

Minutes
State Board of Social Services
VDSS-Theatre Row-Richmond
January 30, 2003

Present

Debra Andrews, Chairman
Robert Spadaccini
Carol Ann Coryell
Julie Christopher
Danny Brown
Mamie Locke
Jean Cobbs
Phillip Jones

Absent

Maggi Luca

Call to Order

The January 30, 2003 meeting of the VA State Board of Social Services was called to order at 9:03 a.m., Chairman Debra Andrews presiding.

Welcome & Introductions

Introductions and welcome was provided by Jane Clements, Central Regional Director. Ben Owens-King William County LDSS Director, Lydia Maddox-King Williams LDSS Board, Byron Adkins-Charles City LDSS Director, Fred Adkins-Charles City LDSS Board, and Eddie Harrison-Russell County LDSS Board were introduced and thanked for their attendance.

Announcements

Board member congratulations were offered to Howard Reisinger who is retiring from the department after 30 years of dedication and service. Members were invited to attend his retirement party beginning at 2:00 p.m. today.

Board members wishing to have their photos taken for the webpage may do so at 2:15 p.m. today.

Legislative Update

Richard Martin provided the members with a demonstration of the SBSS/Legislative website. Board member and meeting information can be found listed under Legislative Affairs.

He also reported that the Health Welfare and Institutions full committee is meeting today at 9:30 a.m. The department is currently tracking 131 bills. A full report will be given at the February Board meeting.

Discussion:

Ms. Coryell asked for clarification of SB 1346 (page 11). Mr. Martin advised this bill addressed Child Protective Services and legal ongoing investigation before removal of a child.

Mr. Brown asked the status of SB 1207. This is being tracked by the Virginia Retirement System.

Regulation Update

Mr. Martin advised that as of January 30, the department has 87 regulations in place. Of that, 49 are currently in process:

- 35 are in the process of being repealed (28 of the repeals relate to old AFDC regulations that will be replaced by the new TANF regulation) and two of the repeals will be effective within the next 30 days.
- 13 are in the process of being amended.
- 1 is in the periodic review process
- 12 additional new regulations are in the process of being promulgated.

That totals 99 regulations and proposed regulations.

There are 3 regulations that have been recently published in final form:

- 22 VAC 40-680, Virginia Energy Assistance Program—Low Income Home Energy Assistance Program (LIHEAP), final regulation to be effective 2/26/03
- 22 VAC 40-700, Child Protective Services Central Registry Information, final regulation to be effective 2/26/03
- 22 VAC 40-71, Standards and Regulations for Licensed Assisted Living Facilities, effective 3/28/03

There is 1 regulation currently in public comment:

- 22 VAC 40-220, Agency Placement Adoptions—Guiding Principles, proposed repeal, comment period ends 1/31/03

There are 4 regulations that will begin public comment on February 10:

- 22 VAC 40-11, Public Participation Guidelines, proposed amendments, comment period ends 4/11/03
- 22 VAC 40-685, Virginia Energy Assistance Program-Home Energy Assistance Program, proposed new regulations, comment period ends 4/11/03
- 22 VAC 40-740, Adult Protective Services, notice of intended regulatory action to amend, comment period ends 3/12/03
- 22 VAC 40-910, General Provisions for Maintaining and Disclosing Confidential Information of Public Assistance and Social Services Records, proposed new regulation, comment period ends 4/11/03

Action Items

22 VAC 40-375-10, Economic and Employment Improvement Program for Disadvantaged Persons—Final Adoption

Ms. Jane Brown, Director of Community Programs advised the Board approved the proposed regulation in June 2002. Four technical changes were made to the final regulation at the request of the Department of Planning and Budget to include the addition of a definition of “demographics” as it applies to this regulation; a strike in the definition of “disadvantaged” for clarity; change in the language at 22 VAC 40-375-20 (B) (5) to correspond with the definition of demographics and to give demographics less emphasis; and the removal of 22 VAC 40-375-50 (3) to limit the eligibility restrictions.

Discussion:

Ms. Coryell questioned the former definition of demographics. Ms. Jane Brown advised that on page 4 of 5, Budget advised there was no previous definition of demographics listed.

Ms. Coryell questioned if people with psychological disabilities were included in the “hard to employ” listing. Ms. Brown advised this was addressed on page 2 of 5 under “disadvantaged”. It was suggested that this definition be redefined.

Ms. Coryell referred to page 3 and asked who served on the Grants Award Committee. Ms. Brown advised that Statute describes who is to serve on this committee.

Mr. Spadaccini confirmed that a maximum of 10 awards are granted annually, and not a minimum as previously mentioned by Ms. Brown.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Mr. Jones) moved to approve the final regulatory package 22 VAC 40-375-10 entitled Economic and Employment Improvement Program for Disadvantaged Persons for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002) and with the definition of “disadvantaged” redefined to include psychological disabilities. Motion carried with all in favor.

22 VAC 40-675-10 Personnel Policies for Local Departments of Social Services-
Reproposed new regulation

Sally Blanchard, HR Director reviewed the regulation, thanking Ms. Lori Kam and the VLSSE for their assistance. She advised the repropoed new regulation is based on comment received during the 60-day public comment period. The regulation will formalize a consistent, appropriate and uniform structure for the development of a personnel system for local departments of social services in Virginia.

Discussion:

Ms. Coryell pointed out a typo on page 7 with the word "public". She also questioned the difference between Comprehensive Jurisdiction Plan and the Administrative Manual. Ms. Blanchard advised that there are approximately 16-18 agencies that meet both federal and state guidelines to become a jurisdiction-wide agency. Smaller counties follow an Administrative Manual that provides standards of operating procedures on how to do business.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Mr. Brown) moved To approve the repropoed regulation package 22 VAC 40-675-10 entitled Personnel Policies for Local Departments of Social Services for publication in the Virginia Register subject to approval under the provision of Executive Order 21 (2002) and approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.

22 VAC 40-250-10, Agency Placement Adoptions-Areva—Proposed Amended
Regulation

Brenda Kerr provided a brief review of the proposed amended regulation. The regulation sets forth the functions and procedures for the Adoption Resource Exchange of Virginia (AREVA). AREVA provided photo-listings and narratives of children waiting for adoption and approved adoptive families waiting for children. Amendments are proposed in order to make the regulation consistent with related adoption regulation 22 VAC 40-260. Amendments also extend the time for local agencies to register children in AREVA and delete references to obsolete terms.

Discussion:

Ms. Coryell referred to page 2 of 6 and asked if screening is done for the AREVA Registry of approved families. Ms. Kerr advised that a home study is done.

Ms. Christopher asked for the reasoning behind item E on page 5 of 6. Ms. Kerr explained this is the law. Must go through the Interstate Compact Act to facilitate placements; however, expediting does create problems.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Locke) moved to approve the proposed regulatory package 22 VAC 40-250-10 entitled Agency Placement Adoptions-AREVA for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002) and approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.

22 VAC 40-260-10, Agency Placement Adoptions-Subsidy—Proposed Amended Regulation

Ms. Kerr reviewed this regulation with the members. The amendments revise the special needs criteria, add an appeals provision, clarify several existing requirements, and improve accountability in the administration of the subsidy program.

Discussion:

Mr. Spadaccini asked if stressing the need to negotiate money with a family poses a problem with neighboring localities. Ms. Kerr advised funds are based on a child's needs.

ON MOTION DULY MADE (Ms. Coryell) and seconded (Ms. Christopher) moved to approve the proposed regulatory package 22 VAC 40-260-10 entitled Agency Placement Adoptions-Subsidy for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002) and approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.

22 VAC 40-270-10, Agency Placement Adoptions-Appeals—Proposed Repeal

Ms. Kerr provided a briefing of this regulation. Provision for appeals are being incorporated into 22 VAC 40-260.

Discussion:

None

ON MOTION DULY MADE (Ms. Coryell) and seconded (Mr. Brown) moved to approve the proposed regulatory package 22 VAC 40-270-10 entitled Agency Placement Adoptions-Appeals for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002) and approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.

Presentations

VA Caregivers Grant

Terry Smith provided a presentation on the VA Caregivers Grant. She stated that in 1999 the General Assembly passed legislation to establish the Program as a means of recognizing and assisting caregivers who provide unreimbursed care to a needy relative on a regular basis. It provides for an annual grant up to \$500 for persons caring for a relative with a mental or physical impairment. She reported that applications are accepted between February 1 and May 1 of each year for care that was provided in the previous year. Grant payments are awarded on or before December 31 of that year, if funds are appropriated by the General Assembly.

Eligibility requirements stipulate that the caregiver and the relative must be related by blood, marriage, or adoption; both persons must be residents of Virginia; and a licensed physician must certify that the relative receiving care has deficiencies in two or more activities of daily living.

In 2002, 1,302 applications were received and processed. 1,178 applications (90%) were approved, 127 applications were returned to caregivers for corrections or additional information, and 124 applications were denied.

Ms. Smith reported the department must continue to take applications through 2005 as it is stated in CODE; however, the General Assembly has not provided funds since the first year.

Child Support Enforcement

Nick Young provided an update on the Federal Parent Locator Service. He also provided members with an update on privatized offices, stating that Northern Virginia will transition back to state-operated facilities at the end of February due to both vendors not being successful in running these offices.

Information on the "10 Most-Wanted" child support evaders was shared with the Board. Mr. Young advised that 8 out of 10 people on this list will be found. He stated that military personnel being deployed overseas have been unable to get a passport until their delinquent child support has been paid. If a new law passes, gambling dollars can also be attached.

Mr. Young advised that one-quarter of the population in Virginia is involved in the CSE program.

Mr. Jones verified with Mr. Young that CSE continues to receive information from banking institutes.

Mr. Spadaccini thanked Mr. Young for this update and polled the Board as to whether this information was helpful to them, as he was already familiar with it. Members agreed that it was very relevant and wished to continue with future briefings.

VLSSE

Ben Owens, President of the League reported that there were no budget initiatives this year. He advised they will be meeting with VDSS later to view how budget cuts will be spread across the system once local cuts are made.

He also mentioned the League's appreciation on being included in discussions regarding the Personnel Policy Regulation.

The League Conference will be held in May 2003 and Board members are invited to attend. State and Locals plan to implement work on the Strategic Plan. The conference will be held at the Cavalier in Virginia Beach. Mr. Owen will forward details.

In conclusion, Mr. Owens thanked members for their attendance at the League Reception on Wednesday night and reissued the League invitation for Board members to join their subcommittees if interested.

LIHEAP

Duke Storen, Director of Benefit Programs provided members with an overview of the Energy Assistance Program. He stated the purpose of this program is to assist low-income individuals in meeting their energy costs. Applications are required and due every September. He further advised that funding is 100% federal, no state dollars and estimated \$23 million for FFY 02-03.

Eligibility criteria includes living in locality of application; income less than 130% of poverty level; have heating expense responsibility for fuel or crisis; an elderly person-disable person or a child under 6 in the home (crisis/cooling); and no heat or be in imminent danger of no heat (crisis).

He stated that administrative costs are capped at 10% of grant; 7% to local departments as set forth in CODE. 125,000 were served last fiscal year. The average heat benefit was \$206, average crisis benefit was \$360, and the average cooling benefit was \$196.00.

Mr. Storen advised the department is considering streamlining this process by creating an on-line system. Mr. Spadaccini verified with Mr. Storen that the department will be looking at "off the shelf" software and public domain sites.

Ms. Andrews was pleased to see that rural areas are being reviewed, and was in hopes that funds will continue to stay with the vendor rather than being sent to individuals.

FAMIS

Mr. Storen provided a snapshot on the Children's Health Insurance Program. He advised that 5,977 applications were received in November 2002 and 4,547 in December 2002.

He reported that this program is being shifted back to local departments. A backlog of 1289 Medicaid cases were also sent. A \$20 per case "good faith gift" is attached to each backlog case.

Mr. Spadaccini questioned where the \$20 fee originated. Mr. Storen verified that it was the amount the department could afford with the current budget situation. Department of Medical Assistance Services will provide the funds.

Ms. Coryell asked if block grants could be used. Mr. Owen, League President advised that the block of dollars received had not changed much since 1985.

Mr. Jones verified with local directors that it takes approximately 30-40 minutes to receive Medicaid/FAMIS applications. This process might take longer if the person can not read or write.

Old Business

Deputy Commissioner Ray Goodwin advised he will give another update on the Portsmouth Office in the near future.

He also gave a briefing on the Safe haven Article appearing in the Newport News paper, stating that 41 states now have some form of legislation on safe havens for leaving children.

Ms. Locke advised this issue is gaining public support.

Bylaws

Due to inclement weather, there was no quorum following lunch, so Mr. Spadaccini requested that this issue be withdrawn from the rolling agenda.

Conflict of Interest Issue

Al Wilson, Assistant Attorney General advised it was not a conflict of interest to serve on League committees (see 1/30/03 letter attached to official minutes). He cautioned that Board members should be careful they don't do anything that might give the appearance of being improper.

Minutes

Due to lack of a quorum, voting approval on the December minutes will be moved to the February meeting.

Future Meetings

The February 19-20 meeting will be held at the Hanover Department of Social Services building.

The April 16-17 meeting will be held in Charlottesville/Albemarle area.

Subcommittee Reports

Ms. Christopher advised she had attended the Child Day Care Council Meeting, and had been briefed on the Child and Family Services Review, and Licensing area. She highly recommended that the Child and Family Services Review team provide an in-depth briefing at the February meeting.

Ms. Christopher offered her appreciation to Deputy Commissioner Jean Sheils for the work being done with the stakeholders and to her staff for bringing her up-to-speed on issues.

Ms. Christopher spoke of her meeting with Secretary Jane Woods, mentioned her desires to work with efficiencies in the state. She mentioned that ALF and WIC are Ms. Wood's passions.

She also spoke of reviewing how Food Stamp and TANF regulations match requirements.

Ms. Christopher complimented Gail Johnson on her position as Chair of the Child Day Care Council and advised she would be meeting next week. It was stated that the Council wishes to work hand-in-hand with the Board and avoid duplication of efforts. Ms. Christopher mentioned the Council's Strategic Plan was very good, and was effective in getting new members focused.

Mr. Spadaccini commended Ms. Christopher for making herself available to these meetings, as he knows it is challenging to new members. He felt briefings of this nature would be helpful to all Board members, as programs and issues are always changing.

Mr. Spadaccini further commented to the Commissioner that this Board had attempted to do a work session or retreat with the department and previous Commissioner without success. Through the efforts of Acting Commissioner Goodwin, Mr. Spadaccini was given the opportunity to work with the department on its Strategic Plan.

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Commissioner Comments

Commissioner Jones advised there will be better communication between the department and Board in the future. The Intranet will be available for members wishing access. A security agreement and instructions are available from the Board liaison.

The Weekly Report, highlighting what's happening within the department will be sent out beginning this week.

Board Comments

Ms. Coryell thanked the VLSSE for a lovely reception. She also advised she would like to hear a more in-depth discussion on FAMIS/MCAID at the February meeting. Commissioner Jones advised he will provide this update.

Mr. Spadaccini thanked the VLSSE for a lovely reception. He confirmed with the Commissioner that the Board is to continue receiving Media Alerts.

Ms. Andrews thanked the VLSSE for a lovely reception.

Ms. Christopher advised the briefings she received were so important. She stated the importance of being well informed on the many issues, programs, and funding that members vote on when approving regulations.

Chairman Andrews advised that the Board had adopted an educational format prior to the previous Commissioner.

Without a quorum present, Chairman Andrews declared the meeting to be adjourned at 2:00 p.m.

Submitted by Pat Rengnerth
Board Liaison
January 30, 2003