

2010 Joint Conference
on
Guardianship, Elder Rights, and
Disability Services

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Presented by
Virginia Guardianship Association
and
Virginia Elder Rights Coalition

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April 26 and 27, 2010
Sheraton Richmond West Hotel

VGA has pending applications with the organizations listed below to be a sponsor for continuing education:

- ◆ The Executive Secretary of the Supreme Court of Virginia to approve continuing education credit for lawyers who are already qualified as guardians ad litem for incapacitated persons;
- ◆ The Virginia State Bar for MCLE credits for attorneys;
- ◆ The National Association of Social Workers for CEUs for social workers; and
- ◆ The National Association of Long Term Care Administrator Boards for CEUs for Nursing Home Administrators.



Indicates sponsorship by the Virginia Board for People with Disabilities.

Virginia Guardianship Association Federal ID #: 54-1655346

Monday, April 26, 2010

10:00—10:30 **Registration and Continental Breakfast**



10:30—11:45 **KEYNOTE ADDRESS**

DEMYSTIFYING THE NEW HEALTH CARE DECISIONS ACT: WHAT DOES IT MEAN FOR YOU AND YOUR CLIENTS?

Nathan A. Kottkamp, Esq.

Stephen D. Rosenthal, Esq.

Susan C. Ward, Esq.

In 2009, The Virginia General Assembly made important changes in healthcare decisions law, and additional changes were before legislators in 2010. A panel of experts who served on the advance directives drafting committee of the Supreme Court's Commission on Mental Health Law Reform will offer a straight-forward explanation of the act's key provisions on assessment of capacity, authority of health care agents, what happens when an individual protests health care treatment, and who can make decisions when there is no advance directive. Understand the new law and question the experts!

11:45 -12:00 **BREAK**

12:00-1:00 **WORKSHOP SESSION I**

Workshop 1: **Bill Kallio, State Director, AARP**

HEALTH CARE REFORM: WHAT HAPPENED AND HOW DOES IT AFFECT YOU?

Congress has been attempting to reform a health care system that costs too much, leaves too many out and does not always deliver the quality we expect for our health care dollars. This presentation will give a brief overview on legislative action to reform America's health care system. We will review legislation that passed and highlight how the private health insurance market and public programs such as Medicare and Medicaid will change as a result. Special emphasis will be placed on information particularly important to older citizens and persons with disabilities.

 **Workshop 2 :** **Julie A. Stanley, Director, Community Integration for People with Disabilities**

THE OLMSTEAD PROMISE: THE FIRST 10 YEARS

In its 1999 *Olmstead v. L.C.* decision, the U.S. Supreme Court held that unjustified isolation of individuals with disabilities in institutional settings violates Title II of the Americans with Disabilities Act. This workshop will offer a review of the Olmstead case and what it means for people with disabilities. The presentation will focus on the actions the Commonwealth of Virginia has undertaken to assure compliance with this decision. Specific progress and continuing barriers will be addressed.

Monday, April 26, 2010

**Workshop 3: Mary Chiles, Healthcare Consulting LLC,
Claire Curry, Esq. Chair, Community Partnership for Improved Long-
Term Care and Director, Civil Advocacy Program, Legal Aid Justice
Center**

***THE CMS NURSING HOME RATING SYSTEM: HOW MANY STARS DOES THE “FIVE STAR
SYSTEM” GET?***

In December of 2008, the Centers for Medicare and Medicaid Services rolled out its “Five Star Rating System” after a multi-year effort to come up with a “user-friendly” system by which consumers could compare the relative quality of nursing homes. While many consumers have found the Five Star System very useful, there has also been considerable criticism by those — including nursing home operators — who hold that the system is flawed and does not reflect fairly on facilities. Critics have called for the rating system to be suspended while revisions are undertaken. This session will present separate perspectives in a discussion of where we need to go from here in providing information of vital interest to consumers.

Workshop 4: Martha Harris, Infection Control Practitioner (ICP) Inova Health System

INFECTION PREVENTION AND CONTROL IN NON-HOSPITAL LONG TERM CARE FACILITIES

The 2010 president of the Association for Professionals in Infection Control and Epidemiology (APIC) has advocated over many years for infection control in long term care settings. Join her and learn and discuss:

- ◆ Basics of Infection Control
- ◆ The Elements of the Chain of Infection
- ◆ List the Elements of Standard Precautions and Transmission Based Precautions
- ◆ Give details about MRSA, VRE, *Clostridium difficile*, *Norovirus* and *Seasonal Influenza*

Review case studies and discuss the role of advocates, guardians, ombudsman and protective services.

1:00-1:15 **BREAK**

1:15-2:30 **LUNCH**

Annual Meeting for VGA, Presentation of VERC annual Elder Rights Award, and as a special treat, a brief musical program by Charles Vasaly, Esq. (a member of the VGA board) leading the Lee Jammers who provide musical entertainment and education to elders in nursing homes and other settings in Northern Virginia.

2:30-2:45 **BREAK**

Monday, April 26, 2010

2:45-3:45 **WORKSHOP SESSION II**

Workshop 5: Bob Blancato, Esq.

THE ELDER JUSTICE ACT — WHERE WE ARE TODAY

The National Coordinator for the Elder Justice Coalition will give an update on the status of the Elder Justice Act and related elder justice legislation before Congress.

Workshop 6: Claire Curry, Esq.

THE COMMUNITY PARTNERSHIP FOR IMPROVED LONG-TERM CARE: A MODEL FOR COLLABORATIVE ADVOCACY

Learn how one region has created a viable organization to work toward increasing the caregiver's voice to improve the quality of Long-Term Care.

Workshop 7: Janet D. Richards, MA, Ph.D.

INSTITUTIONAL ETHICS IN LONG-TERM CARE SETTINGS: WHAT'S A GUARDIAN FOR? SERVING THE CLIENT'S INTERESTS WHEN GOOD PEOPLE DISAGREE

The fundamental issue that will be considered in this workshop is determining clients' best interests when they can no longer speak for themselves, or never could. The guardian or the care facility has the responsibility to make decisions consonant with what best serves the client's needs and preferences, not those of the facility or guardian. These needs and interests can be elusive or controversial, especially if life-threatening medical conditions arise. It is the nature of an ethical dilemma that well-meaning people disagree. The group will identify and explore issues through case study discussion.

Workshop 8: Sally Balch Hurme, Senior Project Manager AARP Education and Outreach

**Newnie Rogers, Virginia Estate Plans PLC, Virginia Bar Association
Wills Trusts & Estates Committee**

INTERSTATE GUARDIANSHIP CHAOS: HOW THE UNIFORM ACT CAN HELP

Interstate guardianship cases can frustrate courts, attorneys, families and guardians with inordinate delays, unnecessary expenditures and needless confusion. A national expert will discuss how the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act can help; and a Virginia Bar Association leader will describe where it stands in Virginia and what you can do. Hear the latest!

3:45-4:00 **BREAK**

Monday, April 26, 2010

4:00-5:00

WORKSHOP SESSION III

Workshop 9

John M. Powell, Esq.

THE NUTS AND BOLTS OF GUARDIANSHIP LAW

The presentation is designed to introduce attorneys, social workers and others interested in guardianship to the basics of Virginia law and practice. The presentation will be directed to those with little or no previous experience serving as counsel for a petitioner or guardian ad litem, but wish to practice more in the field.



Workshop 10: Dana Traynham, Esq., VOPA

DECISION-MAKING OPTIONS FOR CHILDREN REACHING ADULTHOOD

My child is turning 18 — do I need to apply for guardianship? We will explore the legal issues involved when a child with a disability becomes an adult. We will discuss guardianship, alternatives to guardianship, and what the law says about decision-making by and for people with disabilities.

Workshop 11

Jennifer B. Aulgur, Director, Triad & Citizen Outreach, Office of the Attorney General

WHO'S HANDS ARE IN GRANDMA'S WALLET?

This workshop will cover the top frauds and scams that target senior citizens. Methods of prevention will be reviewed as well as resources for information and reporting elder fraud.

Workshop 12

Jayne D. James, MSN, PMHCNS-BC, RN

BABY BOOMERS: AGING AND MENTAL HEALTH — BY THE YEAR 2030, THERE WILL BE OVER 70 MILLION

Ms. James will discuss: Who are the “Baby Boomers”? Aging and mental health issues of BB. Current statistics regarding BB. A look at current best practices. Is there access to care? Are we prepared? There will be a presentation of a BB case scenario and time for questions and answers.

Tuesday, April 27, 2010

8:00- 9:00 **Continental Breakfast**

9:00-10:00 **WORKSHOP SESSION IV**

Workshop 13: **David Godfrey, Esq.**

READING BETWEEN THE LINES: LEGAL ISSUE SPOTTING ON THE FRONT LINES

The eyes and ears on the front line are in a prime position to identify legal issues and connect clients with attorneys. The key to legal issue spotting is looking for patterns of facts that raise red flags that legal help might be needed. This workshop will identify the most common types of hidden legal issues and review skills for spotting fact patterns that warrant referral to an expert for further investigation.



Workshop 14: **Michael Smull**

HELPING PEOPLE MOVE TO A BETTER LIFE: USING PERSON-CENTERED THINKING SKILLS

Whenever someone moves, it should be to a better life. But what does a better life look like and how do you address issues of health and safety in the context of a better life? This presentation describes how you can use person-centered thinking skills to develop a description of how someone would like to live where there is a balance between those things that make the person happy and those things that keep the person healthy and safe.

Workshop 15: **Dr. Gary Oberlinder, MD, FACP**

ASSESSING DECISION-MAKING CAPACITY

This workshop will review the medically appropriate and legally defensible assessment of individuals with actual or suspected cognitive dysfunction that could affect their decision-making capacity. The discussion will cover the role of family members, guardians, estate planning attorneys, and physicians in assessing the individual's decision-making capacity. Recommendations will be based on current peer-reviewed literature and the presenter's 29 years of clinical experience. The workshop will consist of a didactic presentation, case studies and group discussion.

Workshop 16: **Elizabeth L. Wildhack, Esq.**

A CODE OF ETHICS FOR GUARDIANS

This workshop is a review of the NGA Model Code of Ethics for Guardians in light of Virginia law and Virginia legal ethics.

10:00-10:30 **BREAK**

Tuesday, April 27, 2010

10:30-11:30 **WORKSHOP SESSION V**



Workshop 17: Adrienne Johnson, M.S

NAVIGATING THE NAVIGATORS: VIRGINIA NAVIGATOR UPDATE

VirginiaNavigator (www.VirginiaNavigator.org) is a web resource for seniors and adults with disabilities and their families and/or caregivers. The website provides information and access to local programs and services across Virginia. This session will provide you with an understanding of the web interfaces VirginiaNavigator, SeniorNavigator, disAbilityNavigator and related resources and how to utilize them to assist clients and their families

Workshop 18: Bonita Hogue, MSW, LCSW, C-SWHC

TAKING BACK YOUR POWER: TURNING COMPASSION FATIGUE INTO COMPASSION SATISFACTION

Helping professionals are at risk of developing compassion fatigue. Competing professional and personal expectations, less time to meet expected demands, and the intensity of client situations increase the probability of experiencing compassion fatigue. This interactive workshop will review the signs of compassion fatigue and identify strategies for achieving compassion satisfaction.

**Workshop 19: Madelynn Herman, Department of Judicial Planning, Supreme Court of Virginia
Steven Traubert, Virginia Office of Protection and Advocacy (VOPA)**

OPENING THE COURTHOUSE DOOR

Older Virginians and people with disabilities, including those involved in guardianship proceedings, need to get into the courthouse and courtroom, hear and understand what is going on, and have accommodations to enable their participation. Find out about court accessibility, common barriers and ideas for overcoming them in the Commonwealth from a representative of the Virginia Office of Protection and Advocacy and from the Virginia Supreme Court. Court access is key to elder rights!

10:30-12:00

Workshop 20 Janet James, Esq. and Faye Cates, MSSW

MANDATORY TRAINING FOR PUBLIC GUARDIANS

For Your Information . . .

Conference Accommodations The Sheraton Richmond West Hotel is offering room rates for the conference of \$102 single or double. To get this special rate, room reservations must be made by March 26, 2010. The toll-free number for room reservations is 1-800-325-3535. **Early reservations are recommended.**

Join Virginia Guardianship Association We invite you to join Virginia Guardianship Association. One year membership fees are as follows: (You may add your membership fees to your conference registration fee.)

Individual: \$35

Organization: \$50 (This membership entitles employees of your organization to register for the conference at member rates.)

Membership benefits include:

- ◆ Reduced VGA/VERC Conference fees
- ◆ Quarterly newsletter
- ◆ Virginia Guardianship Handbook (initial)
- ◆ VGA voting privileges
- ◆ Association with a network of professionals working to strengthen guardianship and related services
- ◆ Support of legislative advocacy for guardianship issues.

Join Virginia Elder Rights Coalition VERC welcomes your membership. Ask for a membership form at the membership table.

Virginia Board for People with Disabilities The Virginia Board for People with Disabilities has made available a limited amount of money for scholarships to pay for tuition to attend this conference. The funds are to support participation of individuals with development disabilities who are of limited financial means. Please contact Sue Dvoskin at VGA if you have an interest in this scholarship. Eligible persons may apply for a scholarship by emailing suedvoskin@yahoo.com or telephoning (804)-261-4046. Funds for scholarships are limited and are available on a first-come basis.

Free Continuing Education Credits Attorneys, Social Workers, Nursing Home Administrators, and Guardians ad litem who are registered for the conference are eligible for continuing education credit without additional cost. (See front of this brochure.)

Interpreter Services: Requests for Interpreter Services or other special services must be made by April 1, 2010. Call the VGA office at (804) 261-4046 or email suedvoskin@yahoo.com to make a request.

Vegetarian Meals: If you desire a vegetarian meal, please note that request on your registration form or contact suedvoskin@yahoo.com.

Address Label

Virginia Guardianship Association
P. O. Box 368
Stanardsville, VA 22973

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2010 Conference Sponsors

With grateful appreciation, we acknowledge and extend our thanks to the following organizations for their financial support of this conference.

- ◆ AARP Virginia
- ◆ Anderson, Desimone, and Green P.C.
- ◆ Cooper, Spong & Davis P.C.
- ◆ Crater District Area Agency on Aging
- ◆ District Three Governmental Cooperative
- ◆ Family and Children's Trust Fund
- ◆ Family Management Services
- ◆ John Molumphy, III, Esq.
- ◆ Mid-Atlantic Chapter Geriatric Care Managers
- ◆ Mountain Empire Older Citizens, Inc.
- ◆ Peninsula Agency on Aging, Inc.
- ◆ Senior Connections-Capital Area Agency on Aging, Inc.
- ◆ Thompson McMullan, Attorneys at Law
- ◆ Virginia Alliance of Social Work Practitioners
- ◆ Virginia Association of Community Service Boards
- ◆ Virginia Board for People with Disabilities
- ◆ Virginia Association of Area Agencies on Aging/Senior Medicaid Patrol
- ◆ Virginia Association for Home Care and Hospice
- ◆ Virginia Coalition for the Prevention of Elder Abuse
- ◆ Virginia Elder Rights Coalition
- ◆ Virginia Network of Private Providers