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# Colorado Office of Public Guardianship

**Director**, Sophia M. Alvarez

**Commissioners**

Kelsey Lesco, Chair  
Karen Kelley, Vice-Chair  
Deb Bennett-Woods  
Marco Chayet  
Alison Zinn



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## **PUBLIC MEETING**

**January 22, 2020**

### **RECORD OF PROCEEDINGS**

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#### **CONVENE**

The meeting of the Colorado Office of Public Guardianship Commission was convened in the Ralph Carr Judicial Building at 1300 Broadway, Conference Room 2B in Denver, Colorado at 10:00 AM by Commission Chair Kelsey Lesco.

A quorum of the Commission was present.

#### **Commission Members Present**

Kelsey Lesco, Chair  
Karen Kelley, Vice-Chair  
Marco Chayet  
Deb Bennett-Woods

#### **OPG Director**

Sophia M. Alvarez

#### **Others Present**

Connie Lind, Office of the State Court Administrator  
Sueanna Johnson, Office of the Attorney General  
Debbie Enck, Office of the Attorney General

#### **Public Attendance**

Kathleen Calderon  
Isabel Dufford  
Mindy Gates

Rachael Minore  
Whitney Nettleton\*  
Stephanie Woodard

\*Appeared/Participated by Telephone

## **AGENDA ITEMS**

### **I. Call to Order**

The meeting was called to order.

### **II. Approval of the December 18, 2019 Meeting Minutes**

Chair Lesco calls for amendments to the draft meeting minutes. On page 3, it should say Colorado Fund for People with Disabilities, not “Funds”, and the acronym should be CFPD, not DFPD. Vice Chair Kelley moves to approve the December 18<sup>th</sup> Meeting Minutes as amended. Commissioner Chayet seconds the motion. Motion passes unanimously.

### **III. Chair Report (Kelsey Lesco)**

Chair Lesco advises she met with AAG Johnson and Enck regarding the director evaluation process, evaluation questions, steps to take, etc. AAG Enck is drafting an evaluation form and anticipates adding it to next month’s agenda. Also discussed was collecting data from hospitals, the cost to submit requests, etc. Commissioner Bennett-Woods advised that Judge Leith has offered her assistance if needed.

### **IV. Director Report (Sophia M. Alvarez)**

Director Alvarez’s 1/22/2020 Director Report was distributed and discussed. Additional items discussed included but not limited to:

- a. Director Alvarez advised the RTD EcoPass is not included in her report. She advises the cost for the pass is \$3,108, of which half will be paid this fiscal year and half next fiscal year.
- b. Director Alvarez advised that Ms. Welch was present at the SMART Act Hearing to provide public comment.
- c. Director Alvarez and AAG Enck were encouraged to reach out to Commissioners Chayet and Zinn regarding Representative Payee.

- d. Timeline for new hires, their education and experience, etc. The new hires will start on Monday, 1/27/2020.
- e. On 1/17/2020, Director Alvarez met with an attorney from Medical Legal Partnership regarding taking on guardianship cases for Denver Health.
- f. On 1/17/2020, Attorney James Britt contacted Director Alvarez stating he has a case for OPG.

Director Alvarez asked if there were any questions or comments. None received.

**V. Discussion of Stakeholder Engagement Plan (Deb Bennett-Woods and Sophia M. Alvarez)**

Director Alvarez provided a brief overview of the draft Stakeholder Engagement Plan. Discussion included but not limited to:

- a. Stakeholder analysis.
- b. Stakeholder Panel.
- c. Stakeholders are likely to change over time.
- d. A case management system to track stakeholder involvement.
- e. Recommendation for greater detail and clarification in the Grievance Management and Comment Response section.
  - Are such grievances open for public review?
  - 8.5 Procedure for Grievances (e.g., grievance investigation, who's investigating, what are the steps take, etc.?)
  - Bigger issue is the Open Records Act. AAG Enck will review the Act. May need to consider removing the grievance section from this plan.
  - Consider statute(s) regarding interested persons.
  - Step 6: Taking further steps if the grievance remains open. Consider a two step process. Appeal. Possibly the Commission.
  - Have the grievance issue/section as a separate agenda item for the next meeting.
- f. Section 4.0 Stakeholder Analysis and Stakeholder Identification discussion.
  - Doubtful that the request that each stakeholder/organization democratically elect a representative to sit on the Stakeholder Panel will happen. .... (2<sup>nd</sup> paragraph on page 6).
  - Appointment.
  - Invitation.
  - How many individuals from the specified agencies/groups are really needed (list of potential Stakeholder Panel members on page 6).
  - Clarification regarding "volunteers". Wouldn't everyone be volunteers.
  - Should it be further clarified – volunteers "at large".

- Consideration should be given to rural Colorado. Long term strategy. Legislators/Representatives and Long Term Care/Nursing Homes.
- Annual Stakeholder Panel Report.
- AAG Enck discussed the Panel Meeting and if Notice was necessary because of Open Meetings. She will research.
- AAG Johnson discussed creating a listserv of stakeholders. The listserv could be used for receiving stakeholder feedback.

**VI. Discussion Director Personnel Rules (Sueanna Johnson , Deb Bennett-Woods, and Kelsey Lesco)**

AAG Johnson discussed the redline version presented today, which contains the suggested amendments received during the previous meeting. No questions, comments, or concerns from the Commission. Commissioner Bennett-Woods moves to adopt the Personnel Rules for the Director as presented today. Commissioner Chayet seconds the motion. Motion passes unanimously.

**VII. Discussion Regarding Data Collection (Kelsey Lesco and Sophia M. Alvarez)**

Chair Lesco begins the discussion by stating the data collected needs to show the lack of guardians available for appointment and the cost to Colorado and Medicaid due the lack of such services. Chair Lesco also reminded the Commission that Steve Allen suggested running a bill to collect data from hospitals. Further discussion included but not limited to:

- a. Hospitals and the Dept of Health Care and Policy do not collect such data.
- b. Uncompensated dollars from hospitals. No code for unrepresented patients.
- c. Judge Leith could ask hospitals for such data.
- d. Data is needed to show the need for guardianship, however, consideration needs to be given for meeting the criteria for appointment - an incapacitated adult, and guardianship is the last resort.
- e. Denver Health Oasis Unit is going to be building apartments for certain individuals to move into.
- f. Study needed, study strategy needs to be thorough, aggressive, and include quality cost analysis. The Commission does not have this type of expertise nor the time.
- g. Director Alvarez has a meeting on 2/10/2020 with the Director of Colorado Evaluations and Actions Lab regarding research and collecting data.
- h. Commission Chayet will give Director Alvarez, Lynn Taussig's contact information.

- i. Will OPG keep a waitlist? Director Alvarez advises, no. She also advised that an on-line form will be provided and required to be completed for the referral process.
- j. A waitlist may be helpful when seeking future gifts, grants, and donations.
- k. Concern that referrals will drop off if no more referrals are being accepted.
- l. Director Alvarez advises all referrals will be processed and tracked, but there will not be a waitlist.
- m. There are individuals who won't have access to a computer for submitting an on-line form, and for some, they may not be capable of completing the on-line referral form even if they have access to a computer.
- n. Director Alvarez advised that she can seek assistance from the Denver Probate Court pro-se office to help such individuals.
- o. Recommendation to check with Colorado Legal Services regarding their process.
- p. Ms. Minore, State Public Policy Manager, Alzheimer's Association advises she can put Director Alvarez in touch with the person in her office regarding the 24/7 Hotline for Alzheimer's and how their volunteer services work, operations/manning the hotline.
- q. Ms. Gates, CDHS Deputy Director, OCAI, echoes Ms. Minore and is willing to partner with Director Alvarez to continue the conversation and attempt to collect data for OPG.
- r. AAG Enck advises of the confidentiality needed with using volunteers.
- s. Phone calls need to be considered. Web base referrals only will not provide the data needed.

#### **VIII. Discussion Regarding Proposal to Judicial Conference, September 13 – 15, 2020 (Sophia M. Alvarez)**

Director Alvarez sought input from the Commission as to whether a presentation to provide a general report, etc. regarding the Office would be effective to give at this conference. Commissioner Chayet offered to send Director Alvarez a presentation he and Commissioner Zinn gave. It may be good for visibility and networking, and if Director Alvarez has the time and believes the group would benefit from such a presentation, the Commission is in favor of her doing so.

**IX. Public Comment**

No public comment.

AAG Johnson, appointed to the Court of Appeals Bench, wanted to take this opportunity to thank the Commission, letting them know that she is thankful and grateful to have served as their attorney and is excited for what the future holds for the Office. She is sad to be leaving them but knows they are in good hands with AAG Enck.

Commissioner Bennett-Woods thanks AAG Johnson for being the most optimistic in the darkness.

Chair Lesco thanks AAG Johnson for her wisdom, expertise, and guidance. The other Commissioners agree and Commissioner Chayet also thanked AAG Johnson for her personal commitment to OPG.

Commissioner Bennett-Woods recommends if the Office will be open for business in March, Director Alvarez should consider how best to announce the opening to the public (e.g. 9 News, etc.). Director Alvarez advised she spoke with a journalist last week regarding doing a podcast about the office.

**X. Adjourn**

Commissioner Bennett-Woods moves to adjourn the meeting. Commissioner Chayet seconds the motions. Motion passes unanimously. Meeting adjourned at 11:34 a.m.

**ATTESTATION**

As Commission Chair and Commission Vice-Chair, we attest that these minutes of the open public meeting of the Colorado Office of Public Guardianship Commission substantially reflect the substance of the discussion and action taken related to the matters under the authority of the Commission.

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Kelsey Lesco,  
Commission Chair

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Karen Kelley,  
Commission Vice-Chair

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Date

\_\_\_\_\_  
Date

FOR COMM'N REVIEW on 02.26.2020