

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

**Our Health**  
**329 North Cameron Street**  
**Winchester, Virginia**  
**June 18-19, 2008**

**Members Present**

Nettie Simon-Owens, Peppy Linden, Maggi Luca, Brenda Hornsby (Wednesday only), Trudy Brisendine, Shirley Culpepper, Marilyn Rigby, Danny Brown, and Bela Sood (Wednesday only).

**Members Absent**

Brenda Hornsby –Thursday  
Bela Sood-Thursday

**Call to Order**

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

**Welcome and Introductions**

Vickie Johnson-Scott, Director of Northern Region Office welcomed the Board to Winchester.

Carla Taylor, Director of Winchester Department of Social Services welcomed members to Winchester.

Mayor Elizabeth Minor welcomed the Board to Winchester as did Social Services Advisory Board Chair Allison Tate.

The Chair congratulated Allen Wilson on his promotion to Senior Assistant Attorney General.

**Review of the Agenda**

Richard Martin, Manager of the Office of Legislative and Regulatory Affairs reviewed the meeting agenda.

The Chair advised that the Nomination Committee Report would be moved to Wednesday to accommodate the early departures of Ms. Sood and Ms. Hornsby.

**Information Items**

***Regulatory Status Report***

Richard Martin advised there are a total of 63 regulations of which 19 are in process (15 repealed, 3 amended, 1 in periodic review and 6 additional new regulations). Once the Board completes their work, there will be 49 regulations in place. Mr. Martin remarked this number is down from 101 regulations in 1999 and 89 regulations in place when this Board came to serve four years ago.

***Council on Child Welfare Reform Update***

Commissioner Anthony Conyers, Jr. provided an update on child welfare transformation in Virginia. He reported that a better outcome is the goal for Virginia's children, saying that they need a safe environment, permanent placement; to enter school ready to learn, help in addressing problems placing them at-risk financially and emotionally, and strong healthy communities.

He advised that Virginia has the highest rate of children aging out of care and their earnings are below the poverty level. Statistics show there is a 43.7% chance of obtaining permanency if a child enters the system after the age of 12. He further advised that in Virginia, 24% of children overall are in congregate (group) care. If they come into care over the age of 12 years old, then 52% go into congregate care.

Commissioner Conyers stated we must do something about children aging out of care. The Council on Reform (CORE) is working toward change. Workgroups include Resource Family Workgroup headed by Teresa Wolf and Olivia Stokes; Provider headed by Suzanne Fountain and Julie Swanson; Data Management headed by Matt Wade and Shel Douglas; Training Workgroup headed by Patrick Patrong, Vernon Simmons, and Mattie Satterfield; Richmond Approach headed by Paul McWhinney and Communications Workgroup headed by Marianne McGhee and Susan Clark.

The approach includes focusing on needs of children, focusing on outcomes, working for cultural change, supporting existing staff but new ideals, and recognizing that child welfare transformation is taking place all over the country.

Legislative and Budget changes include TANF modifications, foster care parent training, foster care supervisory/worker training (mandated July 1), foster parent recruitment and an increase in payments to foster parents.

The change process includes focusing on improving the data, examining best practices, deciding what is working and what works best for Virginia, implementing practice changes, implementing training reform and focusing on data and cultural change.

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An emphasis on communication throughout the process will keep all parties informed of progress, involve all parties in communications, and help us stay focused on the message, consistently talk about the message and monitoring culture change as time passes.

Ms. Sood stated she would like to see some of the training curriculum mentioned during the presentation by Ms. Isbell.

***Child and Family Services Review (CFSR)***

Lynette Isbell, Director of Family Services provided an update on the upcoming Federal Child and Family Services Review. She provided members a handout on Data Indicators covering the timeliness and permanency of reunification; timeliness of adoption; achieving permanency for children in foster care for long periods of time and placement stability. A copy of this report is attached to the official minutes housed in the home office.

Ms. Luca remarked this presentation was a bit “speedy” and asked if Ms. Isbell could provide another report when appropriate. Ms. Isbell advised she was available to attend the August meeting.

Ms. Brisendine asked who conducts the review. Ms. Isbell confirmed a team of a state or local social services person and a federal representative do the review. Ms. Isbell advised the regional representative is Christine Craig.

***Governor’s Advisory Board on Child Abuse & Neglect (GAB) Update***

Rita Katzman, Manager of Child Protective Services and Hilda Barg, Vice Chairman of the Governors Advisory Board on Child Abuse and Neglect handouts that provided the history of the GAB; the work it has accomplished and the overall recommendations made this year. A copy of this report is attached to the official minutes housed in the home office.

Ms. Brisendine recognized Ms. Barg for her service to Prince William County. Members were advised the next report to the Governor will be available in late July and a copy will be sent to the Board members.

Ms. Brisendine asked if members could consider the GAB recommendations and send a letter of endorsement to the Governor. Mr. Wilson advised that endorsements are within the advocacy role of the Board and it would be appropriate to send a letter of support if they choose to do so.

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Ms. Hornsby agreed the recommendations were excellent. She shared her concern over the numbers of deaths in unregulated child care and asked if the department has looked at data from other states. Ms. Katzman advised they will work with licensing to review the data and provide another report to the members at a future date.

**Comment Period**

***Public Comment***

Arlene Hamilton, representing BPRO, advised that her term as 1<sup>st</sup> Vice President will end in June and thanked the Board for their support of this organization and for her work. The Board thanked Ms. Hamilton for her attendance at their meetings and for her work with BPRO. The Board and department staff thanked Ms. Hamilton for the mementos she left with them.

Marc Jaccard from the Evans Home for Children spoke to the Board on permanence for children mentioning that permanence may take many forms. He mentioned two cases involving children that found permanency in his group home.

Helen Cockrell, Executive Director for the local Area on Aging talked to the Board about the outstanding relationship with northern Virginia local directors, mentioning that great things happen with partnerships.

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

Eddie Harrison, Director of Russell County advised they have hired a director of the consortium which includes four planning districts which are working together on substance abuse areas. He also advised that Russell County serves as a pilot program with VISSTA.

Carl Ayers, Director of Floyd County spoke to the Board on reductions in aid to localities. This has resulted in the funds in the local CSA budget being cut in half. He stated this makes for interesting financial times and felt the CSA budget cuts shift the focus away from First Lady Holton's Initiatives.

Susan Clark, Director of Galax City spoke to the Board on maximum reimbursable child care rates and how it negatively affects facilities and families in her area. She is hoping the department will continue to look at this issue. She thanked Human Resource Management for their work on the staff realignment in her office.

Gwen Monroe, Director of Frederick County provided a handout to members entitled *Family Conference: An Invitation to Participate*. A copy of this presentation is attached to the original minutes housed in the home office. Ms. Monroe also mentioned an exciting book she had read entitled *Everything is Normal unless Proven Otherwise*. This book is about serving clients creatively..

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Vickie Johnson-Scott thanked the seven northern regional directors for their attendance at today's meeting. She introduced Addie Whittaker, the newly appointed director for Manassas Park.

***Virginia League of Social Services Executives' (VLSSE)***

Susan Clark, 1<sup>st</sup> Vice President of the VLSSE advised child welfare continues to be the League's number one agenda item while they continue to work on PIP and CFSR initiatives. She advised that CSA is DSS when it comes to children being served—CSA cuts are a concern.

Ms. Clark thanked Commissioner Conyers and Skip Steinhauser for working with the League on FAMIS issues.

She advised the League stands ready to work on consolidation issues. Ms. Linden asked about the departments where consolidation is imminent. Ms. Clark advised that 40 agencies are targeted; however, it affects all 120 agencies. The department is currently working on the study.

***Virginia Community Action Partnership (VACAP)***

Jim Schuyler, Director began by saying he was glad to hear the Board's impression of the TAP agency in Roanoke (site of the April meeting). Mr. Schuyler shared 2 handouts with the Board on Poverty. Copies are attached to the original minutes housed in the home office.

Virginia Earned Income Tax Credit Initiative- Mr. Schuyler advised there was a 60% increase in returns and 40% increase in refunds this year. These numbers are significant and he felt we can do even better next year.

He provided information on the First Regional Conference that will take place on September 4-5, 2008 in Bethesda, Maryland. A copy of this information is attached to the official minutes housed in the home office.

He advised the VA Beach conference last month was very successful and thanked the Commissioner for his part in ensuring the conference success.

Mr. Schuyler advised the 2008 General Assembly did not approve the \$2.5 million increase requested by VACAP to expand community action programs into unserved area of Virginia in 2009.

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***Commissioner***

Commissioner Conyers spoke to the comments made by the director of Galax stating that a choice had to be made last year to provide either money to reduce the child care waiting list or to increase the reimbursement rates of providers. Doing something with the tangible waiting list was a decision made at the state Commissioner level.

To the comments made by the Floyd County director, he advised that the state needs to reduce funding at the local level. The amount was set in Richmond but the locality had to decide where to take the reduction. He advised that 120 different decisions would be made; some will affect CSA, some may affect transportation or other areas. The decision where to take the reduction is left with the agency not made at the state level.

Commissioner Conyers spoke on the issue of consolidation. During the 2008 General Assembly Session, a budget amendment was announced to recoup \$1 million dollars in savings by consolidating about 40 local departments of social services. The amendment language was changed to instead require DSS to study the possibility of savings through the consolidation of agencies. The study will be completed September. Chief of Staff Wallace "Bo" Harris is leading the work.

Child Welfare System Transforming issues-this is the first time that DSS has been at the forefront. It's a great opportunity to make improvement in service programs. Commissioner Conyers advised there will be a new Family Service director on board within the next few weeks.

He further advised that Bo Harris will retire effective September 1, 2008 and it will be challenging to fill this void. The Board offered their congratulations to Mr. Harris on his upcoming retirement.

**Podcast Update**

Marianne McGhee, Director of the Office of Public Affairs provided a podcasting update and CD to members. A copy of this report and CD is attached to the official minutes housed in the home office.

**ACTION ITEMS**

**Nomination Committee Report**

Marilyn Rigby, Chair of the committee presented the following slate of officers to the Board for consideration: Trudy Brisendine-Chair; Brenda Hornsby-Vice Chair and Peppy Linden-Secretary.

*ON MOTION DULY MADE (Ms. Luca) and seconded (Ms. Sood) moved to approve the slate of officers as presented with Trudy Brisendine to serve as Chair; Brenda Hornsby as Vice Chair and Peppy Linden to serve as Secretary. Motion carried with all in favor.*

**Approval of Minutes**

*ON MOTION DULY MADE (Mr. Brown) and seconded (Ms. Hornsby) moved to approve the Minutes from the previous meeting. Motion carried with all in favor.*

**Approval of Local Departments of Social Services Employee Salary and Compensation with Contingency**

Renee Fleming-Mills, Human Resource Director and Nancy Flanagan, HR Manager with the Division of Human Resource Management received compensation plans from 40 non-deviating local departments of social services that have employees whose salaries exceed their position maximums. Any compensation in excess of the positions' reimbursement maximums will be paid from federal and local funds. A spreadsheet listing the departments and the employees is attached to the Official Minutes housed in the home office.

Discussion: None

*ON MOTION DULY MADE (Ms. Brisendine) and seconded (Ms. Rigby) moved to approve the compensation plans for Accomack, Amelia, Amherst, Appomattox, Bath, Botetourt, Buchanan, Campbell, Carroll, Charles City, Charlotte, Essex, Fluvanna, Goochland, Greensville/Emporia, Halifax, Henry-Martinsville, Isle of Wight, King & Queen, King George, Lancaster, Lee, Matthews, Northampton, Northumberland, Page, Pittsylvania, Rappahannock, Shenandoah County, Smyth, Southampton, Surry, Sussex, Warren, Washington, Wise, and York-Poquoson. Compensation in excess of the positions' reimbursement maximums will be paid from federal and local funds. Motion carried with all in favor.*

**22 VAC40-191 Background Checks for Child Welfare Agencies  
Periodic Review and Retain**

Richard Martin advised this action will complete the periodic review of the regulation as required by §2.2-4017 and Executive Order 36 (2006). The department recommends that this regulation be retained without change.

Discussion: None

***ON MOTION DULY MADE (Ms. Rigby) and seconded (Ms. Linden) 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 36 (2006). Motion carried with all in favor.***

**22VAC40-25 Auxiliary Grant (AG) Program**  
**Fast Track Proposed Action**

Lynette Isbell advised the proposed amendments remove the requirement for assisted living facilities with 20 or more residents to submit an annual audit report and replace it with a requirement that administrators of all assisted living facilities complete, sign and submit an annual AG certification report. The report includes general resident census and financial information, a statement certifying that the facility property handles and accounts for AG recipients' personal needs allowances, and is in compliance with applicable AG program and the Department of Social Services' licensing regulations. With no objection to this action, it will become effective 15 days after the close of the comment period.

Discussion: Ms. Sood questioned Ms. Isbell on the cost of an audit. Ms. Isbell advised the cost was unknown. Ms. Brisendine asked if ALFs receiving Medicaid were subject to an annual audit. Ms. Isbell advised not to her knowledge. Ms. Luca stated that if the cost is unknown, how could we know the audit would be too expensive?

Commissioner advised that audits could cost several thousand dollars. He confirmed that inspectors are currently reviewing ALF paperwork at least twice per year.

Ms. Linden advised she would vote in approval of this regulation since random checks will be done; however, she would like the Board to review documentation after one year as follow up.

Ms. Luca shared her concern that no one commented during the public comment period; yet the Board is being asked to go back and make changes after the period has closed.

Ms. Sood stated that random checks could also be done with the residents during the inspections.

***ON MOTION DULY MADE (Ms. Rigby) and seconded (Ms. Hornsby ) moved to approve the fast track proposed action to amend 22VAC40-25, Auxiliary Grant Program for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 36 (2006). Motion carried with all in favor.***



**22VAC40-151 Standards for Licensed Children's Residential Facilities**

**Fast Track Action**

Leslie Knachel, Program & Policy Development Manager in the Division of Licensing advised the purpose of this action is to establish the Department of Social Services as the single licensing agency for regulation and licensure of children's residential facilities and group homes that provide social services programs. This action is required by Chapter 873 of the 2008 Acts of Assembly (Senate Bill 472), that dissolves the interdepartmental model for the regulation of children's residential facilities. Without objections, this action will become effective 15 days after the close of the comment period.

Discussion: Ms. Luca reminded the Board they had worked very hard on this regulation and asked why it was being changed. It was confirmed this is in response to the will of the General Assembly.

Commissioner Conyers reported he was happy to have Lynne Williams back at work after an extended absence and thanked Ms. Knachel for her work with the division during Ms. William's absence.

*ON MOTION DULY MADE (Mr. Brown) and seconded (Ms. Rigby) moved to approve the fast track proposed action to amend 22 VAC40-151, Standards for Licensed Children's Residential Facilities for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 36 (2006). Motion carried. Ms. Luca voted against.*

**22VAC40-111 Standards for Licensed Family Day Homes**

**Proposed Regulation**

Ms. Knachel advised this action will establish 22VAC40-111, Standards for Licensed Family Day Homes, and repeal the current regulation 22VAC40-110, Minimum Standards for Licensed Family Day Homes. The new regulation ensures that parents have sufficient information to make informed decisions about placing their children in licensed family day homes. It will facilitate the social, emotional, and intellectual development of children receiving care in licensed family day homes and to ensure the safety of children receiving care in licensed family day homes.

The Board approved a Notice of Intended Regulatory Action for this action in December 2002. It was published in the Virginia Register on May 19, 2003, and the public comment period ended on June 18, 2003. Subsequently, the Board approved a proposed action for this regulation on October 22, 2003, and then withdrew that action on June 20, 2007.

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Discussion: Ms. Luca asked how similar this regulation was to the 1999 version. Ms Karen Cullen reported it was a watered-down version; however, it is a stronger version than we currently have.

Ms. Brisendine stated this provides a year lead time for fencing when the hazard of a railroad track could be nearby. Ms. Cullen advised this isn't provided for in the current regulations. New facilities will follow this guide; however, others will be grandfathered for one year. Ms. Brisendine shared her concern they would be allowed one year to comply and felt the timeframe should be considerably less.

***ON MOTION DULY MADE (Ms. Luca) and seconded (Ms. Rigby) moved to approve the proposed regulatory package to establish 22VAC40-11, Standards for Licensed Family Day Homes, and the repeal of 22VAC40-110, Minimum Standards for Licensed Family Day Homes 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 pursuant to §63.2-217 of the Code of Virginia. Motion carried with all in favor.***

**INFORMATION ITEMS**

**Update on Auxiliary Grant (AG) Portability Study**

Margaret Schultze, Assistant Commissioner, advised the 2008 Appropriations Act directs portability of Auxiliary Grants. The Secretary will report to the Governor by November 1, 2009. Ms. Schultze advised that Ms. Heidi Dix is committed to this study and will take the lead on behalf of the Secretary's Office. Social Services Department and the Department of Mental Health, Mental Retardation, and Substance Abuse Services are talking with CSB regarding the mechanics of the AG to ensure compliance. Ms. Schultze will provide a report at each upcoming Board meeting and will request that Ms. Dix attend a future meeting to provide an update to the Board.

Ms. Luca asked if the Board could suggest the rates. It was reported that it won't affect the rate amount.

Recess at 4:10 p.m.

**Thursday, June 19, 2008**

**Winchester DSS Presentation**

**Our Health Facility Tour**

Fred Gang provided an overview of the work done by the Our Health Facility and members were given a walking tour to view the work areas.

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Ms. Carla Taylor provided an overview of the work done in her agency and advised they will move on the grounds of the Our Health Facility next year.

**Public Participation Guidelines Update**

Richard Martin provided members with a handout as an update on the Public Participation Guidelines. A copy of this report is attached to the official minutes housed in the home office.

**Committee Reports**

**Poverty Committee**

Trudy Brisendine, Chair advised the committee met on Wednesday and reviewed the hunger issue. Ms. Marianne McGhee spoke on experiences using the poverty diet. Mr. Schuyler agreed this had been repeated over the years. It was decided there was a need to look into creative ways to deal with the economic situation that exists today.

At the August Committee meeting Ms. McGhee will provide details of a suggested multi-pronged public awareness campaign addressing poverty issues and highlighting existing assistance programs. Materials and templates for outreach would be available from DSS, but would be distributed by local agencies as appropriate.

**CPS Out-of-Family Committee Report**

Nettie Simon Owens advised she attended the May 20 meeting in Petersburg and thanked Petersburg Director Kim Willis for hosting the group. She reported the group discussed reimbursement for travel since they are volunteers. Code currently states this group will not be reimbursed for expenses.

Steve Jurentkuff was elected as Chair of the group and Irvin Beard as Vice Chair. Ms. Nan McKenney, department liaison to this group was asked to send a thank you note to former Chair Maria Timmony for her work on this committee.

The group decided they would meet at least annually to discuss committee business. They asked Ms. McKenney to review the MOU between VDSS and local agencies. The committee also plans to discuss a public awareness campaign identifying jobs requiring mandated reporting and educating the public at large.

There are three at-large positions on the Committee that remain vacant.

**Assisted Living Facility (ALF) Advisory Committee Report**

Shirley Culpepper, Liaison provided members a copy of issues discussed at the May 7 meeting. It was advised that Ms. Judy McGreal will attend the August meeting to discuss changes to the ALF regulations. A copy of this report is attached to the official minutes housed in the home office.

**Unfinished Business**

Website Update

On behalf of the committee appointed by the Chair at the previous meeting comprised of Ms. Hornsby and Ms. Linden, Ms. Linden advised the committee felt the majority of members should consider any changes to the site when it comes to posting items.

***ON MOTION DULY MADE (Ms. Linden) and seconded (Mr. Culpepper) moved to revisit this issue after new appointments to the Board have been made. Motion carried with all in favor.***

**New Business**

**State Board/Local Board Meeting Schedules**

Richard Martin advised he had heard from local directors and regional directors and their staff regarding changing the Board meeting date to accommodate local Board meetings. It was reported the responses were evenly split. The December meeting will be held one week early due to Christmas holidays and the Board will have the opportunity to see if having the meeting a week earlier draws a larger crowd of directors and local department staff in attendance.

It was suggested that regional directors approach their local directors regarding attending meetings. Members commented on the large attendance of northern regional directors in attendance and thanked Regional Director Vickie Johnson-Scott for her extra efforts to invite them.

Mr. Martin reported that both Don Driver-Harrisonburg and Susan Clark-Galax had requested to host a Board meeting in 2009.

**Presentation to Outgoing Members**

Commissioner Conyers presented Nettie Simon-Owens and Marilyn Rigby engraved Revere Bowls in appreciation of their work on the Board and service to the citizens of the Commonwealth.

Ms. Simon-Owens and Ms. Rigby in-turn thanked the Commissioner, department staff, and Board members for the opportunity to serve on the Board and for the learning experience they shared while serving. Each member plans to stay engaged and attend meetings when they are in their respective areas.

Ms. Simon-Owens officially passed the gavel to incoming Chair Trudy Brisendine.

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**Future Meeting Schedule**

August 20-21, Montgomery Government Center  
October 15-16, Norfolk LDSS  
December 10-11, Prince Edward LDSS

**Board Member Comments**

Members thanked Ms. Carla Taylor and staff for their hospitality and hard work in ensuring this meeting was a success, for the morning refreshments and the Wednesday afternoon reception enjoyed by everyone.

Ms. Rengnerth, Mr. Martin, and Mr. Wilson were thanked for their work in setting up the meeting and ensuring the Board had appropriate information to complete their tasks.

Members thanked Ms. Simon-Owens and Ms. Rigby for their leadership, hard work and dedication to the Board during their years of service, remarking they were leaving an indelible mark here.

**Adjournment**

The meeting adjourned at 11:05 a.m.

Respectfully submitted by Pat Rengnerth