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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**

**March 25, 2020**

### **RECORD OF PROCEEDINGS**

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#### **CONVENE**

The meeting of the Colorado Office of Public Guardianship Commission was convened by telephone conference at 9:00 AM by Commission Acting Chair Karen Kelley.

A quorum of the Commission was present.

#### **Commission Members Present**

Karen Kelley, Acting Chair  
Deb Bennett-Woods  
Marco Chayet  
Alison Zinn

#### **OPG Director**

Sophia M. Alvarez

#### **Others Present**

Jacquelyn Beal, Office of Public Guardianship  
Rhonda Sanchez, Office of Public Guardianship  
Camille Price, Office of Public Guardianship  
Erin McGavin, Office of Public Guardianship  
America Paz Pastrana, Office of Public Guardian  
Debbie Enck, Office of the Attorney General

## **Public Attendance**

Lara Vandenburg, Veterans Administration  
Maureen Welch  
Robert Hernandez

All Participated by Telephone

## **AGENDA ITEMS**

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

The meeting was called to order.

### **II. Approval of the February 26, 2020 and March 5, 2020 Meeting Minutes**

Acting Chair Kelley calls for amendments to the draft meeting minutes. There were no amendments to the meeting orders. Commissioner Bennett-Woods moves to approve the February 26, 2020 and March 5, 2020 Meeting Minutes as presented. Commissioner Zinn seconds the motion. Motion passes unanimously.

### **III. Chair Report (Karen Kelley)**

Acting Chair Kelley advises she will defer discussion for later to item 11.

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

Director Report included discussion of agenda items below.

### **V. Discussion of COVID-19 Policies**

Director Alvarez provided a brief overview of CO OPG Policy 7. COVID-19 Services Standards. Discussion included but not limited to:

- a. Director Alvarez advises she had a full discussion with staff as a team to develop COVID-19 policies.
- b. Director Alvarez advises she has been in communication with APS regarding their response to the COVID-19 pandemic. APS has resorted to have no face to face contact with clients and they have been working from home.
- c. Commissioner Kelley recommends postponing taking referrals prior to next meeting.

**VI. Discussion of Intake, Eligibility, Prioritization and Referrals and Operating Policies (Sophia M. Alvarez)**

Director Alvarez provided a brief review of Referral Process. Additional discussed included but not limited to:

- a. Phase 1: Accept referrals
  - A. OPG Website is almost ready and Director Alvarez is meeting with Revisions to finalize it. Director Alvarez anticipates will start taking referrals in two weeks.
  - B. Director Alvarez is looking into making a contract with Colorado Fund for People with Disabilities, (CFPD) for CFPD to serve as SSA Representative Payee for OPG clients. There is no figure as to their fee yet and this may cause some delay. AG Enck has no concerns regarding drafting contract with CFPD.
  - C. Director Alvarez advises Steve Allen is contacting all programs and asking to be cautious with their budget.
  - D. Director Alvarez believes OPG's budget will not be altered since funds were already allocated.
  - E. Discussion regarding accepting clients who already have a Representative Payee or the placement facility is willing to act as Representative Payee.
  
- b. Phase 2: Appointment and initial 30 days
  - A. Denver Probate Court has a 30-day delay in appointing cases. Director Alvarez will be in contact with Probate in mid-April to get an update.
  - B. Commissioner Bennett-Woods recommends requesting an extension on the Pilot Project report due to the 2- or 3-month delay on OPG being fully operational. This will affect accurate collection of data. Director Alvarez agrees.
  - C. Director Alvarez advises Steve Allen was not clear as to when the legislation will reconvene. Director Alvarez will ask Representative Snyder for input.
  - D. Commissioner Bennett-Woods recommends acquiring Personal Protective Equipment, (PPE), before OPG can operate.
  - E. Director Alvarez advises a member of staff is looking into getting PPE, but not sure any will be available to OPG.
  - F. Mr. Hernandez asked if APS is not doing face to face contact, how are they dealing with the situation?

- i. Director Alvarez informed she has a scheduled call with APS to obtain more formation regarding the steps they are taking to deal with the current situation.
- c. Phase 3: Ongoing maintenance
  - A. Guardian will conduct meetings with clients remotely by phone or video conference. This will depend on the policies applied by each individual facility.
  - B. Guardian will be in contact with other providers, but main concern is access to client.
  - C. Initially, will start taking one client per guardian. Possibly, will be taking cases from APS for now. Director Alvarez will be in contact with Denver Health regarding their discharge/placement policies. Clients in secure location will be contacted through video or phone conference.
    - i. Concern with liability if not able to confirm whether client is in a secure environment.
  - D. Commissioner Kelley inquired about how the Commission can facilitate the process of putting policies in place without having to wait for the monthly meeting. AG Enck suggests communicating through email and blind copying commission members to avoid violating our commitment to abide by Open Meetings Law or call for a special meeting. There are other methods around it, so we don't have to convene in a meeting.

**VII. Discussion of Representative Payee Policy (Deb Enck and Sophia M. Alvarez)**

- a. Commissioner Kelley asked to if there is anything else to be added to the Representative Payee discussion. AG Enck offered to prepare a memo, if necessary.

**VIII. Discussion of Stakeholder Engagement Plan (Deb Enck and Sophia M. Alvarez)**

- a. Discussion of Stakeholder Engagement Plan (SEP). AG Enck informed that there was memorandum sent out regarding the SEP and the applicability of the Open Meetings Law to the Stakeholder Advisory Panel. Commissioners do not recall ever receiving it. Will resend a copy of the memorandum.

**IX. Discussion of Internal Ethics Committee (Deb Enck and Sophia M. Alvarez)**

- a. AG Enck recommends discussing the proposed Independent Ethics Committee at an open meeting. Director Alvarez does not have update as to the steps to follow.
- b. AG Enck suggests discussing creating it at next meeting, if can be delayed.
- c. Commissioner Bennett-Woods states that it can be delayed. Did research and couldn't find any models as to how it could be set up. Depending on the kind of issues may have to be creative. Acting Chair Kelley requested to keep this as an agenda item as a reminder to discuss later.

**X. Discussion regarding Data Collection (Sophia M. Alvarez)**

- a. Director Alvarez is working on setting data collection with Universities. However, this project it's on hold due to the COVID-19 public health crisis and there is not update. Director Alvarez will continue fostering relationships.
- b. Commissioner Kelley- asked for the commissioners input as to what can be done now regarding data collection.
  - A. Commissioner Chayet states that are so many unknowns to address the issue. Maybe at next meeting will have a better idea.
  - B. Commissioner Bennett-Woods suggests that during this interim period to keep track of all calls, referrals and calls that we must refuse based on logistical grounds. All data that is being generated now should be carefully tracked.

**XI. Discussion of Director Evaluation Process (Kelsey Lesco or Karen Kelley and Deb Enck)**

AG Enck begins discussion asking if everyone received the public and staff comment forms for the Director's Evaluation and encourages comments.

- a. Commissioner Chayet recommends adding instructions to forms as to procedure. AG Enck will edit forms to clarify each part. Commissioner Kelley agrees with procedure.
- b. Commissioner Chayet asked for instructions to include addition of collateral material that will to point commissioners and public in the right direction to assist with the evaluation.

**Commissioner Bennett-Woods asked for additional comments regarding any other issues.**

- a. Commissioner Bennett-Woods begins discussion regarding fiscal policies and points out that she can recommend some policies that the commission

could consider. Short list of policies to consider related to defining the Commission's roles in:

- Budget oversight
  - Review monthly budget reports
  - Assist with financial auditing
  - Review and approve certain expenses (i.e. Director travel)
  - Need for Conflict of Interest policy and form
  - Need for Confidentiality policy and form
  - Director Evaluation
  - Establishing Director compensation
  - Complaint Process
  - Internal Ethics Committee
- b. AG Enck agreed to review policies.
- c. Discussion about the Commission's and OPG's office record retention policy and that it needs to be defined. AG Enck will check on a record retention policy as Acting Chair Kelley indicates former AG Susanna Johnson may have prepared a policy.

## **XII. Public Comment**

- a. Robert Hernandez begins discussion about a report of internal medicine regarding COVID-19 and voiced his concerns about OPG guardians passing the virus. Suggested that everyone should be tested before having contact with clients. Advises to be very careful in order to protect clients.
- b. Lara Vandenburg thanked OPG for trying to keep up with the circumstances. Offered to provide information as to VA hospital front.
- c. Maureen Welch expressed her disappointment about not receiving emails addressed directly to her with notice of the commission's monthly standing meetings. Ms. Welch mentioned that Denver City Council members are expressing their resentment with OPG for having offices at the Denver City and County building free of rent. In addition, Ms. Welch
- d. h recommends for OPG to suspend their operations to avoid using limited resources.

## **XIII. Adjourn**

Commissioner Bennett-Woods moves to adjourn the meeting. Commissioner Chayet seconds the motions. Motion passes unanimously. Meeting adjourned at 11:16 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, Chair

\_\_\_\_\_  
Date



5/22/2020

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Karen Kelley, Vice-Chair

\_\_\_\_\_  
Date