

Minutes
Commonwealth of Virginia
State Board of Social Services
Central Regional Office
1604 Santa Rosa Road
Richmond, VA 23229

December 15-16, 2010

Members Present

Bela Sood, Trudy Brisendine, Heidi Metcalf Little, Ray Johnson, Willie Greene, Michelle Larkin, Barbara Manuel, and Robert Spadaccini

Members Absent

Teri Kiser-Williams
Michelle Larkin-Thursdays
Ray Johnson-Thursdays
Barbara Manuel-Thursdays

CALL TO ORDER

Chair Bela Sood called the meeting to order at 9:05 a.m.

WELCOME AND INTRODUCTIONS

Chair Bela Sood, Deputy Commissioner Margaret Ross Schultze, and Regional Director Jane Clements welcomed the Board to Central Office. Commissioner Brown will be arriving late due to a meeting in the Office of the Governor.

REVIEW OF THE AGENDA

Deputy Commissioner Margaret Ross Schultze reviewed the meeting agenda.

Information Items

Emergency Preparedness for Families of Children with Special Needs
Jenny Redick, Regional Special Needs Planner with Hampton Roads Planning District Commission provided an informational presentation to the Board on emergency preparedness. The presentation explained the additional challenges that this group faces and how the Hampton Roads region is addressing their needs. The use of automation and partnerships, within the community, was highlighted.

Study on Workload Simplification and Efficiencies in Virginia's Local Human Service Delivery Systems

Dr. Erik Beecroft, Director of Research and Planning provided information on the Workload Simplification and Efficiencies Study. A copy of this presentation is attached to the official minutes housed in central office.

Child Welfare Update

B. J. Zarris, Assistant Director provided members with an update on the Division of Family Services Child Welfare. The department is conducting child welfare reviews with area agencies and board members Spadaccini, Larkin and Johnson asked to participate in any in Tidewater that were appropriate to become better informed. A copy of this presentation is attached to the official minutes housed in the central office.

Comment Period

Comment from the Public

Carl Ayers-Director of Floyd County Dept. of Social Services and First Vice President of the VLSSE echoed the Commissioner's remarks regarding increasing food stamp caseloads; strengthening families; and addressed concerns related to the social work licensure issue.

Anne Marie Twohie, Director of Fairfax County Office of Children shared her concerns on childcare regulations.

Ann Rasmussen-represents Voices for Virginia's Children shared concerns on childcare regulations.

Anne Mitchell, Director of King William Department of Social Services shared her concerns on social work licensure.

Comment from Local Boards and Directors of Social Services

None

Comment from Boards and Directors of Community Action Agencies

None

Comment from the Virginia League of Social Service Executives

Susan Clark, President of the League shared local agency concerns regarding increased caseloads and budget shortfalls. She said that five percent cuts taken at the local level would mean staff layoffs at a time when caseloads continue to rise.

Legislative initiatives were shared with the Board and include Healthcare Reform; advocating for financial resources; avoiding 5% reduction; Adult Services merge with Dept. of Aging; Social Worker Licensure issue; and the CSA Act. A copy of the League Legislative agenda will be available after December 27 and shared with the Board.

Comment from the Virginia Community Action Partnership

Jim Schuyler, Executive Director of VACAP shared two handouts with the Board. He stated the need for their services has never been greater. He reconfirmed they are here to help and want to be a part of this team. Handouts are attached to the official minutes housed in central office.

Comment from the Commissioner of Social Services

Commissioner Brown shared a presentation on Strengthening Virginia's Families.

Commissioner shared copies of the Board's budget and expenditures previously requested by Mr. Spadaccini.

Commissioner shared a copy of the organization chart and highlighted the duties of the two new Deputy Commissioner positions.

Copies of these presentations are attached to the official minutes housed in central office.

Regulatory Update

Karin Clark, Policy Advisor reviewed the department's Regulatory Status Report dated December 15, 2010. A copy of this presentation is attached to the official minutes housed in central office.

ACTION ITEMS

Approval of Minutes

ON MOTION DULY MADE (Ms. Brisendine) and seconded (Mr. Spadaccini) moved to approve the Minutes from the October 2010 meeting as presented. Motion carried with all in favor.

22VAC40-120 Minimum Standards for Licensed Family Day Care Systems Withdraw Proposed Regulatory Action

The process to promulgate a new regulation for licensed family day home began in 2001, but was not finalized until 2009. The new licensed family day home regulation became effective July 1, 2010. Due to the extreme lapse in time, the best regulatory approach is to withdraw the previous Notices of Intended Regulatory Action and begin with a new NOIRA.

Discussion:

Mr. Spadaccini questioned the processing delay and advised he would vote against this action, as it had already passed approval through two previous Boards.

ON MOTION DULY MADE (Ms. Larkin) and seconded (Ms. Metcalf Little) moved to withdraw the 2003 proposed actions for 22VAC40-120 Minimum Standards for Licensed Family Day Care Systems. Motion approved (Ms. Brisendine and Mr. Spadaccini opposing).

**22 VAC 40-120 Minimum Standards for Licensed Family Day Care Systems
Withdraw NOIRA Regulatory Action**

The State Board of Social Services intended for the requirements of system-approved homes to match those of licensed family day homes. The process to promulgate a new regulation for licensed family day homes began in 2001, but was not finalized until 2009 with an effective date of July 1, 2010. Due to the extreme lapse in time, the best regulatory approach is to withdraw the previous NOIRA and begin with a new NOIRA.

Discussion:

Members confirmed there is only one family day system in Virginia.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Larkin) moved to approve 22VAC40-120 Minimum Standards for Licensed Family Day Care Systems; Withdraw NOIRA Regulatory Action. Motion approved.

**22VAC40-120 Minimum Standards for Licensed Family Day Care Systems
Notice of Intended Regulatory Action**

This action will repeal 22VAC40-120 Minimum Standards for Licensed Family Day Care Systems and replace it with a new regulation, 22VAC40-121, Standards for Licensed Family Day Systems. The purpose of adopting a new regulation is to improve clarity and consistency, eliminate burdensome language, and provide greater protections for children in care.

Discussion:

Mr. Spadaccini requested copies of prior public comments submitted on this regulation received since the regulatory process began for the regulation in 2001.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Mr. Greene) moved to approve The NOIRA for 22VAC40-120 Minimum Standards for Licensed Family Day Care Systems and replace it with a new regulation, 22VAC40-121, Standards for Licensed Family Day Systems, for publication in the Virginia Register, subject to approval under the provisions of Executive Order Number 14 (2010). Motion approved.

**22VAC40-72, Standards for Licensed Assisted Living Facilities
Periodic Review**

This action will complete the periodic review. The department recommends that this regulation be retained without change.

Discussion:

Two pages from this regulation were not included in the packet. Members requested that a complete copy be forwarded electronically prior to the February meeting.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Mr. Greene) moved to table the action until February 2011. Motion approved.

**22VAC40-80, General Procedures and Information for Licensure
Exempt Final Action**

The exempt action will align the regulation with Code of Virginia licensing provisions.

Discussion:

None

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Larkin) moved to approve the exempt final regulatory package for publication in the Virginia Register, subject to approval under the provisions of Executive Order 14 (2010) and the Administrative Process Act. This regulatory action will become effective February 16, 2011. Motion approved.

**22VAC40-80, General Procedures for Licensure
Periodic Review**

This action will complete the periodic review of this regulation. The department recommends that this regulation be retained without change.

Discussion:

None

ON MOTION DULY MADE (Ms. Larkin) and seconded (Ms. Brisendine) 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 14 (2010). Motion approved.

**22VAC40-661, Child Care Program
Withdraw Regulatory Action**

The withdrawal is requested due to the time lapse between initiation of the Notice of Intended Regulatory action and publication. In the interim, development of the automated system to support the Child Care Subsidy Program has begun, and new issues have been identified that will require regulatory revisions.

Discussion:

Board members confirmed there would be a public hearing on this regulation.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Brisendine) moved to approve withdrawal of the 2009 Notice of Intended Regulatory Action. Motion approved.

**22VAC40-661, Child Care Program
Notice of Intended Regulatory Action**

These amendments will facilitate the implementation of a statewide childcare automation system.

Discussion:

There was discussion around comments received during today's public comment.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Mr. Greene) moved to approve the Notice of Intended Regulatory Action to amend 22VAC40-661, Child Care Program, for publication in the Virginia Register, subject to approval under the provisions of Executive Order Number 14 (2010). (Replaced by Substitute Motion.)

ON MOTION DULY MADE (Ms. Brisendine) and seconded (Mr. Spadaccini) moved to refer this regulation back to department staff to respond to comments received from the public today and any other comments received and return to Board in February 2011. Motion approved (Mr. Johnson and Ms. Metcalf Little opposing).

**22VAC40-740, Adult Protective Services
Notice of Intended Regulatory Action**

Amendments will clarify regulation content and comport with data entry requirements for the statewide case management and reporting system for Adult Protective Services.

Discussion:

None

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Brisendine), moved to approve the Notice of Intended Regulatory Action to amend 22VAC40-740, Adult Protective Services, for publication in the Virginia Register, subject to approval under the provisions of Executive Order Number 14 (2010). Motion approved.

Chair Comments

Since VITA is not a "Board issue", the Chair asked to set it aside and perhaps ask a VITA representative to talk with the Board at a future date.

The Chair asked that Commissioner brief the Board as to what the department is doing to assist local agencies with their continuing issues. This is a future Board agenda item.

The Chair would like to look at how consumers view the workings of the department in the near future.

Due to the forecast of snow and ice, it was decided to watch the news tonight and tomorrow morning for state office closure or delay notifications and meet accordingly.

Child Protective Service Out-of-Family committee

The Chair will review the membership and make appointments this week.

Board Member Comments

Mr. Johnson said he appreciated the Commissioner's report; he found it very enlightening.

Mr. Greene thanked everyone for the "goodies" and to Jane Clements for hosting the meeting. He thanked Commissioner for his report.

Ms. Larkin thanked members for the gifts and to Jane Clements for hosting this meeting. She said she is grateful to serve on the Board and has learned so much. She mentioned how helpful Marianne McGhee had been to the Board and was saddened to learn that Ms. McGhee had left the department for a position in the college system.

Ms. Brisendine thanked Ms. Clements for hosting the meeting. She remarked that she has learned so much in these meetings and looks forward to hearing about inner city poverty at the February meeting from the representative in the Mayor's office.

Mr. Spadaccini asked that the Board be provided a copy of presentations ahead of the meeting so notes could be made in advance. He requested that the Chair consider adding to a future agenda a presentation by Samaritan House on domestic violence, noting the organization was the largest in the state. Mr. Spadaccini referenced comments made by department staff that Florida has had great success in the use of their special needs registry and asked if there could be future discussion surrounding a legislative or regulatory requirement in Virginia to model some of their success. He thanked Jane Clements and staff for hosting this meeting and for her hospitality. He extended thanks to Commissioner, Deputy Commissioner, Ms. Clark, and Ms. Rengnerth for the meeting logistics.

Mr. Spadaccini asked the Commissioner to provide meeting alternatives that would not be cost prohibitive allowing the Board to travel to different regions within the state, as it is helpful to see first-hand what is happening at the local level. He also asked that video-conferencing be considered –this would eliminate the need for additional staff to travel with the Board to outlying areas.

Ms. Sood is delighted to meet at the Central Region Office, parking is never a problem. She thanked Jane Clements for her hospitality; and Deputy Commissioner Schultze, Ms. Clark and Ms. Rengnerth for their support.

Recess at 5:10 p.m.

Thursday, February 18, 2010
Meeting reconvened at 9:10 a.m.

Information Items

Poverty Update

Michael Cassidy, President and CEO of the Commonwealth Institute, provided a snapshot view of poverty in Virginia and the serious challenges that are being faced. His annual report will be available soon and plans to share it with the Board. Once received, it will be attached to the official minutes housed in the central office.

Refresher FOIA Training

It was confirmed this was completed at the October Board Orientation meeting.

Future Meeting

February 16-17, 2011 at the VA Department of Social Services home office.

Adjournment

11:06 a.m.

Respectfully submitted by Pat Rengnerth