

**COMMISSION ON VASAP
QUARTERLY MEETING**

March 22, 2024

Minutes

Attendance:

Commission Members:

Mr. John L. Saunders, Vice Chairman
Delegate James A. Leftwich, Jr.
Delegate Wren M. Williams
The Honorable Mary Jane Hall
The Honorable George D. Varoutsos
The Honorable Gino W. Williams
Ms. Krystal Hulette

Absent:

Senator Richard H. Stuart, Chairman
Senator Scott A. Surovell
Delegate Don L. Scott, Jr.
Ms. Pat Eggleston
Ms. Margaret Steele

Commission Staff

Ms. Angela Coleman, Executive Director
Ms. Rosario Carrasquillo
Ms. Shelby Edwards
Mr. Glen Miller
Mr. Christopher Morris
Ms. Charlene Motley
Mr. Richard Phillips
Ms. LeAnne Turner

Office of the Attorney General

Ms. Janet Baugh

Time and Place

The quarterly meeting of the Commission on Virginia Alcohol Safety Action Program (VASAP) was conducted in Senate Room A at the General Assembly Building in Richmond, Virginia on March 22, 2024, at 10:00 a.m.

Mr. John L. Saunders, Vice Chairman, presided and called the meeting to order at 10:06 a.m. Ms. Angela Coleman, Executive Director, called roll of the Commission Members.

Approval of the Minutes

As there was not a quorum present, voting on approval of the minutes from the December 22, 2023, meeting will occur at the next Commission meeting on June 7, 2024.

Special ASAP Employee Recognition

A regulatory change went into effect on June 21, 2023, which requires that all ASAP employees successfully pass a certification exam.

Mr. Christopher Morris, Special Programs Coordinator, provided a background of the implementation of the interlock technician certification exam which served as the foundation of the ASAP employee exam. Mr. Morris shared that the interlock technician certification exam copied technician testing requirements and regulations set by the premier program in Washington State. The results of implementing that exam were tremendous and were expanded upon when it was incorporated for ASAP employees. ASAP employees were made aware of the exam months in advance and were given until December of 2023 to become certified.

Mr. Morris shared that in August at the annual training conference a “test your knowledge” presentation was conducted. The questions mirrored the test so much, it was not able to be released to the field. However, those in attendance were expected to take notes.

Mr. Morris referred to a letter received from Rockingham – Harrisonburg ASAP. Part of the letter stated there was no exam accommodations for people with learning disabilities. Mr. Morris shared that was not factual and gave two examples of how accommodations were met.

Mr. Morris reported that ASAP employees who did not pass the initial exam were offered further assistance from Commission staff to help them prepare for a second attempt upon request and

that if requested by the ASAP director, staff helped prepare employees for the first attempt. Mr. Morris emphasized the importance of not creating specialized roles within ASAPs, as the exam is divided into three main job categories. Given the challenges ASAPs face in retaining staff, it is crucial that new hires are proficient in a wide range of job responsibilities. Addressing the exam's validity, Mr. Morris stated it was exclusively developed by Commission staff who authored the process and procedure manuals. It effectively assesses the knowledge necessary for job performance. Mr. Morris pointed out that to fail “a point or two” of passing the exam, means the employee had to miss over twenty questions.

Mr. Morris spoke on the reliability of the exam. The exam was created on the INSPIRE System. As DMV was instrumental in the creation of INSPIRE, Mr. Morris thanked Mr. Saunders. Having the exam on INSPIRE ensures it is web based. Mr. Morris recognized Mr. Ben Ricks, Vice President of Marathon Consulting and Mr. Chad Bassler, Project Coordinator with Marathon Consulting for their hard work as the company who built the exam.

Mr. Morris shared the following figures:

- 92% of test takers became certified
- 24% of test takers needed a second test
- 8% of test takers failed the test twice
- The average passing score on the 1st exam is 83%
- The average passing score on the 2nd exam is 86%

The certification exam is 100 multiple choice questions with a two-hour time limit. The exam is designed so that time can be extended should the need arise for a verified learning disability. Mr. Morris stated the number of calls and requests from ASAP employees to the state office have diminished greatly as employees now have a better understanding of program guidelines.

Ms. Coleman and Mr. Morris presented awards. The top score for the Case Manager Assistant exam was awarded to Ms. Tierra Johnson, John Tyler ASAP. The top score for the Case Manager exam with a score of 100% was awarded to Ms. Nancy Mayer, John Tyler ASAP. Mr. Hatcher Johnson, Capital Area ASAP, Ms. Sandra Hoosier, District Nine ASAP, and Ms. Tara Smith, Arlington ASAP, tied for the highest Director exam score.

A special recognition was awarded to Ms. Ashley Cole, Director of John Tyler ASAP, who agreed to take the Director exam first, with little notice. She took the exam immediately and completed it in 23 minutes with a score of 92%.

Mr. Saunders congratulated and thanked all of those awarded.

Program Updates & Mergers

Ms. Angela Coleman began with noting that over the past two years there have been some ASAP programs that have experienced operational difficulties. She notated the history of the Commission's discussion of fee reviews in 2018, 2019, 2020, 2021, 2023 and most recently a 3-hour discussion at an Executive Finance meeting in 2024.

Ms. Coleman emphasized the impact of fees and their collection on program sustainability. The Commission has not made any recommendations to increase fees, considering citizens' financial constraints. There were bills in the General Assembly proposing fee increases, Commission staff provided legislators with financial data and expressed the desire not to increase fees. Instead, they aim to internally streamline operations for efficiency. Ms. Coleman reminded directors about the distinction between revenue sources, emphasizing that revenue from the deficit funding account, which has remained static since 2005 when it was reduced from 10% to 3%, is derived from state share fees.

Mr. Morris provided the Commission with the following program updates:

Capital Area ASAP

At the end of last year, Commission staff were made aware that Capital Area ASAP was behind in rent. The Commission intervened by paying back rent and the current month's rent, allowing Capital Area ASAP to continue operations while a plan was developed. Capital Area ASAP collaborated with the John Tyler ASAP and was allowed to move into John Tyler's Henrico building. This arrangement helped Capital Area ASAP save money on rent and shared expenses. Gratitude was expressed to Ms. Ashley Cole, Director of John Tyler ASAP, and the John Tyler ASAP Policy Board for their support during a critical period. There have been discussions regarding a potential merger of the programs.

Valley ASAP

Mr. Morris shared that courts and judges in the Valley area along with the Director of Central Virginia ASAP, Ms. Jennifer DeNova, were instrumental in working with Commission staff in turning that program around. Mr. Morris thanked Ms. DeNova and the Central Virginia ASAP Policy Board for their 2-year commitment, with a possible permanent decision, in assisting with the jurisdictions of Augusta, Staunton and Waynesboro. Mr. Morris shared that services were streamlined, and staff was cut from a director, two case managers and a front office employee to one case manager with administrative and leadership support from Central Virginia ASAP. Mr. Morris introduced the new case manager, Ms. Katie Yoder. Mr. Saunders welcomed Ms. Katie Yoder.

Piedmont ASAP

Mr. Morris reported after the departure of the program director last summer and the failure to rehire another director, staff was reduced to one employee. Judge Jody Fariss and Judge Donald Blessing identified service issues and sought assistance from Commission staff to address them. Their support, alongside Judge Calvin Spencer Jr. and Judge Darrel Puckett, was instrumental. Mr. Morris reported that Judge Fariss and Judge Blessing not only presented the problems they also offered solutions and their assistance in rectifying the issues in the area.

Mr. Morris reported a collaboration with Mr. Roy-Keith Lloyd, Director of Southside ASAP, to come up with a plan to resolve the situation by June 1, 2024. The Southside ASAP Policy Board agreed to permanently merge Piedmont under their umbrella. Mr. Morris reported John Tyler ASAP extended services to cover the jurisdictions of Amelia and Nottoway. Gratitude was extended to Mr. Lloyd and his staff for their dedication.

Alexandria ASAP

The transition of the Alexandria program under the city's management was acknowledged. The transition is expected to be completed by July 1, 2024.

Financial Talking Points

Mr. Morris stated in August of 2021, the Commission implemented a new interlock fee allocation structure. Prior to that, the local programs received ten dollars per calibration per client to their office from the interlock vendors monthly. In August of 2021, these funds were allocated to the state office. During that time, the VCU Performance Management Group was conducting a business analysis and recidivism study on the entire statewide VASAP system at the same time the interlock regulations were going through the Virginia Townhall Regulatory process. All 24 ASAP directors were interviewed. Mr. Morris shared the findings of the study to include the director interview. The most common concerns voiced by the directors were noted as:

- Decline in client base and revenues
- Need for uniformity and standardization
- Unstable office organization structure
- Disproportion barriers for rural clients

Mr. Morris shared that the Warsaw office, which operates under Tri-River ASAP, was opened so clients did not have to drive so far, and things there are turning in the right direction.

Mr. Morris reported that the VCU study predicted the following ASAP locations would be insolvent by 2025:

Alexandria ASAP

That prediction came to fruition.

Bull Run ASAP

Mr. Morris reported Commission staff will be speaking with Ms. Jaime Moran, Program Director, to discuss their financial needs.

Capital Area ASAP

Mr. Morris reported had Capital Area ASAP not received a state allocation of funds, their program would be nonexistent.

Central Virginia ASAP

Mr. Morris reported they were named in the study but have since stabilized. He attributed this stabilization to Ms. Jennifer DeNova, Program Director.

Dan River

Mr. Morris reported Commission staff will be speaking with Ms. Tammy Goad, Program Director to discuss their financial needs.

Old Dominion

Mr. Morris reported Old Dominion ASAP was named in the study; however, they were under different leadership at that time. Mr. Morris attributed their success to Ms. Jen McVeigh, Program Director.

Piedmont

That prediction came to fruition.

Valley

That prediction came to fruition.

Mr. Morris went on to share that it was the recommendation of the VCU Performance Management Group to regionalize and begin revenue sharing. At the end of December 2023, there was 5.2 million in total cash reserves throughout the field. Mr. Morris reported that some programs are doing very well while some are not. Mr. Morris went on to discuss the state share fees. A chart was shown listing all the state share fees owed in December of 2023 broken down by ASAP. It showed that in that month alone, state share fees at 3% were \$50,951 short of what they could have been at 10% which is the allowable percentage.

Mr. Morris discussed the evolution of financial strategies within the organization, initially opting for interlock fees instead of gathering excess funds in an effort to be less intrusive to the local programs. Noting that regulations allow for the collection of unexpended revenue in the field. Funds were reallocated to balance wealth discrepancies among programs, aid mergers, and support critical operations during COVID-19. Mr. Morris pointed out that without the Commission funded electronic case management systems, ASAPs would not have been operational during COVID as the old system was not web based. Satellite offices were established for rural clients, and financial assistance was provided to programs with limited reserves. In 2021, a formula was used to determine which programs would be considered for allocation of funds. Those programs who had less than 30% of their annual budget in reserves

were reviewed for possible allocation. Allocation decisions consider staffing, efficiency, reserve levels, and collection rates.

Mr. Morris shared that since 2021, 2.4 million dollars has been collected in the state office, of that only 3.5% remain for distribution including a \$250,000 allocation to the state general fund. In the current fiscal year, \$623,000 was provided to local programs alone in hard cash disbursements. Mr. Morris reported that three ASAPs are scheduled for upcoming allocations following talks with their directors. Those ASAPs include Dan River, Bull Run and Rockingham-Harrisonburg. Mr. Morris emphasized the vital importance of the existing structure to the statewide system. He noted that without the existing structure services would not be available to 16 jurisdictions, 32 courts, and 12,275 clients.

Mr. Morris pointed out that under the current structure, many programs received more in allocations than they would have under the old system. He presented the example of Capital Area ASAP, who under the old system, would have been \$33,000 in the negative and the City of Richmond, Hanover County and Goochland County would have been left without services.

Ms. Coleman stated the decision to increase fees across the Commonwealth will be determined by the Commission after considering all available options. Ms. Coleman stated fees will need to be looked at in their entirety to include the service fee allowable in the code, the \$100 intervention fee, missed appointment and case review fees, etc. She reminded those in attendance that is a complicated process as a wholesale review is required. She further mentioned that it would be negligent of us to overlook the primary objective of ensuring highway safety. When assessing a potential fee increase, it is crucial to strike a balance, considering that such an increase might prompt individuals already at high risk to make difficult choices regarding illegal driving for purposes such as work or childcare.

Mr. Saunders thanked the Commission staff for their work in keeping the roads safer.

Local ASAP Certification Updates

Charlene Motley, Commission on VASAP Field Services Supervisor, provided comments on the status of the triennial certification. The review of offender files began on March 11, 2024. All ASAPs will be reviewed by the end of April. ASAPs where there have been deficiencies cited will be required to submit an action plan. Certification recommendations will be presented to the

Commission during the June 7th Commission meeting. Ms. Motley reported that the review thus far has shown some deficiencies such as missing required documentation, intakes and intervention assignment made outside of the required time frame, insufficient case notes and failure to enter successful completion into the DMV system.

Ms. Motley with permission of the chair reported on another matter not related to certification. Ms. Motley informed the Commission that Dickenson County, on behalf of the Southwest Virginia ASAP, will be submitting an application to the Virginia Opioid Abatement Authority. The application deadline is April 1, 2024. If awarded, Southwest Virginia ASAP would receive funding to hire two part-time case managers who will specifically manage DUI referrals with opiate and prescription drug addiction. The funding will also allow for two part time facilitators who will provide education to these offenders that will address opiate and prescription usage. This would be in addition to the ASAP education curriculum.

Rockingham Harrisonburg ASAP

Ms. Pam Simmons, Director of Rockingham-Harrisonburg ASAP, and Dr. Terry Wessell, Policy Board Chairperson addressed the Commission regarding the concerns outlined in their letter, which included the allocation of interlock fees, current funding and fee structure, and the certification testing program. Ms. Simmons noted that much of the information provided in the letter has already been addressed but she still wanted to proceed with her presentation. One of the points that Ms. Simmons made was that the allocations as noted in the Executive Summary report did not include all the allocation of funds reported to date. Ms. Simmons also expressed her concerns regarding the certification testing of ASAP employees.

Dr. Terry Wessell, who has served on the board for 40 years, emphasized her commitment to the mission. She mentioned that many of the points raised in their letter have been addressed but she wanted to speak on them. She expressed concern about the fees and the absence of any increase despite the rising cost of doing business. She spoke in favor of an increase in fees. Another issue raised pertained to the certification exam, in which a part-time employee, said to have devoted considerable time to translation duties rather than job-specific responsibilities, failed the certification test on two occasions. Dr. Wessell expressed her belief that exams should align with

job requirements and asserted that the employee should not have been mandated to take the case management assistant exam.

Ms. Simmons concluded by stressing her opinion of the importance of re-evaluating the system, highlighting the necessity of a robust ASAP to ensure all offenders receive comparable services, and expressing concern that her area may lose its local ASAP.

The Honorable Mary J. Hall asked what Rockingham Harrisonburg ASAP's collection rate is. Ms. Simmons reported it was 98.89% at the end of February.

Ms. Janet Baugh, Office of the Attorney General, explained that the parameters of the certification exam are outlined in the regulations, and thus any changes would require amending the regulations. The regulations also outline an appeal process for those denied certification, which involves a hearing before the Commission and can be further appealed to the court.

Ms. Coleman noted that the regulatory process is lengthy, typically taking 18 months. During this period, the regulations were accessible to the public and to the local ASAPs for comments. No comments were submitted.

Additionally, Ms. Coleman clarified that the Executive Summary that Ms. Simmons referred to only accounts for money allocated from July through December.

Ms. Krystal Hulette, Commission member and Director of Court Community Corrections ASAP, with permission of the chair, opened the floor to the other Directors present to share their perspectives on the allocation of the interlock fees.

Mr. Branden Greene, Director of Tri River ASAP, reported without disbursements from the Commission the program would have failed last year.

Ms. Jen McVeigh, Director of Old Dominion, stated she inherited a struggling agency two years ago and emphasized the need for agencies to enhance revenue collection, ensure proper staffing levels, and prioritize agency and client success. With over \$5.2 million in unspent revenue across sister agencies, returning interlock fees to local programs isn't feasible or favorable for the

Commonwealth. Instead, she supports the Commission's effective stewardship of funds for the benefit of all ASAPs in the Commonwealth, especially considering agencies are requesting autonomy with minimal oversight.

Ms. Ashley Cole, Director of John Tyler ASAP, highlighted their risk of not meeting payroll without prior financial assistance from the Commission while their building was up for sale. As the representative of the agency potentially benefitting the most from interlock funds being returned, she doubts the ability of local programs to support each other financially. Given the Commission's knowledge of each program's financial status, she advocated for their continued review and allocation of funds throughout the state as they deem appropriate.

Ms. Jaime Moran, Director Bull Run, expressed she was glad to hear Bull Run was scheduled to receive an allocation of funds. She spoke on the change in the interlock fee structure reporting she budgeted with the expectation that her program would receive the interlock funds. When that did not happen, the loss of the expected revenue was burdensome and, in her opinion, attributed to her program's financial decline.

Mr. Rohan Williams, Director of Peninsula ASAP, reported that 4 out of 7 jurisdictions his location serves are below the poverty rate. He emphasized that many individuals entering the program are already facing significant challenges, making fee increases irrelevant as they already show an inability to pay. He highlighted the need for local programs to improve operations rather than relying solely on interlock fees for financial stability as the interlock funds are not going to make agencies solvent. Mr. Williams also addressed challenges such as court fee waivers and the need for funding support from jurisdictions, advocating for directors to seek practical solutions to sustain their programs.

Mr. Saunders closed comments.

Executive Director's Report

Ms. Coleman presented the Executive Director's report.

Recognition of New Director

Ms. Coleman introduced Ms. Helema Vandivier as the newly appointed director of Chesapeake Bay ASAP. The Commission extended a warm welcome to her.

Interlock Summary Report

Ms. Coleman reported the interlock numbers remain, on average, 8,600 per month.

Training Activities

Ms. Coleman reported that the Commission is implementing additional virtual training methods. Virtual trainings are needed to address cost concerns and accommodate the high number of retirees and new employees, which have resulted in a continuous training cycle for Commission staff. She emphasized that Commission staff do not handle the hiring or firing of local program staff, and that it is the responsibility of the program directors to initiate on-site training. Due to staffing constraints, Commission staff cannot conduct daily training sessions.

Ms. Coleman shared that the Annual Training Conference will be held on August 7 & 8, 2024 with check in on August 6, 2024. Location of the training is unknown currently as the RFP process is still taking place.

Policy board members have reached out to Commission staff in reference to the next Policy Board Training. Ms. Coleman shared that emails regarding the next training session will go directly to policy board members; however, directors should encourage their members to attend.

Office Sharing with DMV

Ms. Coleman thanked Ms. Janet Baugh and Mr. Christian Parrish from the Attorney General's office for representing both ASAP and DMV during the legal process. Ms. Coleman reported that with the partnership costs were drastically reduced. Valley ASAP was paying \$5,600 per month in rent while the space at DMV is \$3,500 per year.

Shamrock The Block

Ms. Coleman addressed that the program's role in prevention activities is vital, highlighting the Commission staff's involvement in the Shamrock the Block festival during St. Patrick's Day Weekend. The VASAP Drive Sober message was disseminated to over 51,000 participants. A slideshow featuring festival photos was presented to the Commission, showcasing the event's impact. Commission staff distributed shamrock beads, cup sleeves, and cocktail napkins bearing the VASAP logo and the Drive Sober message. Ms. Coleman emphasized that Shamrock the Block will now serve as the primary event due to its extensive reach. Mr. Saunders emphasized the importance of community engagement and expressed appreciation for the Commission staff's efforts in this area.

2024 Meeting Dates

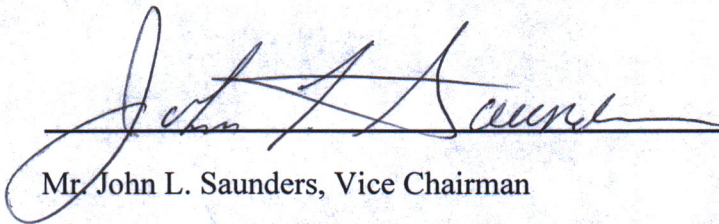
June 7

September 13

December 6

Adjournment

There being no further business, Mr. John L. Saunders, Vice Chairman, adjourned the meeting at 11:44 am.



Mr. John L. Saunders, Vice Chairman