

2013-2014 GRAND JURY REPORT

Riverside County Mental Health Department

Public Guardian

Background

The Riverside County Public Guardian program, herein termed “Public Guardian”, operates within the Riverside County Department of Mental Health. The Public Guardian’s primary function is to act as the court-appointed surrogate decision-maker for persons unable to manage their personal finances and quality of life issues. These individuals generally are elderly and/or severely mentally disabled individuals.

There are two separate sections in the Public Guardian’s office to serve these clients:

- (1) The Probate Section that manages the programs for the elderly unable to care for themselves, and
- (2) The Lanterman-Petris-Short (LPS) Act Section that focuses on gravely disabled people who are developmentally disabled or those disabled individuals who are in need of mental health treatment.

The focus of this report is the majority of clients served by the Public Guardian who are elderly persons unable to care for themselves of whom approximately 70 percent are indigent. For the Public Guardian to oversee its clients’ care and management, the Public Guardian must be named a conservator for each individual. A conservatorship may be set up by the Public Guardian program manager (also called a Deputy) to arrange residential/hospital/hospice placement and mental health treatment for people who are unable to provide for their own food, clothing, or shelter as a result of mental disorders and/or chronic drug or alcohol use. The primary responsibility of a conservator whether private or public, is to provide each conservatee with the best possible independent living environment. The conservator assures that all necessary personal care, medical care, and other services needed to maintain a safe and comfortable living environment are provided to the conservatee.

The Public Guardian is currently staffed as follows:

- 1 Probate Deputy Supervisor
- 5 Probate Deputies
- 1 LPS Deputy Supervisor
- 5 LPS Deputies
- 1 Office Assistant Supervisor
- 4 Office Assistants
- 2 Deputy vacancies

The 2013-2014 budget for the Public Guardian is approximately \$1.5 million.

According to the Mental Health Services Program Manager, the last three years this program's primary interest has been "serving the elder abuse victims." The Public Guardian is the only agency empowered to remove a severely incapacitated person from an abusive situation. This program has protected many individuals, some near death, from abusive caregivers. The Public Guardian's office has prevented many family members from removing the elderly from skilled nursing facilities only to abandon them a few days later.

The Public Guardian receives at least 400 referrals a year. Adult Protective Services is the most frequent source of referrals.

The top four reasons for referrals are:

- People who are unable to manage their financial affairs
- Self-care deficit
- Financial abuse
- Physical abuse.

On receipt of a referral, a Public Guardian Deputy does the investigation. If it is found that there is a need for intervention, the case is given to County Counsel for review and request for a court decision. When a decision is made, the referral then goes back to the Public Guardian for implementation.

Major sources for funding this program as contained in the Public Guardian budget are for Target Case Management and Medi-Cal or Medicare claims. The program also attempts to collect fees from the client for these services. However, most of the client's funds may be depleted within a year. Clients with sizable estates often use private conservators.

Methodology

The Grand Jury obtained information from interviews, sworn testimony, policies and procedures, the California Probate Code §2952-2954, the Welfare and Institutions Code §5000-5120, flow charts, staffing authorizations, job descriptions, documents and financial records.

Findings

1. After a review of the current policies and procedures the Grand Jury finds that the Public Guardian does not have a policy regarding the maximum number of clients served per Public Guardian Deputy. Documentation provided by the Public Guardian department revealed that current caseloads varied from fifty-nine (59) to one hundred ninety six (196) per Public Guardian Deputy. Sworn testimony obtained from interviewees indicates that caseloads to be reduced so that each patients needs can be managed more efficiently. Public Guardian management needs to make this assessment.
2. Upon reviewing the policies and procedures of the Public Guardian, the Grand Jury found that the policies and procedures manual have not been updated since 1988. The policy and procedure manual does not contain an index, which would facilitate locating policy topics. In accordance with Policy #407, a review is to be done annually. The Public Guardian does not follow their internal procedure. The laws and programs have changed, which include probate and penal codes.
3. Sworn testimony indicated that caseloads are unmanageable. It was revealed that there were tasks that additional clerical personnel could do that would free up the Public Guardian Deputies. Public Guardian Deputies stated that they must prioritize tasks, according to importance, and that consequently some tasks are left undone or delayed.
4. Testimony revealed that equipment such as ergonomic furniture, headphones, computers, software, and printers are outdated or inoperative for long periods of time.
5. According to Public Guardian management, the economic recession required a freeze on hiring but that has recently been suspended and additional staff are being hired to bring the Public Guardian staffing up to authorized levels. Sworn testimony from Public Guardian Deputies indicated that when caseloads exceed sixty (60) patients the quality of service is compromised. Additional testimony revealed that when Public Guardian Deputies complain about the loss of quality of services due to large caseloads, they are told, by supervisors to “do as much as you can.”

6. The Riverside County Public Guardian does not have a policy requiring staff meetings. At the time of this report sworn testimony indicated that there has not been a regular scheduled staff meeting with the Program Manager LPS/Probate staff since April 2013.

Recommendations

Riverside County Board of Supervisors Riverside County Mental Health Director Riverside County Public Guardian

1. Public Guardian management shall develop a policy that will incorporate an acceptable range of caseloads per Public Guardian Deputy that can be handled expeditiously and efficiently. Caseloads shall be monitored by program supervisors.
2. The Public Guardian Program Manager shall review and update their policy and procedure manual to reflect current practices and prepare an index.
3. The Public Guardian shall hire additional clerical staff to do tasks that would free up Public Guardian Deputy Caseworkers.
4. The Public Guardian shall research software programs, used by like organizations that will help save time and facilitate efficiency of case management. Equipment such as scanners, printers, headphones, and ergonomic furniture shall be evaluated for effectiveness and efficiency, and upgraded as required.
5. The Public Guardian shall continue to pursue supplemental funding to hire and train additional Public Guardian Deputies in order to reduce caseloads and improve overall quality of services.
6. The Public Guardian shall write a policy requiring monthly staff meetings to inform staff of the developments within the Public Guardian programs. The program manager shall resolve issues and concerns affecting personnel that are addressed in staff meetings.

Report Issued: 12/18/2013
Report Public: 12/20/2013
Response Due: 03/18/2014