
Colorado Office of Public Guardianship

Commissioners

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



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PUBLIC MEETING

August 29, 2018

Record of Proceedings

CONVENE

The meeting of the Colorado Office of Public Guardianship Commission was convened in the Ralph L. Carr Judicial Center, 1300 Broadway, Conference Room 2B in Denver, Colorado 80202 at 10:07 AM by Commission Chair Caton.

A quorum of the Commission was present.

Commission Members Present

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

Others Present

Hugh Wilson, Office of the State Court Administrator
Connie Lind, Office of the State Court Administrator
Sueanna Johnson, Senior AAG

Public Attendance

Robert M. Hernandez*
Terry Lake, Lutheran Family Services
Maureen Welch*
Jeremy Schupbach, Colorado Bar Association
Ford Allison, Rocky Mountain Human Services

* Appeared/Participated by Telephone

AGENDA ITEMS

I. Approval of the July 25, 2018 Minutes

Commission Chair Chayet moved for adoption of the July 25, 2018 Minutes. The motion was seconded by Commissioner Lesco. The motion passed unanimously.

II. Chair Announcements

Commission Chair Caton holds comments until later when discussing the budget and fundraising.

III. Monthly Budget Report

Mr. Wilson provided a hand-out showing the OPG cash funds balance having \$1,877.00.

IV. Interim Report for General Assembly JBC

A. Draft 1331

Mr. Wilson handed out a draft of the 1331 to Commission members only. The Joint Budget Committee (JBC) meets Thursday, September 20th. The draft request is seeking \$597,842.00 from General Funds to get the Office going. Dates are Dec. 1, 2018 – June 30, 2019, covering this fiscal year. The 1331 will let the General Assembly know where the Commission is at and the current situation regarding funding.

The request includes:

- 3 Individuals – Executive Director, Controller, & Staff Assistant (6 months of salary and benefits).
- Case Management System and other capital/operating items (e.g., phones, computers, desks, etc.).
- Leasing office space for 6 months.

Further discussion included:

- Why not ask for full funding?

- Will the Commission continue with their fundraising efforts?
- There will be a need to seek General Funds again next fiscal year.
- There may be a need for expert services (e.g., IT consultants, grant writing, etc.)
- Mr. Wilson will speak to the Director of IT at SCAO regarding IT consultants.
- May be a need to run a bill.
- May need to extend the pilot project.
- Jeremy Schupbach advises it is always possible to run a bill; however, there is a need for a sponsor, etc. A good starting point would be to speak with Terry Scanlon, Legislative Liaison at SCAO, as well as the Colorado Bar Association. It makes sense to go back to the JBC regarding the pilot program, etc., and look at running a satellite bill rather than a parallel bill.

Mr. Wilson will finalize the 1331. The Commission will finalize their Interim Report. The Report will be an addendum to the 1331. Commission Chair Caton, Commission Vice-Chair Bennett-Woods, and Commissioner Lesco will be available to attend the 9/20 JBC meeting.

An emergency OPG meeting is scheduled for 9/6 @ 1:30 p.m. to approve and vote on the final 1331 and Interim Report.

B. Interim Report (fundraising/community outreach efforts)

There was discussion that included the following:

- Suggestion to add a brief paragraph regarding the pilot project being the result of three expert reports, how many states have an OPG and how many are seeking such an Office.
- Meeting with Hospital Association has been supportive, however, they are not in a position to fund the Office, and do not view the hospitals as a likely path to funding in the future. They will provide a letter of support though. They did not have any suggestions as a viable path to the individual hospitals.

- Suggestion was made to look to the national chains (e.g. Kaiser) and have that conversation.
- Commission Vice-Chair Bennet-Woods advises she has worked for several years speaking to hospitals as well as some long term care facilities.
- Mr. Lake advises he understands the struggles; however, they have had success with certain health care entities, but a very small group for their program.
- Support of budget proposal since it is not feasible to obtain funding solely from grants, gifts, and donations. On-going fundraising to continue, need to extend the date of the pilot, and be transparent and clear of the expectations.
- Extension of the pilot program deadlines, on-going fundraising efforts, and transparent expectations.
- Revisions/comments to Ms. Johnson by Friday, 8/31. Johnson and Vice-Chair Bennett-Woods to finalize and out to the Commission by 9/4 or 9/5. Mr. Wilson to finalize the 1331.

Commission Chair Caton advises as a part of her Chair Announcements, that she was in contact with the Department of Human Services (Department) regarding the Office. The Department is supportive of assisting with funding in concept, however, no commitment. Discussions were very preliminary to address funding challenges of the Office.

Further discussion regarding possible solution/comments with Department:

- There are approximately 530 Adult Protective Services cases.
- Whether altering scope of the pilot project.
- Estimated at \$5,200,000.00 for a combined OPG pilot and Adult Protective Services guardianship program.
- Pre/post appointment attorney services.
- If this was to move forward, legislative changes would be needed to C.R.S. § 26-3.1-104 and the pilot program statutes.

- Contemplate that the Department would continue as petitioner, as APS being the investigator.
- Scope of the pilot program.
- OPG would run bill.
- Outreach preliminary in nature and details need addressed. Needs to be fully flushed out.
- The Department may be able to join a future OPG meeting to discuss.
- Mr. Lake advised APS investigates, but are last resort for appointments, and the Department does not have to accept appointments.

Commission Chair Caton asks if the Commission wishes for preliminary talks to continue with the Department. Noting, it will not impact 1331 and the Interim Report. The Chair called for a motion to continue discussions with the Department and delegating that task to Commission Chair Caton. Commissioner Lesco so motions. The motion was seconded by Commission Vice-Chair Bennett-Woods. The motion passed unanimously.

V. Update on Meeting with State Judicial re: Keeping Track of Donor Information

AAG Johnson provided a spreadsheet to Mr. Wilson. One check was recently received and needs to be added to the spreadsheet. AAG Johnson will continue to work with Mr. Wilson and Mr. Kribs at SCAO.

VI. Fiscal Sponsor Issue

Mr. Wilson does not have an update. Commission Chair Caton advises Mr. Kribs is working on Judicial serving as the fiscal sponsor and will follow-up with Mr. Kribs.

VII. Fundraising Efforts/Community Outreach

Commission Chair Caton

- Representative from Department of Human Services.

- Representative of CO Department of Health Care Policy and Finance (no return call yet).
- She and Commissioner Chayet presented at the 10th Annual Rocky Mountain Elder Law Retreat.
- In October, presenting to a long-term care group (case managers).
- Grant for Next 50 Application on 8/31 (in contact with CFO of Next 50 regarding last process to overcome last denial).

Commission Vice-Chair Bennett-Woods

- Health Benefits Director at Medicaid.
- University Hospital (4-6 patients at any given time that would benefit from the Office).

Commissioner Lesco

- Zimm Consulting.
- Sent off OPG Marketing Brochure to Commission (comments are needed back from the Commission ASAP).
- Still working on 7th Judicial District outreach.

AAG Johnson advises she will follow-up with SCAO regarding the website – button for donations. AAG Johnson advises she will put this on next month's agenda.

Commissioner Chayet

- Presented at the 10th Annual Rocky Mountain Elder Law Retreat
- Presentation to a nursing home/assisted living group.
- Asked to table discussion on hand-out.

Commissioner Kelley

- Commission Chair Caton advises Commissioner Kelley had a family emergency, but wanted to inform the Commission that she presented to the

Otero County Commission and the La Junta Tribune reported on her presentation.

AAG Johnson advises the Attorney General's Office is considering a change in billing and how the AG bills for time. AAG Johnson will follow-up with Commission Chair Caton.

VIII. Review and Approval of Guardianship/Conservator Law 101 Talking Points

This item was tabled to the next regularly scheduled meeting.

IX. Review and Approval of OPG Executive Director Job Description

This item was tabled to the next regularly scheduled meeting.

X. Public Comment

There was no comment from those attending in-person.

Ms. Welch:

- Requests receiving a copy of 1331 and the updated documents (Interim Report).
- No mention of Civil Rights in the documents.
- Has attended 1331 hearing before and they are strictly for emergencies.
- Requests stakeholders such as herself be involved in further discussions with the Department of Human Services and asks that it be added to the next OPG meeting agenda.
- Expresses her on-going concerns.

Mr. Hernandez:

- Stated that discussion with the Department would be outside the scope of the OPG.

- Stated that meeting with the Department may not have been compliant with the open meeting statute.
- Stated that APS is a pipeline for wards and questioned who would petition the court.
- Stated that a recent audit was conducted on Adult Protective Services by the State Auditor's Office and recommended not moving forward with the dialogue with the Department until the audit has been completed.
- Stated that the Commission needs to meet with organizations to protect wards and there is no mention of a wards bill of rights.

Commission Chair Caton advises:

- Hand-outs were available in the room and will be made available via the website once they are finalized.
- Commissioners are always willing to meet with stakeholder organization(s) and asked for names of stakeholder(s) for the Commission to contact.
- Fundraising efforts and community outreach has resulted in less than \$2,000 being raised, however, the Commission must continue fundraising and seeking funding solutions.

Mr. Hernandez requested an invitation and public notice to discussions with the Department.

AAG Johnson:

- The AG's Office advises as to whether there is compliance with the Open Meetings Law or other state statutes.
- Advised the public attendees that when two or more Commission members meet, that is when it constitutes a public meeting.
- Commissioners may individually meet with other agency personnel or stakeholders without public notice.
- Confirmed that the Commission is in compliance with the Open Meetings Act.

XII. Adjourn

Commissioner Lesco moved for the meeting to be adjourned. The motion was seconded by Commission Vice-Chair Bennett-Woods. With no objections, the meeting was adjourned at 12:17 p.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.


Shari Caton, Commission Chair

10-3-2018

Date


Deb Bennett-Woods, Commission
Vice-Chair

10-3-2018

Date