



COMMONWEALTH of VIRGINIA
Office of the Governor

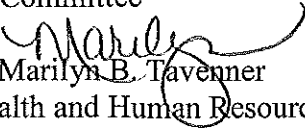
Marilyn B. Tavenner
Secretary of Health and Human Resources

December 1, 2007

TO: The Honorable Timothy M. Kaine
Governor of Virginia

The Honorable Vincent F. Callahan, Chairman
House Appropriations Committee

The Honorable John H. Chichester, Chairman
Senate Finance Committee

FROM: 
The Honorable Marilyn B. Tavenner
Secretary of Health and Human Resources

SUBJECT: Report on the Feasibility of Transferring Adult Programs from the Virginia Department of Social Services to the Virginia Department for the Aging

The attached report is submitted pursuant to Item 278 (E) of the 2007 Appropriation Act, which directs the Secretary of Health and Human Resources, in cooperation with the Commissioners of the Departments for the Aging and the Department of Social Services and others, to examine and report on the feasibility of transferring adult services and adult services licensing from the Virginia Department of Social Services (VDSS) to the Virginia Department for the Aging (VDA).

To satisfy this obligation, the two state agencies, at my request, established a joint workgroup comprised of agency staff and representatives of local service agencies and stakeholder organizations. The workgroup examined the current authority, responsibility, structure and resources of the two agencies, as well as other factors, internal and external to the agencies, that would affect the feasibility of transferring responsibility for adult programs from VDSS to VDA. The workgroup prepared the attached report, which I am forwarding for your consideration.

I am confident that VDA Commissioner Linda Nablo and VDSS Commissioner Anthony Conyers share my view that the workgroup's feasibility study was thorough, thoughtful and performed in a collaborative spirit. I concur with the workgroup's conclusion that transferring responsibility for adult services and adult services licensing from VDSS to VDA is not feasible unless there is extensive revision of the statutory and regulatory framework of both agencies and comprehensive changes to the staffing, funding, and other resources available to both agencies.

I am not persuaded that it is necessary, or that it would be productive, to undertake such changes at this time, when so many other priorities require attention and resources. For that reason, I am especially grateful that the workgroup identified recommendations for improving the current adult services and licensing system that can be implemented administratively, and I will ask the Commissioners to ensure that the collaborative dialogue among staff and stakeholders that commenced with this study continue into the coming year.

MT/gdj
Enclosure

**Report on the Feasibility of Transferring Adult Services and Licensing from the
Department of Social Services to the Department for the Aging**

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Report on the Feasibility of Transferring Adult Services and Licensing from the Department of Social Services to the Department for the Aging

Executive Summary

Item 278 (E) of 2007 Appropriations Act requires a study to be conducted by the Secretary of Health and Human Resources on the feasibility of transferring Adult Services/Adult Protective Services (APS) and Adult Licensing from the Virginia Department of Social Services (VDSS) to the Virginia Department for the Aging (VDA). The study was to be done in cooperation with VDSS and VDA.

To carry out the study, VDSS and VDA established a workgroup comprised of agency representatives, local service delivery agencies and affected organizations. The workgroup began by examining how other states organize and deliver adult services and adult licensing. VDA provided an overview of the services they currently provide and of the services provided through Area Agencies on Aging (AAA). VDSS did the same for their Licensing and Adult Services/APS divisions. The overviews included organizational structures, summaries of staff responsibilities, funding sources, programs, and information systems. This exercise was useful for ensuring a common understanding of each agency's role, duties, and services. Two sub-groups were then established to examine Adult Licensing and Adult Services/APS programs individually.

The workgroup concluded that transferring Adult Licensing from VDSS to VDA is not feasible without addressing a number of critical factors. These factors include the agencies' statutory and regulatory frameworks, staffing levels, office space and locations, and funding requirements and availability. The workgroup identified, at a minimum, the following needs:

- Office space for 57 staff members (spread among the state office and four field offices);
- Additional inspectors dedicated to adult licensing because some VDSS inspectors currently perform both adult and child facility licensing inspections;
- A new licensing information system implemented at VDA;
- Four new field offices; and
- Additional state vehicles for the added adult licensing inspectors.

The workgroup also concluded that transferring Adult Services/APS from VDSS to VDA is not feasible without addressing a similar set of critical factors. These factors include statutory and regulatory frameworks, client population, training requirements, program oversight, funding requirements, funding considerations and transfer at the local level. Some of the specific issues that must be addressed include:

- Adult Services/APS are mandated to serve incapacitated adults over the age of 18, whereas local AAA's are mandated to serve adults age 60 and over.
- VDSS currently operates a joint Child Protective Services and APS hotline. Additional staff may be needed at VDA to perform tasks currently performed by VDSS.
- Transferring the Auxiliary Grant may jeopardize federal Medicaid funding for Virginia.
- The information system for Adult Services/APS will have to be transferred, technical infrastructure will have to be purchased, and system administrators will have to be hired.
- Social Services Block Grant funds will have to be reauthorized and transferred to VDA.

- Transferring responsibility and services at the local level is complex because of the locally administered structure of the state's social services system.

The workgroup examined a host of related issues, including oversight and promulgation of regulations and necessary changes to the *Code of Virginia*. VDSS has a citizen policy board, the State Board of Social Services, which promulgates regulations for Adult Services/APS and Licensing. VDA operates with a single advisory board, the Guardianship Board, and the Commissioner has the authority to promulgate agency regulations. Transferring Adult Services/APS and Licensing to VDA may necessitate the creation of a policy board for that agency. For a transfer of Adult Services/APS and Licensing to occur, there would have to be changes to more than fifty sections the *Code of Virginia*. Some of the changes are as simple as transferring specific sections to Chapter 7 of Title 2.2, which applies to VDA. Many other laws that specifically pertain to licensing, however, would have to be amended and recodified for both VDSS and VDA because they contain common language that pertains to both adult and child services licensing. The workgroup suggested, in fact, that if a transfer of responsibilities were to occur, VDA might be better served by placing its statutes in a new Code title because of the significant number of added sections that would be required.

Although the workgroup concluded that the transfer of Adult Licensing and Adult Services/APS is not feasible, members offered a number of suggestions for improving the current system and several issues for further consideration. For example, VDSS Adult Licensing will be establishing an internal committee to develop a new weighted scoring system for inspections that takes into consideration risk values. The group will also address the following:

- Ensuring that inspectors use current forms;
- Improving the website to show a consistent level of detail on inspection reports;
- Developing a uniform tool to be used by all inspectors that is accompanied by detailed guidance documents;
- Involving stakeholders earlier in the process of developing regulations;
- Strengthening central office oversight to facilitate consistent regulatory decision-making; and
- Supporting person-centered programs within assisted living policies and regulations.

The following suggestions were offered to improve the service delivery of Adult Services/APS within the current structure:

- Amend the VDA and VDSS strategic plans to add goals, strategies and measures for increased coordination between the two agencies to improve the Commonwealth's long-term care system.
- Establish regularly-scheduled joint meetings to include VDSS, VDA, LDSS, AAA, Community Services Board, public health and Centers for Independent Living professionals, and others to review best practices and adopt the best model for their local needs.
- Amend the *Code of Virginia* so that qualified AAA case managers can perform long-term care assessments.
- Encourage additional general funds for Home Delivered Meals (Meals on Wheels) and transportation to expand service to persons under the age of 60.

- Continue support of a No Wrong Door approach to providing long-term care services via a single point of entry.

Lastly, there was also general agreement among workgroup members that the collaborative dialogue that commenced with this study should continue. The group recognized that broader, long-term improvements will require input from agencies and organizations not represented on the current group, including the Departments of Medical Assistance Services; Mental Health, Mental Retardation and Substance Abuse Services; Health; Rehabilitative Services; and consumers.

Report on the Feasibility of Transferring Adult Services and Licensing from the Department of Social Services to the Department for the Aging

I. Study Mandate

The study and report are required by a provision in the 2007 Appropriation Act, Item 278, which reads as follows:

E. The Secretary of Health and Human Resources, in cooperation with the Commissioners of the Departments for the Aging and Social Services, local service delivery agencies, and affected consumer and provider organizations, shall examine the feasibility of transferring adult services and adult services licensing from the Department of Social Services to the Department for the Aging, including an estimate of the potential cost impacts on state and local agencies and services, and the organizational changes necessary to implement such a transfer. The Secretary shall report on the feasibility of this transfer and make recommendations to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2007.

II. Introduction and Study Approach

The Secretary of Health and Human Resources directed the Commissioners of the Virginia Department of Social Services (VDSS) and Virginia Department for the Aging (VDA) to form a workgroup to conduct the required study. VDSS was asked to provide the principal staff support for this project. Because the study targeted adult licensing as well as adult services (including adult protective services), input from both local and state levels was critical. Representatives from the following organizations were invited to participate: Virginia Health Care Association; Virginia Municipal League; Virginia Alliance of Social Work Practitioners; Alzheimer's Association; Virginia Association of Counties; Virginia Association of Non-Profit Homes for the Aging; League of Social Services Executives; American Association of Retired Persons; and Virginia Association of Area Agencies on Aging. (See Appendix A for a complete list of workgroup members, ad hoc members and staff.)

A series of workgroup meetings began in June 2007. A portion of the initial meeting time was dedicated to information sharing by VDSS and VDA. Both agencies briefed the group regarding agency organization, programs, services and funding, with specific focus on adult-related programs. This facilitated the group's overall understanding of current structures and provided a foundation for discussions of transferring adult functions.

Online research was conducted to determine how other states have assigned responsibility for aging services and licensing programs. This research often included, but was not limited to, examining each state's department of social services, department for the aging, department of health, and department of regulation. After analyzing each state's basic structure for aging services, in-depth research consisting of phone and e-mail conversations took place with states whose structures significantly differ from Virginia's. The states included in this portion of the research were: Georgia, Illinois, Louisiana, Massachusetts, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, Texas, Vermont, and Washington.

In addition to the research on other states, the director of the North Carolina Division of Aging and Adult Services (DAAS) presented information on the restructuring of certain adult programs in his state. Like Virginia, North Carolina has a state-supervised, locally administered social services system. That state's restructuring focused on change at the state level, and involved minimal impact at the local level.

The framework of the study mandate is broad, involving two state agencies and critical program areas currently under the VDSS umbrella. Throughout the study, much discussion occurred regarding the possible rationale for the legislation and the intended goal of such a transfer. The relatively short time provided by the legislation for studying and reporting was also a consideration. In addition, it was recognized that administrative, operational and philosophical differences exist between Adult Licensing and Adult Services/Adult Protective Services (APS) within VDSS. To ensure a complete understanding of topics and the feasibility of transferring one or both to VDA, and to make the most efficient use of the study time, two sub-groups were established to look at adult licensing and adult services individually. The sub-groups then made recommendations to the workgroup as a whole for input and consideration.

III. Overview of Current VDA / AAA Operations

The VDA is the Commonwealth's designated state unit on aging as required by the Older Americans Act and the federal Administration on Aging. The department is responsible for planning, coordinating, funding, and evaluating programs for older Virginians made possible through funding from both the Older Americans Act and from the Virginia General Assembly. These programs include a range of nutrition, transportation, health, education, and social services to improve the quality of life for older Virginians. VDA is charged with guiding the coordination and delivery of long-term care services, improving the quality of life for older Virginians, and serving as a focal point among state agencies for research, policy analysis, long-range planning, and education on aging issues. The department also serves as the lead agency in coordinating the work of state agencies on meeting the needs of an aging society. The Commissioner of the department is appointed by, and serves at the pleasure of, the Governor and has overall responsibility for a biennial budget of over \$100 million. This annual budget is composed of 60% federal Older Americans Act dollars and 40% state general fund dollars.

VDA assures the provision of services by contracting with a variety of local agencies and organizations providing services to older Virginians and their families. These agencies include 25 local Area Agencies on Aging as well as a variety of other organizations that provide specific services funded by VDA using both federal and state funds

VDA promulgates and enforces regulations governing grants to Area Agencies on Aging, setting forth the required contents of local area plans, designating core services, setting the boundaries of planning and service areas, guiding the designation and de-designation of local Area Agencies on Aging, setting the principles and standards for financial accounting by the local agencies on aging, setting guidelines for procurement and contracting, setting guidelines for records management as required by federal and state mandates, and describing VDA's public participation guidelines. VDA is also in the process of promulgating regulations for the

operation of the Virginia Public Guardian and Conservator Program. VDA issues service standards, guidance documents, and technical assistance materials to guide the operations of the local agencies on aging and other contractors. VDA provides ongoing training for agencies on aging and other contractors in a variety of programmatic areas. VDA also conducts both fiscal and program monitoring of all contractors.

VDA manages both federal and private sector grants. In addition to grants through the federal Administration on Aging and Department of Labor, VDA is the recipient of a variety of other grants including a USDA-funded Senior Farmer's Market Project grant, a federal state-wide Health Insurance Counseling Grant titled the Virginia Insurance Counseling and Assistance Program, a GrandDriver grant through DMV from the National Highway Transportation Safety Administration, an Aging and Disability Resource Center grant through the Administration on Aging, and an Alzheimer's Disease Demonstration Grant to States.

VDA recognizes that balancing Virginia's long-term support system is a complex undertaking that requires leadership, vision, commitment, thoughtful planning, shared resources, and the ongoing guidance and support of older persons, people with disabilities, their family members, the legislature, state leaders, advocates, and service providers. Virginia's long-term care support system infrastructure is diverse and complex, yet fragmented. Collaboration among state agencies is cumbersome, as they report to separate administrative branches and oversee many local field offices, programs, boards, councils, and commissions. VDA provides leadership for a variety of state-level initiatives to encourage collaboration and reduce the fragmentation of the system. These initiatives include the Systems Transformation Grant initiative, Money Follows the Person initiative, the development of local Aging & Disability Resource Centers, and the development and expansion of the No Wrong Door approach to referring and/or providing citizens long-term care services in the Commonwealth.

VDA has a full time staff of 27 employees as well as various student interns. These employees are structured into three divisions: Administrative, Long-Term Care, and IT Services.

VDA Advisory Boards and Commissions

The Commonwealth Council on Aging

In 1998, the General Assembly created the Commonwealth Council on Aging to replace the former Governor's Advisory Board on Aging established in the 1970s. The Council's mission is to promote an efficient, coordinated approach by state government to meeting the needs of older Virginians. The Council consists of nineteen voting members appointed as follows: one member from each of the eleven congressional districts of the Commonwealth appointed by the Governor; four at-large members appointed by the Speaker of the House of Delegates; and four at-large members appointed by the Senate Committee on Privileges and Elections. Its four ex officio members include the Secretary of Health and Human Resources, the commissioners of the Virginia Department for the Aging and Department of Social Services, and the director of the Department of Medical Assistance Services, or their designees. The Council meets at least quarterly and meetings are open to the public.

The Virginia Alzheimer's Disease and Related Disorders Commission

The Commission serves in an advisory capacity to the Secretary of Health and Human Resources and recommends funding initiatives, statutory and regulatory changes, and such other issues that the Commission feels would assist people with Alzheimer's Disease and their caregivers. The Commission facilitates the exchange of information about Alzheimer's disease and related disorders. The Commission also promotes the development of the Virginia Comprehensive Virtual Center on Alzheimer's Disease. More information about the center can be found at www.alzpossible.org. The Commission consists of up to 15 members, five appointed by the General Assembly and ten appointed by the Governor, including seven board, staff or volunteer members of local Alzheimer's Associations and three from the public at large.

The Virginia Public Guardianship Program Advisory Board

The Virginia Public Guardian and Conservator Program (VPGCP) was established by law in 1997 in §§ 2.2-711 et seq., *Code of Virginia*. VDA administers the program through competitively negotiated contracts with fifteen local programs. Public guardianship refers to the appointment and responsibility of a publicly funded entity who serves as a legal guardian for adults age 18 and older in the absence of willing and responsible family members and friends to serve, or without resources to employ, a private guardian. The Board advises the commissioner of VDA on the provision of high quality public guardianship services and promotes the activities and resources of public and private sector entities to support public guardianship.

The Board has up to 15 members appointed by the Governor, including one representative of area agencies on aging; the Virginia State Bar; one circuit court judge recommended by the Chief Justice of the Supreme Court; one representative each of the Association of Retarded Citizens; the Virginia Alliance for the Mentally Ill; the Virginia League of Social Service Executives; the Association of Community Services Boards; the Commissioners of the departments of Social Services and Mental Health, Mental Retardation and Substance Abuse Services or their designees; the director of the Virginia Office for Protection and Advocacy, or his designee and one member of the Commonwealth Council on Aging.

Local Area Agencies on Aging

Virginia has a network of 25 AAAs established under the auspices of the Older Americans Act. (A map showing the 25 AAAs is included in Appendix B). AAAs are designated by VDA, with the sanction of local governments, and have a contract with VDA to plan, coordinate, and administer aging services at the community level. Most AAAs are private nonprofit organizations but a limited number (5) are a part of local governments and one is a Community Services Board. AAAs in Virginia serve a specific "planning and service area" which usually corresponds with the boundaries of one of Virginia's planning districts.

AAAs prepare local plans for providing services and programs to those older persons who live within the boundaries of their service area. Each AAA has an advisory board of local citizens who are knowledgeable about the unique needs of their local communities and who assist in the preparation of their plan of services. In addition, older persons and their families can provide comments on these services and programs to their local AAA.

AAAs are financed with Older Americans Act and other federal funds, state funds, private funds, and appropriations from local governments. Older persons who participate in the programs or

use the services provided by their AAAs are offered the opportunity to contribute to the cost of these programs. Many of the services funded through the Older Americans Act are available to low-income older Virginians at no cost; however, some AAAs offer services on a sliding-fee scale to those who can afford to purchase them.

AAA Services for Older Virginians and their Families

AAAs offer a wide range of programs and services for older persons designed to assist them with the basic activities of daily living needed to remain independent in their own homes, to transition to another setting and/or to live with dignity in a nursing home or assisted living facility.

Each AAA provides services particularly suited to the needs of the older individuals living within its service area. The AAA can also provide detailed information about the full range of programs and services offered in their local community by public and private agencies. The following services are typical of those available from AAAs throughout the state (services may vary and certain eligibility qualifications may apply):

- Information and assistance services assist older persons, their family or hired caregivers and/or professionals with identifying, locating, and applying for services and programs which can help persons remain independent and in their own homes or to transition to another more appropriate setting;
- Meal programs and nutrition services provide hot and cold meals, as well as nutrition education, to older persons. These meals may be served at a community center or other central location or delivered to the homes of those individuals who cannot leave their homes;
- Heating and cooling assistance programs provide limited assistance with heating bills and with obtaining fans (and in some cases AC units) in the summer;
- Homemaker services provide assistance with household tasks, essential shopping, meal preparation, and other household activities which enable an older person to remain at home;
- Adult day care programs provide supervised activities in a community center or other location for older persons who cannot remain alone at home during the day;
- Personal care services provide assistance with critical activities of daily living such as bathing, dressing, eating, and toileting;
- Legal assistance activities provide legal advice, assistance, and representation in areas of public benefits, wills, and estate planning;
- Residential repair and renovation programs assist older persons to maintain their homes or to adapt their homes to accommodate a wheelchair or walker;
- Respite programs provide a range of services to assist family members caring for their older relative with some relief from the demands of care giving;
- Transportation services transport older persons to and from needed community facilities and resources;
- Socialization, education, and recreation programs allow older persons the opportunity to get out of the house and participate in a variety of activities which help them stay mentally alert and physically active;
- Insurance counseling and assistance services assist older persons to evaluate their insurance needs, choose a Medicare supplemental policy if needed, review long-term

- care insurance policies, and generally sort and track medical bills;
- Case management services assist older persons with locating, applying for, receiving, and coordinating needed community services after assessment using the Uniform Assessment Instrument; and
- Disease prevention and health promotion services provide older persons with counseling and educational materials which help them adjust their lifestyles and physical activities in order to prevent many of the physical losses commonly experienced in old age.

In addition to these services, some AAAs provide older adults employment assistance, tax counseling services, recreational travel programs, dental service, emergency funds and other programs based on the needs of the local area and available funding.

Long-Term Care Ombudsman Program

The Ombudsman Program provides advocacy for older persons who receive long-term care services. The program investigates and resolves complaints made by, or on behalf of, older persons in long-term care facilities (nursing homes and licensed adult homes) or who are receiving community-based long-term care services. This program also provides information, referral, and counseling to older persons and their families regarding long-term care services. The State Long-Term Care Ombudsman is operated by the Virginia Association of Area Agencies on Aging (V4A) and utilizes VDA's toll-free telephone number to assist persons who want to make a complaint or learn more about long-term care. Each AAA has a local Ombudsman to visit local facilities and coordinate volunteers to serve as Ombudsman in local facilities.

IV. Overview of Current VDSS Adult Licensing and Adult Services Operations

The VDSS, through its Commissioner, has statutory authority to supervise the administration of Title 63.2 of the *Code of Virginia*, Social Services. The VDSS mission is, "People helping people triumph over poverty, abuse and neglect to shape strong futures for themselves, their families and communities." VDSS is part of the larger Virginia Social Services System, a partnership of key organizations responsible for the administration, supervision and delivery of social services. In addition to VDSS, the system includes Virginia Community Action Partnership and Virginia League of Social Services Executives. The League represents local departments of social services (LDSS).

Virginia's social services system is state supervised and locally administered. With the exception of the Divisions of Child Support Enforcement and Licensing Programs (state-only functions), service delivery occurs at the local level by 120 LDSS. Five VDSS regional offices provide program-specific oversight, consultation, technical assistance and training to LDSS.

The State Board of Social Services, a citizen body comprised of nine members who are appointed by the Governor, promulgates the majority of VDSS regulations. The State Board of Social Services meets a minimum of six times per year. Powers of the State Board of Social Services include, but are not limited to promulgating regulations, establishing employee performance standards, conducting hearings, issuing subpoenas, and advising the Commissioner

of VDSS. VDSS provides staff support to the State Board of Social Services. (See Appendix C for the complete text of the *Code of Virginia* defining the State Board of Social Services)

A. Adult Licensing

The mission of the Division of Licensing Programs (DOLP) is to protect the health, safety, and well-being of children and vulnerable adults served in regulated care settings through a comprehensive program of regulatory oversight and related provider services. The primary statutory base for DOLP is Chapter 100 (definitions for Title 63.2), Chapter 17 (§ 63.2-1700 et seq.) and Chapter 18 (§ 63.2-1800 et seq.) of Title 63.2 of the *Code of Virginia*. DOLP maintains 15 regulations under two policy boards, the State Board of Social Services and the Child Day Care Council.

As of July 1, 2007, there were 7,297 regulated facilities with a capacity for 393,771 consumers. The adult program is comprised of 579 assisted living facilities that serve 31,846 consumers and 70 adult day care centers. Adults in care start at 18 years of age and many are in their 20s and 30s.

Despite the tremendous variability in their enabling statutes and scope of coverage, almost any licensing program in the U.S. and Canada will closely mirror the field operations area of the DOLP, whose main functions include:

- Responding to inquiries and investigating new and renewal applications;
- Providing mandated training for new applicants;
- Issuing licenses, exemptions, authorizations and registrations;
- Conducting monitoring, initial and renewal inspections;
- Coordinating with a wide array of allied state/local regulatory and protection agencies, in addition to federal agencies;
- Providing technical assistance, training, and consultation to promote compliance;
- Investigating and resolving facility-specific complaints;
- Investigating allegations of illegal operations and using the court system to suppress those that do not willingly comply with the licensing law;
- Processing or recommending action on allowable variances and criminal background waiver requests; and
- Recommending adverse enforcement action and supporting such actions through the appeal processes designed to ensure due process for providers.

VDSS DOLP central office functions provide oversight and support of field offices and promulgation authorities in areas related to:

- Adopting standard procedures and training systems to achieve statewide consistency in the application of regulatory functions;
- Researching and issuing interpretations and operating procedures in regulatory implementation;
- Researching literature and developing/maintaining regulations for the promulgation authority through the jurisdiction's laws and promulgation procedures, managing the public participation processes, and developing/maintaining related policies and guidance documents for regulators and licensees;

- Researching and preparing agency legislative proposals, analyzing legislative proposals that impact regulatory programs or regulated providers, coordinating with other divisions or agencies as necessary, and reporting and responding to legislative oversight committees as necessary;
- Preparing and tracking adverse enforcement actions, including arranging and supporting administrative hearings;
- Collecting and monitoring data necessary to support quality assurance in program operations and administration;
- Performing needs assessments and collaborating in planning and problem-solving with an extensive number of state, local, federal, and private agencies;
- Performing operational planning and execution;
- Providing business/administrative functions, including human resources management and management information systems
- Maintaining an extensive public/media information response system, including Freedom of Information Act requests; and
- Providing data for state-level planning and monitoring, e.g., leases, strategic planning, etc;

Licensing is primarily a “contract enforcement” function, so staff members are employed for their pre-existing expertise in specific program areas. Accordingly, DOLP training concentrates on the functional areas of licensing, licensing theory, and practice. This includes integrating those functions in settings that specialize in different protected populations. Staff are encouraged to maintain their population-specific knowledge bases through attending external training.

Licensing theory and practice does not change from program to program. Only the specific rules or regulations change, and these are intended to reflect the unique needs and risk factors for the programs’ populations and services. In the list of identified competencies for inspectors, some skills that are essential to licensing but not unique to licensing are emphasized in the context of regulatory laws and principles, in addition to the population when appropriate. These include coordination, interviewing, investigation and evidence management, documentation, report-writing, testifying, risk assessment methodology, and professional ethics.

DOLP Structure

The DOLP is divided into four functional areas that operate from nine locations. The central office houses three program management and support units and the Child Welfare Licensing Unit, which is responsible for statewide licensure of private child placing agencies and children’s residential facilities. Eight field offices house ten additional units responsible for the licensure of child day care and adult day and residential facilities in their assigned geographic areas.

With a total of 138 positions, the 11 licensing units perform the following functions:

- **Regulatory Enforcement and Monitoring:** Issuing licenses or exemption authorizations; conducting monitoring, initial and renewal inspections; investigating complaints; investigating allegations of illegal operations; processing and recommending action on allowable variance and criminal background waiver requests; recommending adverse enforcement actions and supporting such actions by conducting informal conferences, testifying in administrative hearings and evaluating consent agreement

proposals. All units performing child day care licensure also perform sample-monitoring of voluntarily registered family day homes registered upon the inspection and recommendation of contract agencies authorized for those purposes; where no contract agencies are willing to serve; these units also perform all voluntary registration functions.

- **Technical Assistance:** Providing technical assistance and interpretation of regulatory/statutory requirements to providers and program information to the public on request.
- **Training:** Developing and providing orientation and training on regulations to serious inquirers, applicants, and new or low-performing licensees (pre-licensure training is mandatory for all programs). Providing semi-annual program meetings with providers for information, discussion of problem areas, and training in relevant subjects.
- **Coordinating with Other Agencies:** Securing building, fire and health inspections as a prerequisite for licensure in most programs; coordinating investigations with child or adult protective services staffs as well as with other state/local service and law enforcement authorities as necessary; providing information support to state, regional and local agencies, and families in matters of placement or service. Field offices, as well as the central components, also have significant involvement with private entities and organizations that relate to consumers and providers in regulated programs, such as; ancillary service vendors/providers; colleges/universities; private training providers; and trade/advocacy organizations for both providers and consumers.
- **Maintaining database and case files:** Maintaining a database of information on licensed facilities, recording inspections, and maintaining licensing case files. Databases are maintained through use of the Division of Licensing Programs Help and Information Network (DOLPHIN). Inspection data are maintained in this manner and are available on the VDSS website so the public can view inspection reports.
- **Responding to Freedom of Information Act Requests:** Providing information from licensing files, as permitted by law, to citizens/media/attorneys who request this information, including informational brochures, flyers, or other information unrelated to facility files.

Central Office

The program management and support units in the central office, and their primary functions are:

Operations (17 positions):

- Overseeing and supporting the field offices in areas related to: management; statewide consistency in the implementation of regulatory functions;
- Researching and issuing interpretations and operating procedures in regulatory implementation; developing and maintaining procedural guidance documents;
- Preparing and tracking adverse enforcement actions and coordinating pre-hearing appeal steps;
- Providing technical assistance to field offices and providers with program application for special populations; monitoring and quality assurance in program operations and administration;
- Conducting needs assessments and training for unit staffs in operations-specific skills;
- Coordinating media and FOIA information requests;
- Operational planning and execution, including coordinating with other agencies as required;
- Second-level informal problem-solving reviews related to program application;

- Managing correspondence related to program operations;
- Managing the information/complaint function and distribution of facility directories, regulations and similar literature provided to the public;
- Developing or approving curricula, outlines or training methods required by laws and regulations; developing and delivering optional curricula and multimedia resources for providers and consumers of care;
- Overseeing the two Medication Administration curricula statutorily required and promulgated by the Board of Nursing;
- Developing and delivering training, technical assistance and support services for providers, including associated needs assessments and contracting and content or delivery coordination with other divisions and agencies as necessary; planning and general oversight of the division's staff development program; preparing statistical reports, developing and maintaining website documents and overseeing responses to data queries from the website; and
- Coordinating with other agencies and training as required.

Program Development (7 positions):

- Planning, coordinating and executing in areas related to development of regulations and policy;
- Reviewing and revising 15 sets of regulations and exemption procedures necessary to conduct *Code of Virginia* mandates, including research, literature/regulatory surveys, preparing promulgation packages, maintaining relations with interested parties and regulatory advisory committees, training for staff and providers in new/revised regulations and developing mandated and model forms;
- Mapping and preparing revised regulations for insertion into automated system;
- Ongoing research and issuance of interpretations/policy related to laws and regulations;
- Preparing legislative studies or studies directed by the State Board of Social Services or the Child Day-Care Council as required; developing and analyzing proposed legislation;
- Researching and analyzing introduced legislation; preparing the division's implementation plan for *Code of Virginia* additions or amendments;
- Coordinating with other agencies on regulatory development and implementation as required;
- Preparing and managing memoranda of agreement;
- Preparing for observances of statutorily established Provider Recognition days; and,
- Preparing the Governor's annual multi-agency reports as required by Social Security Act (Keys Amendment).

Management Support Services (8 positions):

- Planning, overseeing, coordinating, and executing in administrative areas related to: preparation of all budget documents and fiscal impact statements for proposed legislation including:
 - Internal allocation of resources;
 - Fiscal oversight and reporting of expenditures;
 - Oversight and reporting of the collection of licensing fees, and
 - Fiscal sanctions and sales of training or technical assistance materials.
- Developing, enhancing, and maintaining automated systems, including contract

execution/oversight for automated system, coordinating with other departmental systems; procurement;

- Allocations and inventory control for major equipment, including office machines and furniture;
- Internal managing and coordinating in systems security requirements;
- Internal planning, overseeing, and coordinating in space acquisition and leases;
- Designing and generating statistical reports and tracking reports related to business plans;
- Coordinating websites and postings; and
- Developing standard administrative procedures and practices.

Director's Office (3 positions):

- Planning, general oversight, and leadership in all divisional responsibilities, functions and activities;
- Direct supervision of central office unit managers;
- Responding to internal and external requests for reports, collaboration, informational presentations;
- Issuing adverse enforcement intent notices, coordinating with the Office of the Attorney General if appealed, and preparing final orders for Commissioner's action; providing recommendations for injunction petitions to suppress illegal operations and to suspend operation during appeals when imminent risk exists;
- Action on proposed consent agreements related to adverse enforcement cases;
- Coordinating and supporting administrative appeal hearings and court reviews, including arranging for and processing charges made by hearing officers and court stenographers for administrative hearings;
- Issuing decisions related to requests for variances to regulations and for waivers in criminal background clearances as permitted in statute;
- Managing special/constituent correspondence;
- Managing national/state research/survey projects; and
- Maintaining required/official records, including staff leave records.

Within DOLP, positions are assigned to programs and functions. The programs have staff specifically assigned to them such as Inspectors; however, many of the staff serve all programs such as the Procedures Coordinator, 90% of Licensing Administrators (field supervisors), and Senior Inspectors, who are currently housed in regional offices, additionally serve multiple regions. (See Appendix D for a map showing how staffs are dispersed between children's and adult programs)

Regional boundaries are divided with consideration of the regions of the VDSS, but primarily take into account the distribution of children's and adult programs around the state. The map in Appendix D shows the DOLP field offices and number of programs overseen by each. Because the number of children's programs is approximately 90% of the total facilities, all Licensing Administrators supervise both children's program and adult program inspectors with the exception of one unit.

Funding Sources

Funding for DOLP comes from the general fund, special funds and federal funds. Currently the budget is \$13,016,016 with approximately 64% coming from federal funds. Approximately \$10,000,000 of the budget is for personnel costs.

Information System

The information system for DOLP is the Division of Licensing Programs Help and Information Network (DOLPHIN). The initial cost for the system was approximately \$1,300,000 and the enhancements to the system, contract programmers and the annual contract have cost approximately \$700,000 with the total cost being approximately \$2,000,000 in the past four years. This system is owned by Bearing Point, Inc. with the data being owned by VDSS.

B. Adult Services/APS

Services and Service Delivery Points

The Adult Services/APS Program at VDSS provides services to Virginians age 18 and older through four program areas: Adult Services, APS, the Virginia Caregivers Grant Program and the Virginia Auxiliary Grant Program (AG). These services are delivered to consumers through 120 LDSS. The primary statutory base is Chapter 16 of Title 63.2 of the *Code of Virginia*.

In addition to five full-time staff at the state office, five Adult Services/APS consultants are housed in VDSS regional offices. These offices are located in Warrenton (Northern), Virginia Beach (Eastern), Roanoke (Piedmont), Richmond (Central) and Abingdon (Western). Regional Adult Services/APS consultants provide oversight, program, and technical assistance to LDSS; each consultant serves between 22 and 27 LDSS (Appendix E lists LDSS by assigned region).

Responsibilities of Adult Services/APS staff at the state and regional levels include:

- Developing and interpreting regulations, policies, procedures, and guidelines.
- Providing technical assistance, monitoring, and administrative and program development consultation to LDSS.
- Providing case consultation and review.
- Coordinating the development and delivery of training programs offered through the Virginia Institute for Social Services Training Activities (VISSTA)
- Collecting, analyzing and disseminating statistical and program information through ASAPS, the state case management system used to collect case and client information for Adult Services/APS.
- Allocating funding to LDSS and monitoring LDSS expenditures.
- Providing information to the Governor, General Assembly and other interested parties.
- Informing and educating the public about Adult Services and APS programs, policies and statistics, and about the Commonwealth's long-term care system.
- Overseeing the continuing development and enhancement of the ASAPS web-based case management and reporting system.
- Coordinating and cooperating with partner state and local agencies and organizations to provide and improve services to vulnerable adults.
- Investigating and responding to citizen complaints concerning Adult Services/APS by LDSS.

- Representing VDSS and the program on state, local and national commissions, task forces, initiatives and organizations dealing with aging, long-term care and protective services issues.

County and city LDSS throughout Virginia are the setting for direct client contact. LDSS use federal, state, and local funds to deliver services. LDSS determine eligibility for services and programs, authorize payments to vendors for services, and provide direct services to clients.

Adult Services

Adult Services assists people age 60 and over, adults age 18 and older who are impaired, and their families when appropriate. Services are provided through LDSS so that they can remain in the least restrictive environment, preferably their homes, for as long as possible. Adequate home-based services and case management decrease institutional placement, decrease costs, and ensure that appropriate services are provided. LDSS may provide or arrange for the following adult services: case management; home-based care; adult foster care; transportation; adult day services; nutrition services; placement services; and other activities to aid the adult.

Adult Protective Services

Protective services for adults include the receipt and investigation of reports of abuse, neglect, or exploitation. Protective services also include assessing service needs, determining whether the subject of the report is in need of protective services, documenting the need for protective services, specifying what services are needed, and providing or arranging for service delivery. APS may arrange for home-based care, transportation, adult day services, meal services, legal proceedings and other services to protect the adult. Because there is no federal statute or funding directly related to the delivery of APS, states have developed their own systems for service delivery. Nationwide, APS is usually the first responder to reports of abuse, neglect, and exploitation of vulnerable adults.

Auxiliary Grant Program

The Auxiliary Grant (AG) is a supplement to income for recipients of Supplemental Security Income (SSI) and certain other aged, blind, or disabled individuals residing in an assisted living facility or an adult foster care home. This assistance is available through LDSS to ensure that recipients are able to maintain a standard of living that meets a basic level of need. It is funded with 80 percent state general funds and 20 percent local funds and is administered by the state Adult Services Program. The maximum AG rate is determined annually by the General Assembly and adjusted periodically. Grants are made to individuals who reside in assisted living facilities licensed by VDSS, or in adult foster care homes approved by LDSS. Not all assisted living facilities or adult foster care homes accept the AG.

Virginia Caregivers Grant Program

The Virginia Caregivers Grant Program provides an annual grant of up to \$500 for persons who care for a relative or ward with a mental or physical impairment for at least six months a year. This program is a means of recognizing and assisting caregivers who provide unreimbursed care to a needy relative on a regular basis.

Funding Sources

Total SFY 2007 program expenditures were \$53,384,625, including \$20,370,618 in federal funds, \$22,941,430 in general funds; and \$10,072,577 in local match. With the exception of the Auxiliary Grant and Caregivers Grant programs, funding for Adult Services/APS comes from the federal Social Services Block Grant (SSBG) and requires a 20 percent local match. Total SFY 2007 client services expenditures, including home-based care, were \$12,504,250 (federal and local).

The AG is a mandated federal maintenance of effort program for eligible aged, blind or disabled individuals. Funding comes from the general fund and requires a 20 percent local match. Total SFY 2007 AG program expenditures were \$28,676,787 (state and local).

Caregivers Grant funding comes from the general fund and is appropriated annually by the General Assembly. Grant amounts vary from year to year and are pro-rated among eligible applicants according to available funding. The maximum grant is \$500. Available funding for the 2007 grant cycle was \$700,000, and a total of \$623,500 in grants were made. The appropriation does not include administrative funds and any remaining funds must be carried over to the next grant year.

Information Systems

The ASAPS system is the web-based computerized case management system which provides LDSS with the ability to document their case management responsibilities and meet policy compliance. It provides basic case information, client eligibility documentation, full APS case documentation from initial report through the APS investigation to the case disposition, a computerized Uniform Assessment Instrument, a computerized services plan and all case contact and narrative information. Using the computerized data, ASAPS can currently produce, on request by state and local staff with appropriate security access, 16 different case management reports for any local department, region or statewide needs for any period since 2000. Special requests for other information and reports can be developed using the extensive data base available in ASAPS.

VDSS uses other automated systems to administer Adult Services/APS to track local program spending and requests for program funds, and to prepare, authorize and process purchase orders. Adult Services/APS state and local staff utilize VDSS' internal website for maintaining information, forms, reports, guidance documents, policy and other information for all VDSS divisions.

V. Feasibility of Transfer

As referenced in Section II, the feasibility study was approached using two sub-groups comprised of the primary workgroup and ad hoc members, in order to capture the critical nuances of Adult Licensing and Adult Services/APS individually. The sub-groups gave a great deal of consideration to the issue at hand and diligently kept the well being of their customers, as well as other factors in mind. The workgroup reports the following findings regarding the feasibility of transfer.

A. Adult Licensing

In analyzing the feasibility of transferring the adult licensing portion of VDSS DOLP to VDA, workgroup members initially discussed what they viewed as the primary rationale for the legislation and what would be accomplished by the transfer. Discussion centered on the need for more emphasis on the adult program and whether the transfer would accomplish this objective. Members also took this opportunity to discuss concerns they had about DOLP operations and how they could be addressed.

Transferring adult licensing programs from VDSS to VDA within the current structure is not feasible, unless consideration is given to a number of critical fiscal, structural and statutory factors:

- Statutory restructuring
- Personnel and office space
- Funding availability
- Funding requirements
- Transfer at the local level

Statutory Restructuring

Transferring adult licensing programs would require significant legislative and regulatory changes. Details on these changes are addressed in Section VI.

Personnel and Office Space

As noted in section IV of this report, VDSS DOLP is fully integrated between the adult and children's programs. Therefore, very few positions are dedicated 100% to the adult program; five in the central office, and one supervisor, one program support tech and 32 inspectors in the field offices. No support services are totally dedicated to the adult program or the children's program and therefore, would need to be established prior to a transfer. For clarity, the adult component being discussed for possible transfer will be referred to as Adult Licensing.

To facilitate a transfer of Adult Licensing, VDA would need to acquire office space, as additional space is not available in their current location. Many functions of the adult program are also supported by the entirety of VDSS and therefore, additional positions will be required that include the following.

Central Office Space

- **Division Director or Assistant Director** – For a staff of 57, a Division Director is needed to direct program functions. A separate division and director are preferable as best practice is to not mix funding and enforcement, therefore Licensing should be separate from the Division of Long Term Care at VDA.
- **Program Manager** – manage field and central office operations, program development and training
- **Accountant** (unless VDA can perform this function and serve as a check and balance for the Fiscal Tech) – budget, purchasing, contracts
- **Fiscal Technician** – process application fees and fines, process payments

- **Program Development Consultant** – develop regulations for general procedures and adult day care, provide regulatory interpretations, conduct legislative analysis
- **Adverse Enforcement Consultant** – process sanctions against facilities
- **Administrative Assistant** – assistant to Director, serve as Hearings Coordinator
- **2 Program Support Techs** – process leave, support for adverse enforcement, support for Program Manager and Consults, support for training, etc.
- **Information Technology Specialist/Programmer** – maintain licensing information system, develop reports and respond to requests for data

Field Offices

- **3 Supervisors** – Existing supervisors have a span of control of 10-17 staff. Removing just the adult inspectors would leave 7-12 inspectors to supervise.
- **3 Program Support Techs** – Support for field supervisor and inspectors, enter data into information system, answer telephones, process applications and fees, and type licenses.
- **2 Senior Inspectors** – Perform case reviews, CQI functions, train inspectors, conduct and document informal conferences.

Office space would need to be located for four field offices, however, could potentially be located within Area Agencies on Aging. Four field offices are being considered rather than the current eight, as most field supervisors currently have oversight for between two and four adult program inspectors. The suggested configuration would place eight to nine inspectors under each supervisor. Due to the distribution of existing assisted living facilities and adult day care centers, the following locations are suggested to license the current caseload.

- Marion area – programs currently licensed by the Abingdon and Roanoke Licensing Offices and the southern tip of the Verona Licensing Office
- Harrisonburg area – programs currently licensed by the Fairfax and Warrenton Licensing Offices and the northern and western portions of the Verona Licensing Office
- Richmond area – programs currently licensed by the Henrico Licensing Office
- Norfolk area – programs currently licensed by the Virginia Beach and Newport News Licensing Offices

Reduction to four locations, however, would significantly increase travel time losses and travel costs incurred in servicing the caseload, increase the response time for complaints, and likely require some additional staff to maintain current level of service. State cars must be available to all inspectors.

Other support services would also need to be provided by VDA, including fiscal, information technology, public information and human resources. VDA does not currently have a dedicated position for human resources or for public information.

Further, an information system must be purchased or developed to facilitate electronic inspections, website posting of inspection information and provision of data on the programs. The DOLPHIN system produces the inspection data that is posted to the VDSS public website. There must be a means to enter facility information and violation notices in order to produce reports and post inspection data on the web.

Funding Available for Transfer of Adult Licensing to VDA

VDSS calculates that the percentage of total VDSS funds allocated to the adult licensing functions is 18.2% of the total DOLP budget, or \$2,358,415. Indirect expenses are \$151,938.56 for a total of \$2,509,353.56. In FY07, DOLP collected \$53,235 in fees and civil penalties and had an allocation of \$120,096 for provider training. These amounts would be transferred to VDA should transfer occur.

The DOLP calculates that \$2,318,866 is available to fund the 32 inspectors, field supervisor, program support tech and 5 central office staff that are dedicated to the adult program. \$190,487.56 will be available out of the funds transferred for other necessary expenses to include staff and provider training.

Funding Requirements for Transfer of DOLP/DSS to VDA

In addition to transfer of the DOLP positions dedicated to the adult program noted in section VI of this report, the following FTEs with associated costs would be necessary for the division to function in an agency where shared resources are not available.

<u>Central Office</u>	<u>Salaries</u>	<u>Benefits</u>	<u>Total</u>
Division Director/Assistant Director	\$84,586	\$31,804	\$116,390
Program Manager	\$71,355	\$26,830	\$98,185
Accountant	\$42,294	\$15,903	\$58,197
Fiscal Technician	\$30,770	\$11,570	\$42,340
Program Development Consultant	\$68,432	\$25,730	\$94,162
Adverse Enforcement Consultant	\$68,842	\$25,885	\$94,727
Administrative Assistant	\$41,227	\$15,501	\$56,728
2 Program Support Techs	\$73,354	\$26,990	\$100,344
Information Technology Specialist	\$60,548	\$22,766	\$83,314
<u>Field Offices</u>			
3 Supervisors	\$205,644	\$77,322	\$282,966
3 Program Support Techs	\$73,354	\$26,990	\$100,344
2 Senior Inspectors	<u>\$103,470</u>	<u>\$38,904</u>	<u>\$142,374</u>
TOTALS	<u>\$923,876</u>	<u>\$346,195</u>	<u>\$1,270,071</u>
Office Space (Central Office)	1844 square feet @		\$28,084
Office Space (Field Offices)	4128 square feet @		\$62,869
Furniture	13 offices @ \$3600		\$46,800
	44 cubicles @ \$1200		\$52,800
Computers	57 computers & printers @ \$3860		\$220,020
Information System	\$1,300,000 plus \$35,000 annually		\$1,335,000
State Cars	35 vehicles @ \$9000		\$315,000
Administrative Law Judges for Administrative Hearings			\$3,000
GRAND TOTAL			\$3,333,644

- A transfer of adult licensing to VDA would require .75 FTE for Information Services, .65 FTE for Human Resources, .30 FTE for Fiscal and Administration and .30 FTE for Public Information.

- The cost of office space for field offices is estimated, as it has not been determined whether space is available at the AAA. In addition to office space, field offices require conference room space for provider meetings/training and file rooms.
- Furniture and computer costs could be reduced substantially if DOLP dedicated adult positions are permitted to transfer such to VDA with positions. Costs could also be offset by reducing square footage and state vehicles required by DOLP.
- DOLP within VDA would continue to require extensive legal services from the Office of the Attorney General. Currently four Assistant Attorneys General provide services to DOLP at VDSS and go to court with the Division on a regular basis. The attorneys are assigned to VDSS and work part-time with DOLP.

Transfer at Local Level

Adult program licensing in Virginia is a state-level function and does not involve local-level service delivery. Therefore, feasibility of a local-level transfer of adult licensing programs was not applicable in this study.

B. Adult Services/APS

Consideration of the feasibility of transferring VDSS Adult Services/APS functions to VDA, just as that regarding Adult Licensing, involved lengthy debate and diverse perspectives. The need for a common vision about long-term care was a common theme. The group noted Joint Legislative Audit and Review Commission and Department of Medical Assistance Services studies pointing out that, as the population of older adults increases, Virginia's current long-term care services system will be stressed beyond its capacity to deliver comprehensive, coordinated, and effective services.

The workgroup determined that transferring Adult Services/APS from VDSS to VDA within the current structure is not feasible, unless consideration is given to a number of critical fiscal, structural and statutory factors:

- Statutory restructuring
- Client population
- Training requirements
- Program oversight
- Funding requirements
- Funding considerations
- Transfer at the local level

Statutory Restructuring

Like Adult Licensing programs, transferring Adult Services/APS would require significant legislative and regulatory changes. Details on these changes are addressed in Section VI.

Client Population

Adult Services and APS are mandated to serve incapacitated adults aged 18 to 59 and persons aged 60 and older, subject to available funding. AAAs are mandated to serve persons aged 60 and older, subject to available funding. VDA's mission statement, goals, and objectives would need to be modified to assure continued services to all eligible clients. In addition, legislative action might be needed.

Training Requirements

Currently, local Adult Services and APS staff are required to meet rigorous and specialized professional training and continuing education requirements. The mandates for these training requirements, and their oversight, would need to be adopted by VDA. Section 63.2-1604 of the *Code of Virginia* mandates that VDSS shall establish a uniform training program for APS workers in the Commonwealth. The training program must be completed within one year of employment. This training is included in the Memorandum of Understanding (MOU) that VDSS has with VISSTA. The *Code of Virginia* would need to be modified to give VDA responsibility for the training program and VDA would have to contract with VISSTA or another organization to have the training provided.

Program Oversight

As referenced in Section IV, VDSS Adult Services/APS currently oversees a number of programs for adults (aged 18 and older) that would have to be considered in the event of a transfer. In addition to case management, adult foster care, Caregiver Grant, preadmission screening for nursing homes and assisted living facilities, and reviewing guardianship reports, transferring the following services would also have to be considered:

APS Hotline	VDSS currently operates a joint Child Protective and APS Hotline. Should it be determined that it is in the best interest of customers to have a dedicated APS Hotline, the first year of establishing the new hotline would be approximately \$392,000, and \$360,000 per year thereafter. Potentially the joint hotline could continue in the event of a transfer.
Auxiliary Grant	VDSS sets and enforces assisted living facility standards, including handling of AG funds, and oversees the fiscal side. Staff and related budget would need to be transferred to VDA. The Auxiliary Grant is a mandated federal maintenance of effort (MOE) program to supplement social security disability. It is funded and mandated by the General Assembly. Failure to meet federal MOE mandates could jeopardize federal Medicaid funding for Virginia.

Home-Based Services	Companion, chore and homemaker services are funded through the SSBG. An MOU would need to be in place for the funds to come from VDSS to VDA. In addition, legislative action may be necessary.
ASAPS	Decisions would need to be made to transfer or share the ability to provide input and receive feedback from ASAPS to VDA, including the transfer of knowledgeable IT staff as needed. Estimates for start-up and ongoing support for ASAPS assume that VDA has no current infrastructure or support team required to maintain ongoing operations for ASAPS. Basic support for ASAPS would require 4 FTEs (includes database administrators and web developers), servers and licenses. A high level estimate for initial start-up is estimated to be \$50,000 and \$200,000+ for the administrators and annual maintenance. Web developers with needed expertise range from \$85,000 to \$120,000 annually.

Funding Required for Transfer of Adult Services/APS from VDSS to VDA

In addition to transferring Adult Services/APS positions, FTEs with associated costs would be necessary for the division to function in an agency where shared resources are not available. In addition to salaries and fringe benefits, the following costs include office space, equipment, supplies and other associated costs:

<u>Central Office</u>	<u>Salaries</u>	<u>Benefits</u>	<u>Total</u>
Program Manager	\$70,000	\$25,090	\$95,090
3 Program Specialists	\$180,000	\$68,370	\$248,370
Support Staff	\$40,000	\$18,190	\$58,190
3 Support Personnel	\$150,000	\$61,470	\$211,470
Operating Costs			\$60,560
Furniture and Office Machines			\$52,000
<u>Regional Offices</u>			
5 Regional Specialists	\$300,000	\$113,950	\$413,950
Operating Costs			\$37,850
Furniture and Office Machines			\$32,500
5 State Cars			\$45,000
TOTALS	\$740,000	\$287,070	\$1,254,980

Funding Considerations

Social Services Block Grant and general funds for Adult Services, APS, and aging services would need to be identified and decisions made about moving these funding streams to VDA. VDSS and VDA use different funding formulas and these will have to be revised and modified as needed. For the statewide operation of Adult Services/APS, \$2,411,581 has been identified as statewide, indirect operating cost. These are shared costs across various VDSS divisions for state staff, functions and services needed for the operation of the statewide Adult Services/APS program. Due to the size of the current staff of VDA, it is unknown if VDA could incorporate these additional duties and functions without an increase in staff, especially for the maintenance and continuing enhancement of ASAPS, the statewide, computerized case-management system. For planning purposes, the total indirect costs associated with the statewide operations of Adult Services/APS would need to be considered until a complete analysis of the VDA staff and functional abilities is conducted.

Transfer at Local Level

Reorganization of Adult Services/APS at the local level was determined to be not feasible. Planning such a transfer would require a more detailed study involving additional stakeholders and go well beyond the scope of this study

VI. Statutory and Regulatory Implications of Transfer

Regulatory Board for the VDA

The State Board of Social Services, as defined by the *Code of Virginia*, has broad authority to promulgate regulations for VDSS. VDA has statutory authority to promulgate its own regulations without a regulatory board. VDA regulations are Public Participation Guidelines (22VAC5-10) and Grants to Area Agencies on Aging (22VAC5-20). A third regulation regarding Public Guardian and Conservator Program is in process. While discussing the possibility of transferring Adult Services/APS and Adult Licensing to VDA, discussion ensued as to whether VDA would need a citizen regulatory board similar to the State Board of Social Services to promulgate Adult Licensing and Adult Services/APS regulations.

Currently, the State Board of Social Services is responsible for five regulations regarding adult licensing. Of these five regulations, two apply to both adult and children's facilities, so two new regulations specifically dedicated to adults would need to be promulgated in the event of a transfer to VDA. Additionally, the State Board of Social Services is responsible for four regulations that affect Adult Services/APS which would have to be transferred to VDA.

Regulations for VDA Board

- | | |
|------------------|--|
| 22 VAC 40-60-10 | Standards and Regulations for Licensed Adult Day Care Centers. |
| 22 VAC 40-72 | Standards for Licensed Assisted Living Facilities. |
| 22 VAC 40-80-10 | General Procedures and Information for Licensure. |
| 22 VAC 40-90-10 | Regulation for Criminal Record Checks for Homes for Adults and Adult Day-Care Centers. |
| 22 VAC 40-160-10 | Fee Requirements for Processing Applications. |
| 22 VAC 40-25-10 | Auxiliary Grant Program: Levels of Care and Rate Setting. |

- 22 VAC 40-740-10 Adult Protective Services.
- 22 VAC 40-745-10 Assessment in Adult Care Residences.
- 22 VAC 40-771-10 Adult Services Approved Providers.

The aforementioned nine regulations promulgated by the State Board of Social Services are defined in and apply to numerous sections of the *Code of Virginia*. The sections of the *Code of Virginia* which reference the State Board of Social Services in regard to Licensing and Adult Services/APS include, but are not limited to the following:

- 63.2-1700 Application fees; regulations and schedules; use of fees; certain facilities, centers and agencies exempt.
- 63.2-1709 Enforcement and sanctions; assisted living facilities and adult day care centers; interim administrator; receivership, revocation, denial, summary suspension.
- 63.2-1709.2 Enforcement and sanctions; special orders; civil penalties.
- 63.2-1732 Regulations for assisted living facilities.
- 63.2-1733 Regulations for adult day care centers.
- 63.2-1736 Interagency agreements; cooperation of Department with other departments.
- 63.2-1800 Licensure requirements.
- 63.2-1801 Access to assisted living facilities by community services boards and behavioral health authorities.
- 63.2-1802 Safe, secure environments for residents with serious cognitive impairments.
- 63.2-1803 Staffing of assisted living facilities.
- 63.2-1804 Uniform assessment instrument.
- 63.2-1805 Admissions and discharge.
- 63.2-1808 Rights and responsibilities of residents of assisted living facilities; certification of licensure.
- 63.2-800 Auxiliary Grant.
- 63.2-1600 Home-based services
- 63.2-1601 Authority to provide adult foster care services.
- 63.2-1601.1 Criminal history check for agency approved providers of services to adults
- 63.2-1602 Other adult services.
- 63.2-1602.1 Appeal to Commissioner regarding home-based and adult foster care services.
- 63.2-1604 Establishment of Adult Protective Services Unit; powers and duties.
- 63.2-1605 Protective services for adults by LDSS.

Cost of New VDA Policy Board

The current annual budget for the nine-member State Board of Social Services is \$50,000. However, it is possible that a new board for VDA would not be this costly. A new VDA board would only be responsible for a fraction of the regulations for which the VDSS board is currently responsible. This may require less frequent meetings, thus cutting down on reimbursement for travel expenses. Also, the State Board of Social Services is one of only a few boards that receive

a \$50 per day of State Board of Social Services business per diem. A new VDA board would promulgate regulations, but to a much lesser degree, which may be cause for a decrease in the per diem rate.

Additionally, creation of an entirely new board might not be necessary. The Commonwealth Council on Aging is a 19-member citizen advisory board that meets quarterly to address the needs of older Virginians and is staffed by VDA. This advisory council could be reauthorized by statutory changes to become a regulatory board. Due to its current membership of aging experts from across the Commonwealth, this may be a good alternative to creating a new board from scratch. However, the membership would need to be altered to include representation/expertise regarding adults with disabilities. The cost of funding the new VDA board is anticipated to be closer to the \$12,000 annual budget of the Child Day Care Council than that of the current State Board of Social Services budget.

Some additional costs will be placed upon VDA as the increased responsibility of the new regulatory board will require additional staffing, and someone within the agency who is in charge of regulations. It is anticipated that the staffing requirement would consume 50% of the time of a full-time worker at a level 4 pay band.

Additional Statutory Changes

Numerous sections of the *Code of Virginia* must be amended to facilitate transfer of Adult Services, APS, and Licensing to VDA. Currently, statutory authority for VDA is located in Chapter 7 of Title 2.2. 7, Administration of Government. General powers of departments established in this title do not provide VDA with broad authority to promulgate regulations. Therefore, a new title would need to be created for VDA. Title 63.2 of the *Code of Virginia* is dedicated to Welfare (Social Services), and all adult licensing sections in Chapters 1, 17 and 18 will require movement to or duplication in VDA sections. Necessary changes to the *Code of Virginia* to transfer Adult Licensing and Adult Services/APS may include, but are not limited to the following:

Code Changes for Licensing

63.2-100	Definitions.
63.2-1700	Application fees; regulations and schedules; use of fees; certain facilities, centers and agencies exempt.
63.2-1701	Licenses required; issuance, expiration and renewal; maximum number of residents, participants or children; posting of licenses.
63.2-1702	Investigation on receipt of application.
63.2-1703	Variances.
63.2-1705	Compliance with Uniform Statewide Building Code.
63.2-1706	Inspections and interviews.
63.2-1707	Issuance or refusal of license; notification; provisional and conditional licenses.
63.2-1708	Records and reports.
63.2-1709	Enforcement and sanctions; assisted living facilities and adult day care centers. interim administrator; receivership, revocation, denial, summary suspension.

- 63.2-1709.2 Enforcement and sanctions; special orders; civil penalties.
- 63.2-1710 Appeal from refusal, denial of renewal or revocation of license.
- 63.2-1711 Injunction against operation without license.
- 63.2-1712 Offenses; penalty.
- 63.2-1713 Misleading advertising prohibited.
- 63.2-1714 Duty of attorneys for the Commonwealth.
- 63.2-1715 Exemptions from licensure.
- 63.2-1718 Inspection of unlicensed child or adult care operations; inspection warrant.
- 63.2-1719 Definitions.
- 63.2-1720 Employment for compensation of persons or use of volunteers convicted of certain offenses prohibited; background checks required; penalty.
- 63.2-1722 Revocation or denial of renewal based on background checks; failure to obtain background check.
- 63.2-1728 Establishment of toll-free telephone line for complaints; investigation on receipt of complaints.
- 63.2-1729 Confidentiality of complainant's identity.
- 63.2-1730 Retaliation or discrimination against complainants.
- 63.2-1731 Retaliation against reports of child or adult abuse or neglect.
- 63.2-1732 Regulations for assisted living facilities.
- 63.2-1733 Regulations for adult day care centers.
- 63.2-1736 Interagency agreements; cooperation of Department with other departments.
- 63.2-1800 Licensure requirements.
- 63.2-1801 Access to assisted living facilities by community services boards and behavioral health authorities.
- 63.2-1802 Safe, secure environments for residents with serious cognitive impairments.
- 63.2-1803 Staffing of assisted living facilities.
- 63.2-1803.1 Assisted Living Facility Education, Training, and Technical Assistance Fund established.
- 63.2-1804 Uniform assessment instrument.
- 63.2-1805 Admissions and discharge.
- 63.2-1806 Hospice care.
- 63.2-1807 Certification in cardiopulmonary resuscitation; do not resuscitate orders.
- 63.2-1808 Rights and responsibilities of residents of assisted living facilities; certification of licensure.
- 63.2-1808.1 Life-sharing communities.
- 63.2-1812 Delay in acting on application, or in notification.
- 63.2-1814 Public funds to be withheld for serious or persistent violations.
- 63.2-1815 Subtitle not to apply to certain schools and institutions.
- 63.2-1816 Municipal and county appropriations; contracts.

63.2-1818 Reports to Commissioner.

Code Changes for Adult Services/APS

63.2-800 Auxiliary Grant.
63.2-1600 Home-based services.
63.2-1601 Authority to provide adult foster care services.
63.2-1601.1 Criminal history check for agency approved providers of services to adults.
63.2-1602 Other adult services.
63.2-1602.1 Appeal to Commissioner regarding home-based and adult foster care services.
63.2-1603 Protection of adults; definitions.
63.2-1604 Establishment of Adult Protective Services Unit; powers and duties.
63.2-1605 Protective services for adults by LDSS.
63.2-1606 Protection of aged or incapacitated adults; mandated and voluntary reporting.
63.2-1607 Regulations for adult day care centers.
63.2-1608 Involuntary adult protective services.
63.2-1609 Emergency order for adult protective services.
63.2-1610 Voluntary adult protective services.

Moreover, statutory changes to *Code of Virginia* and Virginia Administrative Code provisions for other agencies would be needed for a successful transfer. Provisions governing the Drug Control Act, Departments of Health Professions, Housing and Community Development, Medical Assistance Services and others impact Adult Services, APS, and Licensing programs. Additionally, the above changes do not include moving any of the domestic violence services which are currently housed at VDSS, but are an Adult Service.

VII. Recommendations for Improved Service Delivery

In addition to addressing the feasibility of transferring Adult Services/APS and Adult Licensing to VDA, the workgroup used the collaborative forum to explore ways of improving service delivery within the current structure. The group also used the opportunity at the table to discuss some long-term, system-wide changes that would require more in-depth study than the current study scope allowed.

A. Improvements within Current Structure

Aside from concluding that a transfer is not feasible, the workgroup agreed that transferring VDSS Adult Licensing and Adult Services/APS programs to VDA or any other agency alone would not address key concerns with the current operations. These concerns would continue to exist, regardless of which agency administers the programs. Therefore, careful consideration was given to how the concerns could be resolved within the current structure.

Adult Licensing

The workgroup identified the following key concerns relative to current VDSS Adult Licensing and suggested measures to address them are included in the following chart.

Key Concerns	VDSS Actions
Different interpretations of division guidance to issue 1-2-3 year licenses.	An internal VDSS committee has been formed and will hold its first meeting on December 7, 2007. The committee will be charged with developing a system whereby standards will be weighted and combined with risk values to score inspections. Ranges will be determined and where the score of the inspection falls in the point range will determine the category of license a facility receives.
Sanctions are applied inconsistently in different field offices.	Once the system above is completed it will be expanded to include sanctions.
Inspectors are using obsolete forms.	The division is in the process of posting all necessary forms to a recently developed "shared drive" and those will be only forms approved for use by staff. Field supervisors are expected to ensure compliance.
The website should show more consistency in level of detail on the inspection reports and should be enhanced to provide additional guidance that will provide a uniform message to both staff and providers	In the past year, the division has implemented a Continuous Quality Improvement (CQI) process in which inspectors review violation notices and inspection summaries completed by inspectors in other offices. These are randomly selected by central office and reviewed by program consultants for consistency. Over time this is anticipated to improve the quality and consistency of inspection reports. Another project, Inspection Protocols, should be completed by December 1, 2007 and piloted in January 2008. This project will direct how all inspections are to be completed and all inspectors will be trained in the procedures. This will aid in consistent inspections as well as written documentation. Technical assistance has been placed on the website and additional documents that are issued as guidance will be placed on the website as well. All guidance posted to the website will also be e-mailed to all provider associations for dissemination.
A uniform tool should be used by all inspectors when conducting inspections and accompanied by detailed guidance documents.	The division has already begun collecting the different forms used during inspections. A review of all will be performed and the "best"

Key Concerns	VDSS Actions
	most functional form will be mandated for all inspectors. In addition, the Inspection Protocol noted above will specify how inspections are to be completed.
Involve stakeholders earlier in the process of developing regulations	Involving stakeholders earlier in the regulation development process is an excellent suggestion and has already begun with another program in the division. This practice will be continued for all programs.
Test and credential inspectors	The process has already begun for the testing and credentialing of inspectors. A post test is given for all training given to the inspectors and plans exist for on-line training with testing as funding exists. Further, the national professional organization for regulators is in the process of developing a credentialing program that will be delivered via on line courses.
Strengthen central office oversight to facilitate consistent regulatory decision-making	The Operations Manager at the central office currently supervises all field supervisors. The additions of CQI, the Inspection Protocols, and division procedures for issuance of licenses and sanctions combined with additional training of inspectors will strengthen oversight considerably.
Support person-centered programs, e.g., Eden, Wellspring, and Pioneer, within assisted living policies and regulations.	DOLP currently licenses facilities that require extensive allowable variances to be licensed and will review any requests to accommodate facilities that are different with an open mind and attention to needs of and safety to residents.

Adult Services/APS

The following suggestions were offered by workgroup members for improving adult services delivery within the current structure.

- Amend the VDA and VDSS strategic plans to add goals, strategies and measures for increased coordination between the two agencies to improve the Commonwealth's long-term care system.
- Establish regularly scheduled joint meetings for the purpose of collaborating, determining best practice models and make recommendations regarding services and legislation that benefit older adults and adults with disabilities. Membership should include: VDA; VDSS; Departments of Rehabilitative Services, Health, Medical Assistance Services and Mental Health, Mental Retardation and Substance Services; LDSS; AAA; Community Services Board; public health and Centers for Independent Living professionals; and others. In most regions, there is a natural distribution of service areas which could facilitate this.

- Amend the *Code of Virginia* so that qualified AAA case managers can perform long term care assessments.
- Encourage additional general funds for Home Delivered Meals (Meals on Wheels) and transportation to allow for service to persons under the age of 60.
- Establish common definitions where possible.
- Provide cross training, between service delivery agencies.
- Continue support of a No Wrong Door approach to providing long-term care services via a single point of entry for clients.
- Continue support of the Aging and Disability Resource Centers, of which pilots are being operated by six AAAs.

In order to more effectively serve mutual clients, continued education between agencies is needed on current agency functions, such as:

- Screening for home-based care;
- Eligibility determination;
- Assessment and case management procedures;
- AAA use of Older Americans Act-Elder Abuse Prevention Funding; and
- APS investigations and the role of local Ombudsman programs.

B. Areas for Future Consideration.

At various points during the study, group members discussed a common vision about the continuum of long-term care and a new streamlined, consolidated structure that might separate adult services from child welfare. The idea was put forth by some members that adults might be best served by a new agency with one regulatory board, the current functions and divisions of VDA, and three additional divisions: Licensing (assisted living facilities, adult day care and adult foster care), Adult Services and Adult Protective Services (APS and Long Term Care Ombudsman). Due to the difference in mission between Adult Licensing and Adult Services/APS, and the likely possibility of fewer resources in the event of a separation of children's and adult's licensing, other members felt that adults in licensed facilities would not necessarily be better served by such a separation.

The group recommends that focus of efforts should be on improving service delivery rather than simply changing structures and moving programs, staffs, and budgets. The following issues are recommended for future exploration:

Confidentiality

Confidentiality issues surrounding VDSS/LDSS, VDA/AAA and other agency data collection programs need to be addressed to ensure that information could be effectively shared. Confidentiality issues and the sharing sensitive information demand complex encryption measures.

Local Flexibility

- LDSS and AAAs have already designed a variety of local processes and structures for adult services delivery that suit their particular needs and resources. Local flexibility in structure has resulted in unique local networks that would be disrupted by a mandate for one type of

structure statewide. A clear requirement to coordinate VDA and LDSS could build on best practice joint models or improve existing models without this change of structure. Consideration should be given to welcoming different structures based on local needs.

Local Funding

- Local government funding and support for LDSS and AAAs varies across the state. Changes at the state level could adversely affect local funding and result in decreased funding. Conversely, some smaller and more remote localities may gain staff dedicated to adult services by combining LDSS and AAA funding.
- Federal and state funding, statutory, regulatory and policy differences exist which inhibit the provision of coordinated services to the public even in the most integrated, co-located and co-managed, LDSS and AAA systems. Examples include differences in client population, eligibility criteria and appeals procedures. These need to be fully identified and addressed before local structural changes will efficiently improve service delivery.

Disparate Personnel Systems

Service personnel systems vary across agencies and there exists potential of losing trained and experienced adult services staff in any restructuring effort. LDSS employees are employees of local governments. Some are integrated into local jurisdiction personnel systems; others are not. Some AAA staff are local government employees (Northern Virginia). Others are employees of non-profit organizations, some of which are quasi-governmental (planning district commissions or a community services board). Many localities already experience a lack of trained and experienced adult services staff as social workers and supervisors retire. Salary and retirement structures would need to be addressed .

Appendices

Report on the Feasibility of Transferring Services and Licensing from the Department of Social Services to the Department for the Aging

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Virginia Health Care Association**

**Ken Drees
Virginia Municipal League**

**Carter Harrison
Virginia Alzheimer's Association**

**Dean Lynch
Virginia Association of Counties**

**Kathy Miller
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**Dana Parsons
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**Margaret Schultze
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**Beverly Soble
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**Warren Stewart
American Association of Retired Persons**

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Ad Hoc Members

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Fairfax County Department of Family
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**Joani Latimer
Long Term Care Ombudsman Program**

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Bedford County Department of Social Services**

**Report on the Feasibility of Transferring Services and Licensing from the Department of
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John Skirven
Southeastern Virginia Senior Services

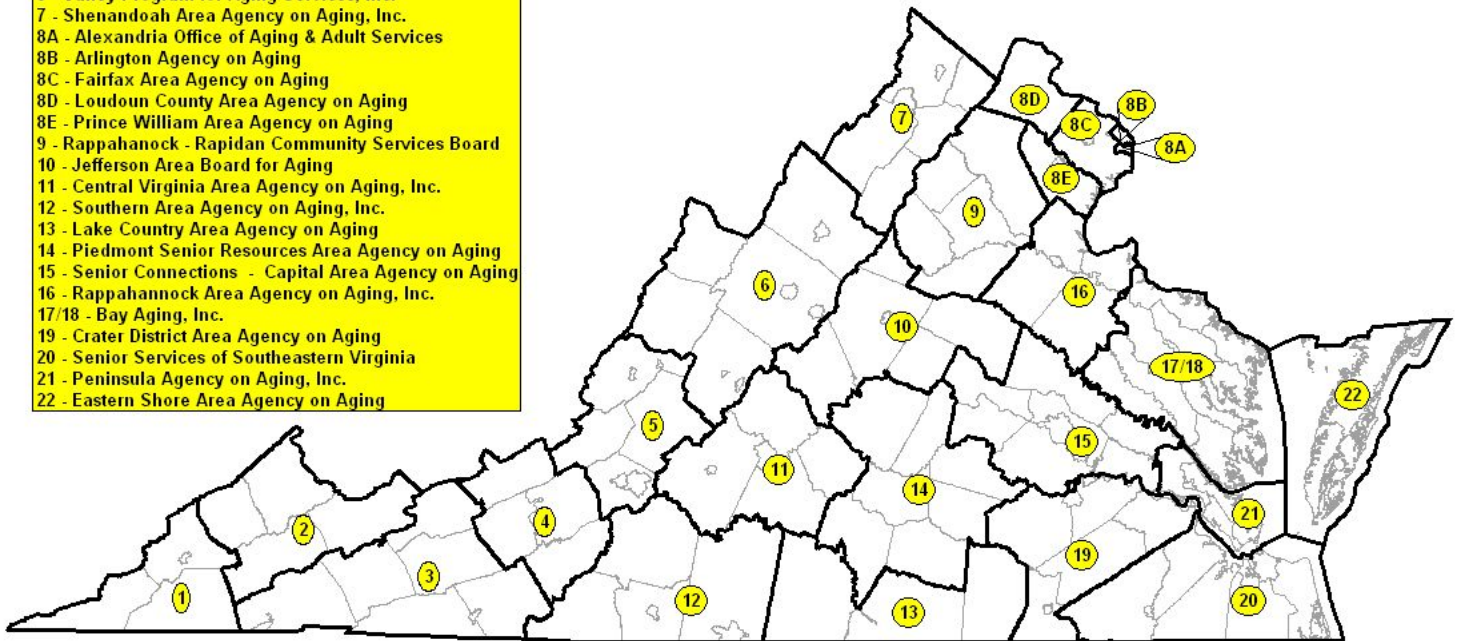
Virginia Department of Social Services Staff

Karin Clark
Barbara Hilton
Susan Ross

Matt Gross
Torsheba Jones

Virginia's 25 Area Agencies on Aging

- 1 - Mountain Empire Older Citizens, Inc.
- 2 - Appalachian Agency for Senior Citizens, Inc.
- 3 - District Three Senior Services
- 4 - New River Valley Agency on Aging
- 5 - LOA - Area Agency on Aging, Inc.
- 6 - Valley Program for Aging Services, Inc.
- 7 - Shenandoah Area Agency on Aging, Inc.
- 8A - Alexandria Office of Aging & Adult Services
- 8B - Arlington Agency on Aging
- 8C - Fairfax Area Agency on Aging
- 8D - Loudoun County Area Agency on Aging
- 8E - Prince William Area Agency on Aging
- 9 - Rappahannock - Rapidan Community Services Board
- 10 - Jefferson Area Board for Aging
- 11 - Central Virginia Area Agency on Aging, Inc.
- 12 - Southern Area Agency on Aging, Inc.
- 13 - Lake Country Area Agency on Aging
- 14 - Piedmont Senior Resources Area Agency on Aging
- 15 - Senior Connections - Capital Area Agency on Aging
- 16 - Rappahannock Area Agency on Aging, Inc.
- 17/18 - Bay Aging, Inc.
- 19 - Crater District Area Agency on Aging
- 20 - Senior Services of Southeastern Virginia
- 21 - Peninsula Agency on Aging, Inc.
- 22 - Eastern Shore Area Agency on Aging



State Board of Social Services

Sections 63.2-215 and 63.2-217 of the Code of Virginia

§ 63.2-215. State Board of Social Services.

There shall be a State Board of Social Services consisting of nine members appointed by the Governor. In making appointments the Governor shall endeavor to select appointees of such qualifications and experience that the membership of the Board shall include persons suitably qualified to consider and act upon the various problems that the Board may be required to consider and act upon. The Board shall include a member from each of the social services regions of the state established by the Commissioner and one member shall be a licensed health care professional. The appointments shall be subject to confirmation by the General Assembly if in session and, if not, then at its next succeeding session.

The members of the Board shall be appointed for four-year terms, except that appointments to fill vacancies shall be for the unexpired term.

No person shall be eligible to serve for or during more than two successive terms; however, any person appointed to fill a vacancy may be eligible for two additional successive terms after the term of the vacancy for which he was appointed has expired. Members of the Board may be suspended or removed by the Governor at his pleasure.

The Board shall select a chairman from its membership, and under rules adopted by itself may elect one of its members as vice-chairman. It shall elect one of its members as secretary.

The Board shall meet at such times as it deems appropriate and on call of the chairman when in his opinion meetings are expedient or necessary; provided, however, that the Board shall meet at least six times each calendar year.

A majority of the current membership of the Board shall constitute a quorum for all purposes.

The main office of the Board shall be in the City of Richmond.

No director, officer or employee of an institution subject to the provisions of this title shall be appointed a member of the Board

§ 63.2-216. Powers and duties of Board in general.

In addition to such other duties as are assigned to it, the Board shall act in a capacity advisory to the Commissioner, and when requested shall confer and advise with him upon such matters as may arise in the performance of his duties. When requested by the Commissioner, or by the Governor, the Board shall investigate such questions and consider such problems as they, or either of them, may submit and shall report their findings and conclusions. The Board may also

initiate investigations and consider problems and make recommendations to the Commissioner or to the Governor, of its own motion.

§ 63.2-217. Board to adopt regulations.

The Board shall adopt such regulations, not in conflict with this title, as may be necessary or desirable to carry out the purpose of this title. Before the Board acts on a regulation to be published in the Virginia Register of Regulations pursuant to § 2.2-4007.05, the Board shall examine the potential fiscal impact of such regulation on local boards. For regulations with potential fiscal impact, the Board shall share copies of the fiscal analysis with local boards prior to submission of the regulation to the Department of Planning and Budget for purposes of the economic impact analysis under § 2.2-4007.04. The fiscal impact analysis shall include the projected costs and savings to the local boards to implement or comply with such regulation and, where applicable, sources of potential funds to implement or comply with such regulation.

The Board also may adopt such regulations to authorize local boards to destroy or otherwise dispose of such records as the local boards in their discretion deem are no longer necessary in such offices and that serve no further administrative, historical or financial purpose.

§ 63.2-218. Board to adopt regulations regarding human research.

The Board shall adopt regulations to effectuate the provisions of Chapter 5.1 (§ [32.1-162.16](#) et seq.) of Title 32.1 for human research, as defined in § [32.1-162.16](#), to be conducted or authorized by the Department, any agency or facility licensed by the Department, or any local department. The regulations shall require the human research committee to submit to the Governor, the General Assembly, and the Commissioner at least annually a report on the human research projects reviewed and approved by the committee and shall require the committee to report any significant deviations from the proposals as approved.

§ 63.2-219. Board to establish employee entrance and performance standards.

The Board shall establish minimum education, professional and training requirements and performance standards for the personnel employed by the Commissioner and local boards in the administration of this title and adopt regulations to maintain such education, professional and training requirements and performance standards, including such regulations as may be embraced in the development of a system of personnel administration meeting requirements of the Department of Health and Human Services under appropriate federal legislation relating to programs administered by the Board. The Board shall adopt minimum education, professional and training requirements and performance standards for personnel to provide public assistance or social services.

The Board shall provide that the Department and its local boards or local departments shall not employ any person in any social work position that provides direct client services unless that person holds at least a baccalaureate degree. Such requirement shall not be waived by the Department, Board, or any local director or local governing body, unless such person has been

employed prior to January 1, 1999, by the Department or its local boards or local departments in a social work position that provides direct client services.

The state grievance procedure adopted pursuant to Chapter 30 (§ [2.2-3000](#) et seq.) of Title 2.2 shall apply to the personnel employed by the Commissioner. A local social services department or local board shall adopt a grievance procedure that is either (i) adopted by the locality in which the department or board is located, or in the case of a regional department or board, the grievance procedure adopted by one of its localities in the regional organization; or (ii) approved by the Board consistent with the provisions of Chapter 30 (§ [2.2-3000](#) et seq.) of Title 2.2. The grievance procedure adopted by the local board shall apply to employees, including local directors, of the local boards and local departments.

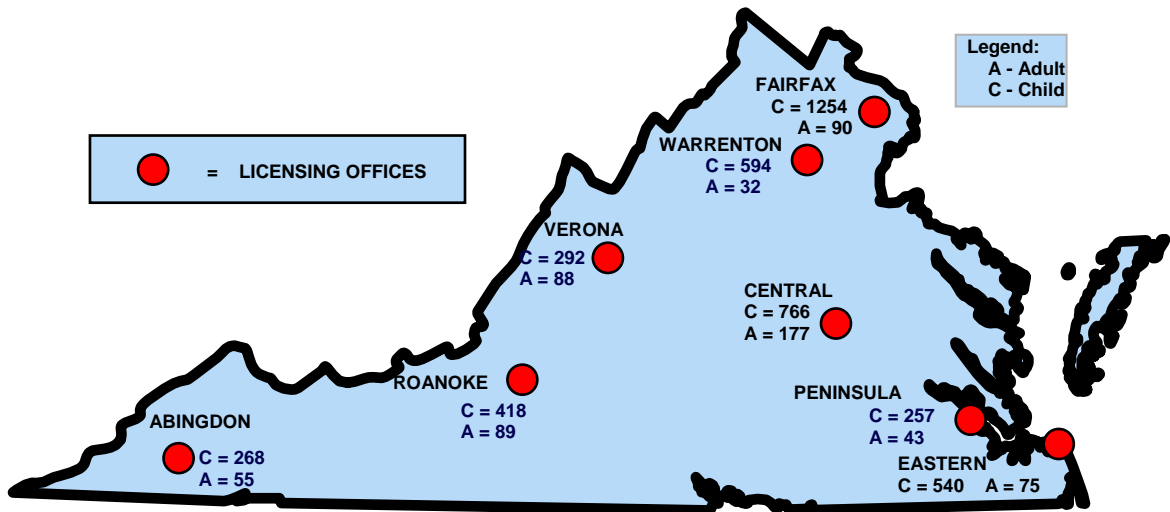
§ 63.2-220. Board may administer oaths, conduct hearings and issue subpoenas.

The Board in the exercise and performance of its functions, duties and powers under the provisions of this title is authorized to hold and conduct hearings, issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents, to administer oaths and to take testimony thereunder.

§ 63.2-221. Board to investigate institutions at direction of Governor.

Whenever the Governor considers it proper or necessary to investigate the management of any institution licensed by or required to be inspected by the Board under the provisions of this title, he may direct the Board, or any committee or agent thereof, to make the investigation. The Board, committee or agent designated by the Governor shall have power to administer oaths and to summon officers, employees or other persons to attend as witnesses and to enforce their attendance and to compel them to produce documents and give evidence.

COMMONWEALTH OF VIRGINIA DEPARTMENT OF SOCIAL SERVICES DIVISION OF LICENSING PROGRAMS ADULT AND CHILD FACILITY NUMBERS BY FIELD OFFICES



VDSS ADULT SERVICES AREA ASSIGNMENTS

Eastern	Central	Northern	Piedmont	Western
Pembroke Four Suite 300 Virginia Beach, VA 23462	1604 Santa Rosa Road Suite 130 Richmond, VA 23229	170 West Shirley Avenue Suite 200 Warrenton, VA 22186	453 South Main Street Rocky Mount, VA 24151	190 Patton Street Abingdon, VA 24210
Agencies	Agencies	Agencies	Agencies	Agencies
Accomack	Amelia	Alexandria	Albemarle	Bland
Brunswick	Buckingham	Arlington	Alleghany/Covington	Bristol
Chesapeake	Caroline	Clarke	/Clifton Forge	Buchanan
Dinwiddie	Charles City	Culpeper	Amherst	Carroll
Franklin	Chesterfield/	Fairfax/Fairfax	Appomattox	Dickenson
Gloucester	Colonial Heights	City/Falls Church	Bath	Floyd
Greensville/Emporia	Cumberland	Fauquier	Bedford/Bedford City	Galax
Hampton	Essex	Frederick	Botetourt	Giles
Isle of Wight	Fluvanna	Fredericksburg	Campbell	Grayson
James City	Goochland	Greene	Charlotte	Lee
Matthews	Hanover	Harrisonburg	Charlottesville	Montgomery
Newport News	Henrico	Rockingham	Craig	Norton
Norfolk	Hopewell	King George	Danville	Patrick
Northampton	King and Queen	Loudoun	Franklin County	Pulaski
Portsmouth	King William	Louisa	Halifax/South Boston	Radford
Prince George	Lancaster	Madison	Henry/ Martinsville	Russell
Southampton	Lunenburg	Manassas City	Highland	Scott
Suffolk	Middlesex	Manassas Park	Lynchburg	Smyth
Surry	New Kent	Orange	Mecklenburg	Tazewell
Sussex	Northumberland	Page	Nelson	Washington
Virginia Beach	Nottoway	Prince William	Pittsylvania	Wise
Williamsburg	Petersburg	Rappahannock	Roanoke	Wythe
York/Poquoson	Powhatan	Shenandoah	Roanoke Co. /Salem	
	Prince Edward	Spotsylvania	Rockbridge/Buena Vista/	
	Richmond City	Stafford	Lexington	
	Richmond County	Warren	Shenandoah Valley	
	Westmoreland	Winchester	(Staunton Augusta/ Waynesboro)	