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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** **April 8, 2020**

### **RECORD OF PROCEEDINGS**

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#### **CONVENE**

The emergency 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. Chair Report (Karen Kelley)**

There was no Chair Report.

**III. Director Report (Sophia M. Alvarez)**

Director Report included discussion of agenda items below.

**IV. Discussion of COVID-19 Policies**

Director Alvarez's 4.08.2020 Director Report was distributed via email. Director Alvarez gave a brief description of OPG's COVID-19 policies.

- a. Director Alvarez advised that Medial Legal Partnership, (MLP), filed the first emergency case last week and Judge Leith asked them to contact OPG.
- b. Director Alvarez advised Denver Health is expecting the COVID-19 pandemic to still peak. Therefore, Denver Health's goal is to get guardianships in place to discharge patients to have place for COVID-19 patients. Denver Health will arrange placement for patients, so OPG will not need to locate placement.
- c. Director Alvarez informed of other options for referrals.
  - A. MLP will file the initial legal paperwork to nominate MLP as emergency guardian with the understanding that it will refer OPG as permanent guardian. MLP will handle placement.

- B. APS will file legal paperwork and nominate OPG as permanent guardian for cases that do not meet APS criteria.
- C. Clients will have to have a SSA Representative Payee for OPG to accept the case, as a contract with Colorado Fund for People with Disabilities is still in progress.

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

- a. Discussion of the three-part referral process: Phase 1: Accept referrals, Phase 2: Appointment and initial 30 days, and Phase 3: Ongoing maintenance.
  - A. OPG Team has provided all necessary information to Revisions to complete the website. Website should be ready by April 15<sup>th</sup>.
  - B. Commissioner Bennet-Woods expressed her concern about DH not able to complete paperwork for patients seeking guardianship and how this could it be an ongoing issue with Hospitals.
  - C. Director Alvarez advised DH will revisit the issue with their legal department but for now MLP has offered to assist with paperwork.
  - D. Commissioner Chayet informed that it is the Petitioner's burden to file petition for appointment.
  - E. Lara Vandenburg advised that she has looked into this matter. So, she will be able to file paperwork for patients at the VA, however, has not figured out who will pay filing fee.
  - F. Director Alvarez suggested to request a filling fee waiver, if patient is indigent. Director Alvarez will email the necessary forms to Ms. Vandenburg.
  - G. Commissioner Bennet-Woods inquired about MLP and Director Alvarez informed that MLP started last year with 2 attorneys. They have been filing petitions for guardianship. Director Alvarez will send more specific information about them if need it.
  - H. Commissioner Bennet-Woods inquired about when Denver Probate will start hearing cases. Director Alvarez advised Denver Probate is not scheduling hearings until June. Commissioner Chayet advised the same.

**Commissioner Bennet-Woods inquired if there are any concerns at this time.**

- a. Director Alvarez expressed that she has no concerns. Advised she is comfortable asking staff to do video conferencing for now and facilities not allowing people in for safety reasons.
- b. Commissioner Chayet stated that moving forward makes sense in adapting to restrictions and conditions of the situation.
- c. Commissioner Bennet-Woods expressed that this is an essential service and we should do anything we can to prepare ourselves to move forward and beginning taking cases.
- d. Commissioner Bennet-Woods supports the current plan to move forward.
- e. Commissioner Kelley had nothing specific to add.
- f. Director Alvarez asked to send email if anyone has any additional comments. Will send HIPPA agreement today and asked the Commission to let her know about what information they may want to her to provide.
- g. Commissioner Chayet asked to keep them informed as to what's going without having to call a meeting. Director Alvarez advised she can send email to Commissioner Kelley and AG Enck to keep them updated.
- h. Commissioner Chayet inquired as to when the OPG website will be running. Director Alvarez will update after today's meeting with revisions.
- i. Commissioner Bennet-Woods informed that she continues to receive emails and messages as to when OPG will be open for business. Also, inquired as to whether it is necessary to meet at regular time in April, or if they can just be updated by email.
- j. Director Alvarez advised to keep meeting as scheduled for now and if nothing unusual comes up will cancel meeting.
- k. Commissioner Bennet-Woods recommended if there is no need for oversight then should cancel meeting and not create more work OPG.
- l. Commissioner Zinn expressed a general update only will be fine and, if there is anything new to discuss should have meeting.
- m. Everyone agreed to cancel April meeting for now.
- n. Commissioner Bennet-Woods inquired about not having a phone for the OPG office. Director Alvarez advised OPG Office has a phone through probate, but new phone needs to be move to her office and connected.
- o. Commissioner Kelley recommended to move May's meeting because it falls on a holiday weekend.
  - A. Commissioner Kelley recommended the 13th or 20th of May. Director Alvarez recommends May 13th because the 20th will conflict with training.

- B. Commissioner Zinn agreed to have meeting on May 13th, because her baby's due date is May 21st.
- C. May 13th works for Commissioner Chayet and Commissioner Bennet-Woods.
- D. Director Alvarez will check with Chair Lesco if May 13th works for her.
- p. Commissioner Bennet-Woods advised that April's meeting will be cancelled, will supplement commissioners with milestones and May's meeting will be moved tentatively to the 13th.
- q. Commissioner Bennet-Woods asked to post new dates in website.

## **VI. Public Comment**

- a. Robert Hernandez inquired about MLP's contact person. Director Alvarez advised she has been in contact with Patricia Dean, (Pia). Judge Leith asked MLP to collaborate with OPG. Mr. Hernandez inquired about APS and what is the plan with APS.
- b. Director Alvarez informed APS is only doing emergency petitions and will nominate OPG for the cases that do not meet their criteria. Will have a conference call with APS, DH and MLP get an update.
- c. Mr. Hernandez inquired about OPG's COVID-19 policy and to email policy to him at RMHERN1@gmail.com.
- d. Director Alvarez will post policy on the website and send Mr. Hernandez a copy.
- e. Lara Vandenburg had no questions but will speak with Director Alvarez tomorrow. Ms. Vandenburg expressed her gratitude to OPG for all their work.

## **VII. Adjourn**

Commissioner Chayet moves to adjourn the meeting. Commissioner Kelley seconds the motion. Motion passes unanimously. Meeting adjourned at 9:52 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

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Date

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Karen Kelley, Vice-Chair

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Date

FOR COMM'N REVIEW ON 05.13.2020