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# Colorado Office of Public Guardianship

**Director**, Sophia M. Alvarez

**Commissioners**

Stephanie Garcia, Vice-Chair  
Kelsey Lesco  
Spencer Crona  
Patrick Thiessen



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## **PUBLIC MEETING** **March 23, 2022** **RECORD OF PROCEEDINGS**

### **CONVENE**

The meeting of the Colorado Office of Public Guardianship Commission was convened by video conference via Zoom at 10:02 AM by Commission Chair Bennett-Woods.

A quorum of the Commission was present.

### **Commission Members Present**

Chair Deb Bennett-Woods  
Vice-Chair Stephanie Garcia  
Kelsey Lesco  
Spencer Crona  
Patrick Thiessen

### **OPG Director**

Sophia M. Alvarez

### **Others Present**

Rhonda Sanchez, Office of Public Guardianship  
Erin McGavin, Office of Public Guardianship  
Cynthia Wells, Office of Public Guardianship  
Camille Price, Office of Public Guardianship  
America Paz Pastrana, Office of Public Guardianship  
Grant Yoder, Office of Public Guardianship  
India Kidd-Aaron, Office of the Attorney General

### **Public Attendance**

Ann McKenzie, Silver Key Senior Services  
Lisa Blattner, Attorney

All participated by video conference.

## **AGENDA ITEMS**

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

The meeting was called to order. The meeting was recorded.

### **II. Approval of the February 14, 2022 Special Meeting Minutes and February 23, 2022 Meeting Minutes**

Commissioner Thiessen **moved** to approve the February 14, 2022 Special Meeting Minutes as presented. Commissioner Crona **seconded** the motion. Motion **passed** unanimously.

Commissioner Thiessen **moved** to approve the February 23, 2022 Meeting Minutes as presented. Commissioner Garcia **seconded** the motion. Motion **passed** unanimously.

### **III. Chair Report (Deb Bennett-Woods)**

Chair Bennett-Woods' report, Chair Report, was distributed electronically and discussed. Chair Bennett-Woods informed that she has an Addendum to the chair report in the form of a verbal personal comment in response to Denver Health's SMART Act commentary and media coverage. Chair Bennett-Woods asked that the personal comment be reflected verbatim in the minutes.

*As an addendum to my Chair report and with the intent that this comment be reproduced verbatim in the minutes of our public meeting, I want to add a personal response to the recent public commentary and media coverage regarding the deaths of OPG clients, coverage I understand perhaps unavoidably lacks both substance and context.*

*If you or I were facing our imminent deaths, whether due to a tragic accident, an unforeseen acute illness or the natural, inevitable path of a chronic or terminal medical condition, we would almost certainly have someone we know and love there to represent us and to advocate for the most appropriate medical care and in the most appropriate setting – be it curative, palliative or end of life. The vast majority of us would want this to be the case and certainly all of us deserve for it to be the case. You, Sophia and the staff of the OPG, are that someone for our clients and I know it is among the most challenging of the services you provide, just as it is for a clinical care team. To infer that every death of a client under guardianship is somehow suspicious, avoidable, negligent or otherwise warrants public disclosure and scrutiny is uninformed and unrealistic. Also, I believe it undermines the privacy, inherent dignity and respect for individual clients and their unique life circumstances. It also shows tremendous disregard for*

*the challenging work you do as friend and advocate of last resort for this incredibly vulnerable population.*

*Although I am not a clinician, I have worked in and around health care for more than 40 years including teaching clinical ethics and working as an ethics consultant. I know how difficult the death of a client or patient can be for those involved, even when it is expected, and I appreciated hearing from Sophia the efforts you all make to privately honor your clients and to support each other when it happens. I also saw it in your faces and I heard it in your voices when I met with you a few weeks ago. So, I want to be absolutely sure you know that I, and on this specific point I do hope I speak for the other Commissioners, also understand, appreciate and support the difficult work you do around these end of life situations. For too long, too many individuals in those vulnerable populations you serve have simply not had that someone who is committed to their best interests in a manner that is continuous across all settings and circumstances. You not only provide that support, but your very presence increases the chances that something like an untoward event in a care facility will be detected and addressed for the safety and best interests of the client.*

*If the last two years of the pandemic have taught us anything, it should be insight into how easily one might fall into a circumstance of facing death alone, isolated from friends and family, or simply unable to access the care you need due to circumstances beyond your control. Unfortunately, those circumstances have long been the day to day reality of too many individuals in the populations you represent. Advocating for that limited portion of OPG clients at the end of their lives is only one piece of the work you do, but it is a critical one. You should take pride and comfort for every client that needed and benefitted from your timely and appropriate care and support. At the same time, we all, and by all I mean the Us in this virtual room as well as the Legislature and our fellow citizens, should be committed to a future time when no one is left isolated, unfriended or unrepresented at the end of life. Thank you for everything you do to help move us that direction.*

Vice-Chair Garcia expressed her thanks to Chair Bennett-Woods for her comment and agreed. Commissioner Crona expressed his thanks and agreed. Commissioner Thiessen expressed his thanks and stated his support for the comment. Public Guardian Rhonda Sanchez expressed her thanks to the Commission for their support.

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

Director Alvarez's March 23, 2022, Director Report was distributed electronically along with other materials and discussed. Additional items discussed included, but were not limited to:

- A. Director Alvarez received the Long Bill from the JBC Analyst on March 21, 2022; all OPG FY22-23 requests were reflected in the bill.

- B. Director Alvarez reached out to Denver Probate Court and scheduled a meeting to discuss Motions to Intervene in Mental Health cases for OPG clients on March 23, 2022.
- C. Director Alvarez will have monthly status reports to the Commission in terms of progress of the Final Report.

**V. Data Presentation (Grant Yoder)**

Grant Yoder, Director Alvarez, and Chair Bennett-Woods provided a brief update on the data collection and research progress for the Final Report as of March 23, 2022.

**VI. Public Guardian presentation of NGA Annual Conference (Cynthia Wells)**

Public Guardian Cynthia Wells provided a review of the following subjects discussed at the 2021 National Guardianship Association Annual Conference:

- a. Enhancing Client Quality of Life through Virtual Connections
- b. Lessons Learned from COVID

**VII. Discussion of OPG Commission Email Policy**

Director Alvarez is currently working on the email policy. Email accounts for each Commissioner are ready to be used and they will be posted on the OPG website.

**VIII. Discussion of Commission Meeting Format and COVID-19 considerations (in-person/virtual)**

The Commission discussed whether the meetings will be in a hybrid format of in-person and virtual attendance. Chair Bennett-Woods advised the April meeting will remain as a virtual format while other options are investigated.

**IX. Discussion Regarding Denver Health Testimony and Relationship.**

- a. An Executive Session will be held to discuss legal issues regarding OPG's relationship with health care providers including, but not limited to, Denver Health

Chair Bennett-Woods highlighted the following areas of discussion in open session prior to entering Executive Session:

- A. The investigation into comments from Denver Health's testimony at the SMART Act Hearing and subsequent media coverage is ongoing.

- B. Subsequent meetings and conversations with Denver Health have been constructive in relation to communication and complex discharges.
- C. Denver Health has not provided a written response with detail to the questions listed on OPG's letter to Denver Health.
- D. The lack of Guardian training mentioned in Denver Health's testimony has not been addressed by Denver Health at subsequent meetings.
- E. There is no evidence of motions and other paperwork related to guardianship post appointment matters having never been filed by Denver Health on behalf of OPG clients.
- F. There is no evidence that Denver Health has ever requested Medical Legal Partnership to file any paperwork related to guardianship post appointment matters prior to OPG's MOU contract with Medical Legal Partnership.
- G. Disposition of OPG clients following their death at Denver Health is not an issue because no OPG client has died at Denver Health.

The Commission Entered Executive Session.

Commissioner Thiessen **moved** to initiate executive session. Commissioner Crona **seconded** the motion. Motion **passed** unanimously with at least two-thirds of the membership present. The Commission exited open session and entered executive session on a separate line provided by AAG Kidd-Aaron at 11:36a.m.

At 12:38 p.m., the Commission returned to open session.

Commissioner Crona indicated that the Final Report should include a statement regarding legislation protecting a ward's rights of Due Process and judicial review.

**X. Public Comment**

There was no public comment.

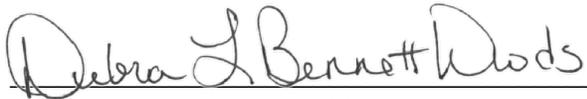
**XI. Adjourn**

Commissioner Garcia **moved** to adjourn the meeting. Commissioner Crona **seconded** the motion. Motion **passed** unanimously. Meeting adjourned at 12:42 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

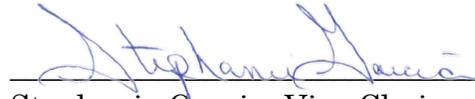
substantially reflect the substance of the discussion and action taken related to the matters under the authority of the Commission.



Deb Bennett-Woods, Chair

4.27.2022

Date



Stephanie Garcia, Vice-Chair

4.27.2022

Date