed to serve as chair of the committee. He thanked Ms. Brisendine for her years of service and friendship and Ms. Graham for her assistance to the Board. The December Board meeting will be held in Richmond.

The Chair adjourned the meeting at 12:00p.m.