

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

842



FROM: Executive Office

SUBMITTAL DATE:
December 23, 2013

SUBJECT: 2013-14 Grand Jury Report: Riverside County Mental Health Department,
Public Guardian

RECOMMENDED MOTION: That the Board of Supervisors:

1. Instruct Riverside County Mental Health Department, Public Guardian to forward to the Executive Office, within 30 days, a draft of the Board's response to the findings and recommendations of the Grand Jury that pertain to the Department's operational areas and direct the Executive Office to submit draft responses to the Board within 60 days.

BACKGROUND: The attached report has been issued by the Grand Jury.

Section 933 (c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to matters under the control of the Board and that a response be provided to the Presiding Judge of the Superior Court within 90 days.


Draft responses received from the affected department will be considered and presented for the Board's consideration; the response ultimately approved by the Board will then be forwarded to the Grand Jury as required by statute.

Departmental Concurrence

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$	\$	\$	Consent <input type="checkbox"/> Policy X
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE
BY: 
George A. Johnson

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

DEC 31 10:05 AM '13

Prev. Agn. Ref.: | **District:** | **Agenda Number:**



RIVERSIDE COUNTY GRAND JURY

(951) 955-8990 OFFICE • (951) 955-8989 FAX

December 18, 2013

Riverside County Board of Supervisors
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside, CA 92501

Subject: 2013-2014 Grand Jury Report: Riverside County Mental Health Department, Public Guardian.

Dear Riverside County Public Guardian:

Please note that Penal Code Section 933 et seq. specifies that you file a response with the following agencies within ninety days.

Mark A. Cope, Presiding Judge
Superior Court of California, County of Riverside
4050 Main Street
Riverside, CA 92501

Riverside County Grand Jury
Post Office Box 829
Riverside, CA 92502

Riverside County Clerk-Recorder
2720 Gateway Drive
Riverside, CA 92507

Further, it specifies that this report be kept **confidential for a minimum of two working days** prior to public release. The contents of this report will be made public after the close of business **December 20, 2013**.

Sincerely,

Barbara A. Schlegel, Foreperson
2013-14 Riverside County Grand Jury

BAS:gs
Attach.

**Requirements in Responding to Grand Jury Findings and Recommendations
Pursuant to Section 933.05 of the California Penal Code**

To further clarify the requirements for the organizational responses to recommendations made by the grand jury, the following are the applicable sections of the California Penal Code:

§933.05. Response to Grand Jury Recommendations-Content Requirements; Personal Appearance by Responding Party; Grand Jury Report to Affected Agency.

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not been implemented, but will be implemented in the future, with a timeframe for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report. **Leg.H.** 1996 CH. 1170, 1997 ch. 443.

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