

**Minutes**  
**VA State Board of Social Services**  
**August 15-16, 2007**

**Petersburg Dept. of Social Services**  
**400 Farmer Street**  
**Petersburg, Virginia**

**Members Present**

Nettie Simon-Owens, Chair  
Danny Brown  
Trudy Brisendine  
Shirley E. Culpepper  
Maggi Luca  
Brenda Hornsby  
Bela Sood

**Members Absent**

Marilyn Rigby  
Peppy Linden

**Call to Order**

The meeting was called to order at 10:00 a.m., Chairperson Nettie Simon-Owens presiding.

The Chair announced that Ms. Rigby and Ms. Linden would not be in attendance.

**Welcome and Introductions**

Jane Clements, Regional Director welcomed the Board to the Central Region and commented on the success of the Commissioner's Roundtable event held the previous evening stating it was a wonderful opportunity to meet with the Board, Commissioner, and local staff.

Kimberley Willis, Director of Petersburg Social Services welcomed the Board to the area.

Local dignitaries Mayor Annie M. Mickens, City Manager B. David Canada, and Delegate Rosalyn Dance welcomed the Board to Petersburg commenting on the importance of meeting in all areas of the state to ensure they surround themselves with people that are being served by agencies. They also voiced concerns about the elderly and young population and the lack of available services to them. Members were provided a copy of the Governor's Urban Policy Task Force Report highlighting the need to address risk factors of the Commonwealth's cities to make them more economical viable.

Ms. Willis introduced local staff present.

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**Agenda Review**

Richard Martin, Manager of the Office of Legislative and Regulatory Affairs reviewed the agenda and commented on the use of the CODE Supplement Book distributed to the Board.

**Information Items**

**Regulation Status Report**

Richard Martin advised there are 58 regulations in place (19 of which are in a current active state). He further stated that 5 regulations are being repealed, 3 amended and 11 are undergoing periodic review. With 6 new regulations being promulgated that gives a total of 64 regulations.

Mr. Martin provided members a 5-year regulation comparison chart. In August 2002, there were 101 regulations in place compared to 64 in August 2007. With the Board's assistance, he hopes to get the number to less than 60.

He advised that 22 VAC 40-35 is currently in public comment. Regulations 22 VAC 40-60; 22 VAC 40-211; 22 VAC 40-293; 22 VAC 40-375; 22 VAC 40-410; 22 VAC 40-470; 22 VAC 40-570; 22 VAC 40-630; 22 VAC 40-890; and 22 VAC 40-910 will soon be in public comment.

He also highlighted concerns with 22 VAC 40-110 & 22 VAC 40-111. Meetings are to be held with stakeholders. Board members will be contacted once these meetings have been scheduled.

Mr. Martin provided information on potential regulations for the Board to consider for review after initial implementation as of August 2007. He advised the Board may want an update on the effects of regulations one year following implementation and would take guidance from the Board on setting the schedule. A copy of this presentation is attached to the Official Minutes housed in the home office.

Ms. Brisendine voiced her concerns that on regulation 22 VAC 730, Investigation of Child Abuse Neglect in Out-of Family Complaints saying that it is difficult to know if children in out-of-family situations may be at greater risk since changes were made on how schools now report. She was concerned that there are fewer numbers being reported and even fewer founded reports. Nan McKenney, liaison to the CPS Out-of-Family Advisory Committee will speak with Chair Maria Timoney to discuss how this information could be obtained and report back at the December meeting.

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### **No Wrong Door Initiative**

Molly Huffstetler, MSW with the Virginia Department of Aging spoke to the Board on the No Wrong Door Initiative. A handout was given to members providing an overview. The objective of this initiative is to offer a virtual single point of entry for accessing public and private health and human services for adults in Virginia by phone; on-line; and through physical locations. The ultimate benefit of No Wrong Door will be extended independence and improved quality of life for seniors, their caregivers and persons with disabilities. A copy of this report is attached to the Official Minutes housed in the home office.

Members thanked Ms. Huffstetler for presenting this exciting, commendable initiative to them. It was the desire of the Board to have the Department of Aging share “lessons learned” from this initiative at a future meeting. Members sent Commissioner Julie Christopher their regards.

### **CPS Fatality Report**

Lynette Isbell, Director of Family Services provided members with a copy of the Report entitled *CHILD DEATHS DUE TO ABUSE OR NEGLECT IN VIRGINIA DURING FISCAL YEAR 2006*.

Recommendations in the report included promoting interagency partnerships to prevent child fatalities due to child abuse and neglect and reduce child maltreatment fatalities among infants and young children.

Ms. Brisendine referred to page 8 of the report – families and children known to the system. Were these a part of Structured Decision Making (SDM)? Ms. Isbell will review and be in touch with the Board.

Ms. Brisendine asked if there is data to support that SDM is the correct path to take, advising that it may be more beneficial to put dollars into Healthy Families rather than SDM. Ms. Isbell advised that Healthy Prevention Families and SDM are two different client populations. Ms. Brisendine requested a packet of information on SDM to help with better understanding of the program.

Ms. Brisendine also requested additional information on training courses once offered through VISSTA that are no longer available. Ms. Isbell advised that all required courses will be offered through VISSTA. She verified that there is no mandated training for supervisors. A copy of training courses will be provided by Ms. Isbell.

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Ms. Brisendine asked what kinds of local and state reviews are initiated when children are known to the system die as a result of further abuse and neglect. Ms. Isbell will provide information to the Board. Ms. Luca requested a “Trends Report” be provided at the October meeting.

A copy of the Fatality Report is attached to the Official Minutes housed in the home office.

### **Comment Period**

***Public***

None

### ***Local Boards & Directors of Social Services***

Jane Clements introduced local directors Sarah Snead from Chesterfield/Colonial Heights DSS and Eddie Harrison from Russell County DSS. Both directors expressed their pleasure to attend the Board meeting and thanked Kimberley Willis for her agency’s hospitality. Mr. Harrison said he was looking forward to the Board meeting in Lebanon in October.

### ***VLSSE***

Sarah Snead, League President brought greetings from VLSSE members and support staff. She stated she was pleased to be meeting in Petersburg and remarked what a treasure the City has in Kimberley Willis and her staff.

Ms. Snead advised her Board met in July and is working closely with the department on legislative proposals. Three committees were developed: Marketing –that will develop a plan to promote their work; Information-that will work with state partners to get data to better serve clients and substantiate funding requests; and Disaster Recovery-to gather and disseminate best practices, etc.

She requested the Board to keep a close watch on training. As customers of VDSS, supervisor training and on-going training are critical elements needed by local agencies. She asked to be closely involved in developing training plans.

Ms. Snead advised the VLSSE fall conference will be held in Harrisonburg on November 7, 8, and 9. Further information will be provided as it is developed.

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### ***Virginia Community Action Partnership***

Jim Schuyler shared his appreciation of being added to the Board meeting agenda and for participation in the Commissioner's Roundtable Event.

Mr. Schuyler provided highlights from a conference he attended in July sponsored by the Annie Casey Foundation.

He advised they are hosting an EITC (Earned Income Tax Credit) seminar on September 11 and Commissioner Conyers will be in attendance.

For further information about poverty programs, please visit [www.vacap.org](http://www.vacap.org) .

### ***Commissioners Comments***

Training- \$12 million was spent during the past 3 years. Less than \$5 million will be spent this coming year. Commissioner Conyers advised the department used MAX REV to get more for their dollar. In the execution, federal guidelines were stretched more than allowed. The agency has dealt with this fallout since the spring of 2005. Through negotiations with the fed partners over a year ago, they agreed to look forward and not charge VDSS additional disallowances for what was done in the past. However, VDSS is being scrutinized to ensure we don't go back to where we were. VDSS is no longer interpreting federal rules—we are asking the feds what the rules are to ensure we move forward appropriately.

It has been agreed that VCU will do the required mandated training in the coming year and ATC will remain open and functional. The future may bring a "competitive bid basis" for other universities to bid on training.

Patrick Patrong is the newly hired Director of Training for the department. He comes to the department from the City of Richmond, has a background in independent living and brings a wealth of knowledge to the department.

Site visits to Radford and Norfolk State University have been made to view first-hand what they are working on and to build a closer relationship with our partners at the university.

He advised the League had been proactive getting a grant from the Casey Foundation. We want to invest in future social service leadership in Virginia not just local directors. Commissioner advised he felt new director training needs to be done in concert with the League and done in-house.

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First Lady of Virginia visit- The First Lady of Virginia is scheduled to attend the October meeting of the State Board and discuss For Keeps Program and child welfare problems. Members were provided a copy of For Keeps Initiative.

Commissioner Conyers advised now is the time to seize the opportunity to take significant steps in child welfare.

The Chair thanked the Commissioner for sharing his insight with the Board and for his presence at the meetings.

**Pod Cast**

Marianne McGhee, Director of Public Relations provided a quick review of Charlottesville's Voices of Poverty (VOP) pod cast site and how it is used to explain the realities of the lives of people living in poverty. A demonstration will be provided at tomorrow's meeting.

**Action Items**

**Approval of Minutes**

***ON MOTION DULY MADE (Ms. Luca) and seconded (Dr. Sood) moved to approve the June Minutes as presented. Motion carried with all in favor.***

**Future Meeting Schedule**

February 20-21	VDSS Home Office
April 16-17	Piedmont Region
June 18-19	Northern Region
August 20-21	Western Region
October 15-16	Eastern Region
December 10-11	Central Region*

**\*One week early due to holiday schedule.**

***ON MOTION DULY MADE (Ms. Brisendine) and seconded (Ms. Hornsby) moved to approve the future meeting schedule as distributed. Motion carried with all in favor.***

The Board will honor local invitations to host their meetings as they are received.

**22 VAC 40-705**  
**Child Protective Services Program**  
**Emergency Action**

Lynette Isbell, Director of Family Services provided an overview of this regulation.

There was much discussion on the definition of life-threatening conditions mentioned on page 3 of 7. Ms. Brisendine and Dr. Sood felt the proposed wording did not accurately describe the potential results of “recommended conventional medical treatments”. Mr. Brown advised this was an emergency regulation and wording could be dealt with when the permanent regulation was reviewed. He agreed with the OAG and preferred to accept the approval request.

Members agreed to have Allen Wilson, representative from the Office of the Attorney General (OAG) research this further and provide information to the Board. After speaking with the attorney working on this regulation, Mr. Wilson advised the language proposed was drafted after researching court decisions in other states.

Ms. Hornsby asked Commissioner Conyers to address the impact if this regulation was not approved today. Commissioner advised he couldn’t predict if there would be any adverse situations over the next few months if the emergency regulation was not approved.

The intent of the language proposed by the OAG was to encompass life-threatening illnesses such as cancer, not illnesses such as strep throat that can be life-threatening if untreated—but routine if treated. If the Board decides to change the language, then it will have to be sent back to the OAG for another letter of assurance that the changed language meets the requirements of law.

***ON MOTION DULY MADE (Ms. Brisendine) and seconded (Dr. Sood) to insert “or improving the health” after the words “chance of impairing”...in the third sentence of “life-threatening condition” definition on page 3 of 7 and approve the emergency regulatory package for publication in the Virginia Register subject to receiving a letter of assurance from the Office of the attorney General and subject to approval under the provisions of Executive Order 36 (2006) and the Administrative Process Act.. Nay vote cast by Mr. Brown. All other members voted aye. Motion carried.***

**22 VAC 40-690**  
**Virginia Child Care Provider Scholarship Program**  
**Proposed Regulation**

Mary Jo Thomas, Director of Child Care and Development provided an overview of this regulation.

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The program provides financial assistance to child care providers attending child care development and administration courses at Virginia's institutions of higher education. This regulation is to be amended to reflect efficient business practices and to further delineate the scholarship applicant selection process.

It was confirmed that scholarships are primarily used by people already in the field but others may use the funds if they are available.

***ON MOTION DULY MADE (Ms. Brisendine) and seconded (Dr. Sood) moved to approve the proposed regulatory package to amend 22 VAC 40-690 Virginia Child Care Provider Scholarship Program for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 36 (2006) and approve the fiscal impact analysis of this action for distribution to local boards of social services. Motion carried with all in favor.***

### **22 VAC 40-72**

#### **Standards for Licensed Assisted Living Facilities**

##### **Fast Track Proposed Action**

Leslie Knachel, Program Development Manager provided an overview of the regulation.

The proposed amendments delete some of the generator-related requirements for assisted living facilities. Facilities will no longer be required to have either an emergency generator on-site or an agreement to obtain one in an emergency that disrupts electrical power. In addition, specific services to be provided by emergency electrical power were deleted. Moreover, the requirement for availability of a 96-hour supply of emergency generator fuel was removed. A clarification was made to the requirement regarding compliance with the Virginia Uniform Statewide Building Code so that it is clear that it relates to the connection for temporary electric power, not to the emergency electrical power source. In respect to the emergency plan, an addition was made to the requirement to contact the local emergency coordinator, i.e., an element was added to determine any assistance that would be provided to the facility by the local emergency management office.

Another change in the plan removed procedures related to the operation and testing of emergency generators and replaced them with procedures for maintaining and operating all emergency equipment.

***ON MOTION DULY MADE (Mr. Brown) and seconded (Ms. Luca) moved to approve the fast track proposed action to amend 22 VAC 40-72 Standards for Licensed Assisted Living Facilities for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 36 (2006). Motion carried with all in favor.***



If no one objects to this action during public comment, it will become effective 15 days after the close of the comment period. Mr. Martin advised the department did not expect any objections.

**22 VAC 40-670**

**Degree Requirement for Social Work/Social Work Supervisor**  
**Periodic Review**

Richard Martin provided an overview of this regulation to the Board. He advised the comments that were received supported this regulation as it is stated at the present time. The local agency employees who commented believe that if the requirement becomes more stringent, it will be more difficult to hire and retain qualified employees. This regulation has worked well for the local agencies. He reported this is not a burdensome or controversial regulation so no advisory group was formed to assist in the review.

***ON MOTION DULY MADE (Ms. Hornsby) and seconded (Mr. Culpepper) moved to approve the Periodic Review report for submission 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.***

**Implementation of Assisted Living Facility Regulation Update**

Carolynne Stevens, Director of Licensing Programs provided an update on the implementation of assisted living facilities regulation update.

Ms. Hornsby asked if a “debriefing” is done with a facility upon closure and what the financial impact is. Ms. Stevens advised she had queried field offices and found most closed due to long range financial problems they were experiencing. Staffing was also a problem and didn’t feel it was due to regulation changes.

Ms. Luca asked if training continued to be a problem. Ms. Stevens advised that the first training sessions experienced difficulties but not with subsequent sessions.

Dr. Sood stated there was a need to gather data to show the impact on the industry and provide future Boards with lessons learned.

Ms. Stevens will provide Board with some data on facilities that have closed and reopened.

Recessed at 5:00 p.m.

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*Thursday, August 16, 2007*  
*The meeting was reconvened at 9:00 a.m.*

**Public Assistance Cost Allocation Plan**

J. R. Simpson, Chief Financial Officer provided an update on the Public Assistance Cost Allocation Plan as requested by the Board in June. He advised PCG, Inc. was awarded the contract to assist with the Plan. A report is due in November. The department will evaluate their suggestions about recovery of federal funds.

The department continues to wait for formal approval on the Plan from the feds.

**Petersburg DSS Presentation**

Kimberley Willis provided members with an overview of the Petersburg DSS. The department has 124.5 colleague positions with 3 key divisions: Administrative (Christine Dawson, Administrative Manager); Eligibility (Elaine Thweatt, Chief); and Services (Libby Vinsh, Chief). Ms. Willis also mentioned former director Florence Rhue initiated parenting classes in collaboration with Virginia Cooperative Extension.

She advised a Staff Development Unit was created to focus on training and retaining highly qualified and knowledgeable employees. In closing, Ms. Willis stated they are grateful for the opportunity to serve citizens and to the VDSS, Board of Social Services,

City of Petersburg's City Council and City Manager's Office, and their sister departments, agencies and organizations.

A copy of this presentation is attached to the Official Minutes housed in the home office.

**Legislative Update**

Richard Martin provided members with a copy of the 2008 Preliminary Legislative Proposals.

**HHR-DSS-1**

This proposal will provide authority for the Virginia Department of Social Services to establish minimum training requirements for foster care and adoption workers and supervisors to ensure consistency in basic knowledge, skills and abilities needed to work effectively in the public child welfare field. Since the passage of the Adoption and Safe Families Act of 1997 (ASFA), the federal government has focused extensively on state child welfare systems' performance on outcome measures related to increased safety, permanency and well-being for children in the child welfare system.

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### **HHR-DSS-3**

This proposal authorizes the subsidized custody program. A similar law was previously approved by the General Assembly but was not enacted because the waiver was not granted to Virginia within the time requirements in the enactment clause. The waiver was approved on May 5, 2006 and it is important enact this new section authorizing the subsidized custody program to enable Virginia to successfully implement this program.

### **HHR-DSS-4**

Strengthens the “come-and-go” exemption from child care licensure. The amendments will limit the exemption to age-appropriate children and parents will be forewarned that the facility is not licensed to provide child care.

### **HHR-DSS-5**

This proposal will eliminate the requirement for local departments of social services to complete national criminal background checks on biological parents prior to returning a child home that has been placed in foster care.

### **HHR-DSS-6**

This legislation will codify the Governor’s Commission on National and Community Services as a gubernatorial advisory commission as defined in § 2.2-2100 of the Code of Virginia.

### **HHR-DSS-7- Advised this will not go forward**

This proposal will amend the Code of Virginia to protect adopted children when a procedural provision is waived by the court. Language which became effective July 1, 2007 states, “If any procedural provision of this chapter applies to only one adoptive parent, then the court may waive the application of the procedural provision as to the spouse of the adoptive parent.” It is our understanding that the intent was only that one particular section of the Code be affected; however, the use of the word “chapter” broadens the application of the waiver to the entire adoption chapter and may have unintended consequences.

### **HHR-DSS-8**

This proposal would eliminate a loophole in the 2004 Adult Protective Services (APS) laws that exempts persons “providing professional services in a hospital, nursing facility or similar institution” from mandated reporting of suspected adult abuse, neglect or exploitation if they make a report to the person in charge or his/her designee. The person in charge can evaluate the report “in accordance with the institution’s policies and procedures for reporting such matters” and decide whether an APS report is warranted.

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### **HHR-DSS-10**

This proposal authorizes the denial and revocation of concealed weapon permits to noncustodial parents who owe more than \$2,500 in past due child support.

### **HHR-DSS-11**

This proposal provides courts with the sentencing option of placing a noncustodial parent on probation upon conviction for failing or refusing to comply with a child support order. A court may refer the convicted noncustodial parent to a local community-based probation program for up to 12 months (1) if one has been established by the locality and (2) if the court finds it in the best interest of the parties, including the child. This amendment will increase child support collections.

### **HHR-DSS-12**

This proposal provides for an arrears reduction incentive plan for repayment of public assistance debt to the Commonwealth. This plan would be offered to anyone at or below 150% of the poverty level.

The plan would be tied to consistent and timely payments over a period of time and to participation in job-training programs and any needed treatment programs.

### **HHR-DSS-13**

This proposal will allow only incarcerated noncustodial parents who are imprisoned for life with no chance of parole to be exempt from a minimum child support obligation of \$65.

### **HHR-DSS-14**

This proposal would allow a physician's assistant (PA) to sign the grant application form for the Virginia Caregivers Grant Program. Many grant applicants, including those receiving medical care at Veterans Administration facilities, are seen by a PA rather than a physician.

### **HHR-DSS-15**

This proposal amends the Neighborhood Assistance Act to clarify that in order for medical professionals to qualify for tax credits they must volunteer their services to clinic that is an approved neighborhood assistance organization that has received an allocation of tax credits.

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HHR-DSS-18

This proposal repeals the requirement that the Department of Social Services prepare an annual report on these strategies to obtain the maximum amount of federal funds available for child care services for TANF recipients and families whose incomes are at or below 185 percent of the federal poverty level

Mr. Martin requested endorsement of these legislative proposals.

***ON MOTION DULY MADE (Mr. Brown) and seconded (Ms. Brisendine) moved to endorse the thirteen legislative proposals as introduced by Mr. Martin. Motion carried with all in favor.***

Members of the Board offered congratulations to Commissioner Conyers and Nick Young for their recent Awards using cell phones to locate parents owing child support.

### **Committee Reports**

#### *Poverty Committee Report*

Trudy Brisendine highlighted meeting results and the committee's wish to develop pod casts that will call attention to poverty in the Commonwealth. Board members heard a sample pod cast.

She reported that Voices of Poverty (VOP) offered to edit and upload pod casts generated statewide by the department. Charlottesville has agreed to put the pod casts on their site where they can be called up from any computer.

A target of posting two pod casts per month is their goal mentioning a focus on the elderly and perhaps EITC as possibilities.

***ON MOTION DULY MADE (Ms. Luca) and seconded (Ms. Hornsby) moved to accept the recommendation of the Poverty Committee to develop pod casts with the assistance of VOP that will call attention to poverty in the Commonwealth. Motion carried with all in favor.***

### **Unfinished Business**

*Board Advance* will be held on September 25 beginning at 9:00 a.m. at the VA Department of Social Services Home Office. The Chair advised the Board will start fresh on the Strategic Plan and not build on the one from the previous Retreat. Members were requested to provide Ms. Rengnerth with agenda items. The Chair will work with a facilitator to develop an agenda.

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Some suggestions included: Board role and individual member responsibilities; committee structure; continuation of work of Poverty Committee; local Board interface; hearing from VDSS key staff for their input on Board work and direction; and outreach.

The Chair advised she wanted to structure the Board's time effectively by having a 2-year track plan beginning with the Board Advance.

A specific area (i.e. child Welfare) could be reviewed for areas of concern, improvement, success, finances, and review what other states are doing in this area. After 2 years, data could be tracked to view work that had been accomplished.

*Review of Board Committees*

Members were provided a copy of the current committee structure. These will be discussed at the Board Advance.

**New Business**

None

**Future Meetings**

October 17-18 Russell County DSS (the October 17 meeting will begin at 1:00 p.m.)  
December 12-13 Gloucester DSS

**Board Member Comments**

Members thanked Ms. Willis and her staff for their hospitality and the paperweight gifts and to Mayor Mickens, City Manger Canada, and Delegate Dance for their attendance and support.

Ms. Rengnerth, Mr. Martin, and Mr. Wilson were thanked for their continued service to the Board.

Members congratulated Ms. Simon-Owens in her capacity as Chair for a very successful meeting.

**Adjournment**