

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



**ITEM: 3.8
(ID # 25387)**

MEETING DATE:
Tuesday, August 27, 2024

FROM : EXECUTIVE OFFICE

SUBJECT: EXECUTIVE OFFICE: Approval of the Response to the 2023-2024 Office of Public Guardian: Taking Care of At-Risk Adults and Directive for the Response to be Sent to the Grand Jury, Presiding Judge, and County Clerk-Recorder.; All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve, with or without modification, the attached response to the 2023-2024 Grand Jury Report: Office of Public Guardian: Taking Care of At-Risk Adults; and
2. Direct the Clerk of the Board to immediately forward the Board's finalized responses to the Grand Jury, the Presiding Judge, and the County Clerk-Recorder.

ACTION:Policy

Jeff Van Wageningen, County Executive Officer 8/16/2024

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: August 27, 2024
xc: E.O., Grand Jury, Presiding Judge, Recorder

Kimberly A. Rector
Clerk of the Board

By:
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	N/A	N/A	N/A	N/A
NET COUNTY COST	N/A	N/A	N/A	N/A
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	23/24- 24/25

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Penal Code Section 933(c) requires Board of Supervisors comment on the Grand Jury's recommendations pertaining to matters under the Board's control. In addition, responses must be provided to the Presiding Judge of the Superior Court within 90 days of receipt of the report.

ATTACHMENTS:

- ATTACHMENT A. 2023-2024 Grand Jury Report: Office of Public Guardian: Taking Care of At-Risk Adults**
- ATTACHMENT B. Grand Jury Response: Office of Public Guardian: Taking Care of At-Risk Adults**
- ATTACHMENT C. Office of Auditor-Controller Response to 2023-2024 Grand Jury Report Office of Public Guardian: Taking Care of At-Risk Adults Dated August 5, 2024.**

 Robin Reid, Legislative Assistant	8/15/2024	 Gregg Gu, Chief Deputy County Counsel	8/14/2024
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RIVERSIDE COUNTY GRAND JURY

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

July 6, 2024

Riverside County Board of Supervisors
Clerk of the Board Kimbelry Rector
4080 Lemon Street
Riverside, CA 92501

Subject: 2023-2024 Grand Jury Report: Office of Public Guardian: Taking Care
of At-Risk Adults

Dear; Kimberly Rector, Clerk of the Board

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

Judith C. Clark, 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

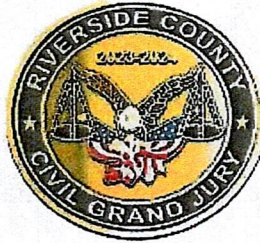
Riverside County Clerk-Recorder
2720 Gateway Drive
Riverside, CA 92507

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 **July 10, 2024**

Sincerely,

Don Smith, Foreperson
2023-2024 Riverside County Civil Grand Jury

P.O. Box 829 – Riverside, California 92502



Riverside County 2023-2024 Civil Grand Jury

OFFICE of PUBLIC GUARDIAN Taking Care of At-Risk Adults

Summary

Public guardianship programs are an important part of the public safety net for at-risk adults who have developmental (cognitive) impairments, and may be subject to abuse, neglect, or exploitation. These individuals are frequently isolated.¹ A noted bioethicist is quoted in Incapacitated and Alone: Health Care Decision-making for the Unbefriended Elderly, *"The single greatest category of problems we encounter are those that address the care of decisionally incapable individuals, who have no living relative or friend who can be involved in the decisional-making process. These are the most vulnerable because no one cares deeply if they live or die. We owe these individuals the highest level of ethical and medical scrutiny."*²

Many at-risk adults may become clients of public guardianship programs, known in Riverside County (County) as the Office of Public Guardian (OPG).

The purpose of this report is twofold: (1) to consider OPG's role in taking care of at-risk adults placed under conservatorship; (2) and to address issues of transparency and accountability identified in the 2022 report commissioned by Riverside County Board of Supervisors.

¹ Larson report, page114, *Riverside County Programs and Services for Children in Foster Care, Transitioning Youth, and Adults Under Conservatorship*, [Larson Public Report June 2022.pdf](#), Accessed March 6, 2024.

² *ibid*

Background

In 2018, an incident occurred that brought to light several issues within Riverside County departments, which included the Department of Public Social Services (DPSS), Riverside University Health System-Behavioral Health (RUHS-BH), OPG, and Riverside County Counsel.

In October 2021, County executive office leadership, on behalf of the Board of Supervisors (the Board), commissioned the law firm of Larson LLP, to investigate the 2018 incident and provide its findings and recommendations to the Board on what needed to be done to correct the problems. In June 2022, the investigation was completed and a report was submitted to the Board, named *Riverside County Programs and Services for Children in Foster Care, Transitioning Youth, and Adults Under Conservatorship* (Larson report).³ This report addressed key problems related to OPG, among other issues within multiple County departments.

According to the Larson report, OPG cannot share private client information with other County departments, nor with the Riverside County Civil Grand Jury (Grand Jury), due to required compliance with State statutes. As a result, there is a lack of communication, transparency, and accountability across County departments.⁴ This lack of transparency is a consequence of limitations under the same law. For example, the OPG annual external audits regarding Medi-Cal and Social Security are reviewed internally and are not readily available to other County departments, nor to the public, in order to preserve client privacy.⁵

Methodology

The Grand Jury conducted a comprehensive review of OPG through the following methods:

Tours:

- Riverside Department of Public Social Services (DPSS) – La Sierra

³ Larson report, Title page, [Larson Public Report June 2022.pdf](#), Accessed March 6, 2024.

⁴ Larson report, [Larson Public Report June 2022.pdf](#), Accessed May 14, 2024.

⁵ OPG correspondence May, 2024.

- DPSS - Blythe
- Riverside University Health System (RUHS) – Medical Center
- RUHS – Jurupa Valley
- Riverside OPG
- Senior Centers in Riverside County

Interviews:

- Larson LLP
- Riverside County Departments:
 - DPSS
 - Auditor-Controller
 - Executive Office
 - County Counsel
- Riverside OPG
- Principal Policy Analysts for Vulnerable Adults, Executive Office
- RUHS-BH
- Riverside Adult Services, Division of DPSS
- Riverside Office on Aging

Documents:

- Auditor-Controller: Internal Audit Reports
- CDC Report on Aging
- Internet and media articles regarding County safety-net
- Judicial Council of California Handbook for Conservators, 2016
- Larson Report
- Riverside OPG document receipts – five years County Counsel Reports
- Riverside OPG bank accounts & financial reports
- Riverside OPG 2022 Annual Report
- Riverside OPG Policies & Procedures Manual
- Riverside OPG and County organizational charts
- 2023-2024 Riverside County Budget
- Riverside County *Office on Aging, 2020-2024 Area Plan on Aging, The Path Ahead (2023-2024 Update)*
- RUHS-BH *Guide to Services*

Websites:

- National Guardianship Association
- Riverside County
- RUHS
- State of California: 12 County websites regarding Public Guardian
- Superior Court website, County of Riverside/Conservatorship
- California Department of Social Services
- California Association of Public Administrators, Public Guardians, and Public Conservators (CA/PA/PG/PC)
- California State Association of Counties (CSAC)

Emails, telephone conversations (Department Management):

- Riverside County Department of Public Social Services (DPSS)
- Riverside University Health System Community Health Centers
- Riverside University Health System Medical Centers
- Innovation/Integration (OPG)
- Larson LLP, Larson Report to Board of Supervisors
- Riverside County Executive Office
- Riverside Office of County Counsel
- Riverside County Office of Auditor-Controller
- Riverside Office of Behavioral Health
- Riverside Adult Services Division (of DPSS)
- Riverside County Office on Aging

Discussion

Conservatorship and Investigation:

The Riverside County Superior Court (Court) appoints conservators to help conservatees with activities of daily living (ADLs), including assistance with managing finances. The Court may appoint one person to be conservator of both the

person and their estate. The conservator of an estate has a legal and fiduciary responsibility to the client.⁶

Conservatorship is the legal process in which a judge appoints another person (conservator) or agency to make decisions for a person (conservatee) who is incapable of fully managing his or her own affairs.⁷ OPG reports that it currently has 1,040 clients under conservatorship.

The conservatorship process always begins with a referral. Anyone can make a referral to the Public Guardian. Referrals come from various sources, including Adult Protective Services (APS), Office on Aging (OOA), convalescent hospitals, acute care hospitals, law enforcement, and private citizens. Interested parties can also petition the Court to become a conservator.⁸

Upon receipt of the referral, OPG opens the case and begins an assessment of the client. There are several types of assessments, including initial visits, quarterly visits, and annual visits. According to the California State Association of Counties, services of the Public Guardian may be “*provided through a separate county department, an elected official, or incorporated into a larger department such as health or human services*”.⁹

According to the Judicial Council of California,¹⁰ there are many types of conservatees. Many are elderly, some are young with temporary or permanent mental or physical disabilities that may require assistance with ADLs.

There are many types of conservators. According to the *Judicial Council of California “Handbook for Conservators, 2016”*, what conservators have in common is a willingness to help someone who needs assistance. A conservator might be a family member, domestic partner, or friend. If no one is willing or able to serve, the conservator might be a professional fiduciary or the OPG.¹¹

⁶Riverside University Health System (RUHS)-Behavioral Health *Guide to Services*.
<https://www.rcdmh.org/Administration/PG>, Accessed March 6, 2024.

⁷ Dictionary, <https://www.merriam-webster.com>, Accessed March 6, 2024.

⁸ Public Guardian Referrals, <https://www.courts.ca.gov/documents/care/01.pdf>

⁹ Public Guardian; [Public Guardian - California State Association of Counties](#); Access 4/23/2024.

¹⁰ Handbook for Conservators, pages 1-1, 1-2 <https://www.courts.ca.gov/documents/handbook.pdf>, Accessed March 6, 2024.

¹¹ Handbook for Conservators, pages 1-1, 1-2 <https://www.courts.ca.gov/documents/handbook.pdf>, Accessed March 6, 2024.

According to the OPG website: *The Public Guardian provides a vital service to persons unable to properly care for themselves or who are unable to manage their finances. The Public Guardian conducts the official County investigation into conservatorship matters and acts as the legally appointed guardian or conservator for persons found by the Superior Courts to be unable to properly care for themselves or their finances.*¹²

Below are descriptions of the main components and services of Public Guardian work:

OPG services:¹³

Deputy Public Guardians provided 11,203 services to clients in CY 2022.

Services provided include:

- Agency Collateral
- Answer Objections Court Accounting
- Appraisal Personal Property
- Appraisal Real Property
- Burial Arrangements
- Case Assignment
- Case Documentation
- Cleanup Crew Hire
- Cleanup Negotiation
- Client Evaluation
- Client Freeze Payments Change
- Complete Referral for Appointment
- Conservatee Visits
- Consultation with Other Parties
- Court Appearance
- Cursory Search of Dwelling
- Disposal of Unnecessary Trash
- Domestic Help Hire
- Eviction from Rental Property
- Family Collateral
- Final Distribution to Conservatee Termination
- Final Distribution to Executor
- Final Distribution to Private Admin
- Final Distribution to Public Admin
- Freeze Bank Accounts
- Inspection of Real Property
- Interview Conservatee/Assessment
- Interview Other Agencies
- Interview Proposed Conservatee
- Inventory Personal Property
- Landscape & Maintenance Crew Hire
- Management Real Property for Sale
- Marshal Personal Property
- Marshal Bank Accounts
- Obtain & Review Medical Documentation
- Placements
- Process Private Insurance Claims
- Purchases
- Release of Personal Property
- Renovation Crew Hire
- Request Petition for Sale Real Property
- Respond to Questions Status of Case
- Secure Real Property
- Selling Real Property
- SSI/Medical Appeals
- Status Change
- Status of Case
- Tax Preparation
- Transport Client to Doctor's Appointment
- Transport Personal Property to Warehouse

Deputy Public Guardians (DPGs) are responsible for planning, organizing, and performing activities related to OPG's services and functions (conservatorship). Specifically, the DPG activities include the proper care, maintenance, education, and support of the conservatee.¹⁴

¹² OPG website, <https://rivco.org/public-guardian>

¹³ OPG Annual Report, [Public Guardian Annual Report 2022 \(FINAL\).pdf](#)

¹⁴ Public Guardian responsibilities, Riverside University Health System-Behavioral Health *Guide to Services*, <https://www.rcdmh.org/Administration/PG>, Accessed March 6, 2024.

OPG has many duties related to conservatorships, outlined on its website, and within the RUHS-BH *Guide to Services*.¹⁵ These duties are defined by OPG as:

1. **Conservatorship** – The Superior Court appoints a manager for the financial and/or personal care needs of the individual who is either physically or mentally unable to provide for those needs.
2. **Conservatorship Investigation** – The Public Guardian’s office determines whether or not a client should be placed under conservatorship. Investigators gather information from the client’s family, therapist, doctors, and anyone else who may be involved with the client. Based on the information obtained, a report is generated with a recommendation for or against conservatorship. The report is then submitted to a judge for the final determination.

Administrative Services:

1. **LPS/Property Management Administration** – The Public Guardian has been designated by the County Board of Supervisors as the County office to serve as conservator under the Lanterman-Petris-Short Act (LPS) for persons gravely disabled as the result of a mental disorder. These individuals may require placement in a mental institution or other facility for psychiatric treatment. *Grave disability* is defined as a condition in which a person, as a result of a mental disability, is unable to provide for his/her basic personal needs for food, clothing, or shelter.
2. **Probate Administration** – OPG operates under the legal requirements of the Probate Code, providing probate conservatorship services while managing property, and/or providing for the personal care needs of disabled adults.
3. **Representative Payee Program (Estate Conservatorship)** – Many clients find themselves in a position where they are unable to safely handle their finances. In these cases, the Public Guardian has a program whereby a special person, called a payee, is designated to collect the client’s Social Security

¹⁵ Ibid

income. The payee uses those funds to pay the client's bills such as rent, utilities, medical expenses, and other expenses of daily living.

In its investigation of OPG, the Larson report and the Grand Jury identified the following issues:

Organizational Transparency:

As reported by Larson, a lack of transparency and accountability are factors contributing to the problems between the Office of Public Guardian, other County departments, and the public where Larson's attempts to contact OPG leadership were problematic. The Grand Jury, through interviews and research, learned that OPG's organizational structure is not clearly defined and lacks visibility.

The Riverside County website has a Public Guardian page, which has only a brief description of conservatorships. The OPG address, telephone and fax numbers, and office hours, are also listed therein.¹⁶ (see Exhibit 1)

A separate website listed under RUHS-BH, includes an OPG page identifying the Public Guardian Program. This website provides leadership and staff information, and indicates that OPG provides conservatorship investigations and administrative services. An interested party would have to know to look first under RUHS, second Behavioral Health, and finally under Programs in order to find the Public Guardian Program page. Within this website, there is no information about OPG's office address, telephone/fax numbers, and office hours.¹⁷ (see Exhibit 2) These two websites (Riverside County and RUHS-BH) would be more informational regarding OPG if they were linked.

The Larson report described the experience of a provider trying to locate OPG: *"There is no information that can be accessible or that is available online to get information. ... So, for me as a provider, that means I have to literally track down somebody's email or call the reception desk multiple times and find a supervisor to help me."*¹⁸

¹⁶ Riverside County website, <https://rivco.org/search/global?keys=public+guardian> Accessed May 9, 2024.

¹⁷ OPG contact information, <https://www.ruhealth.org/behavioral-health/public-guardian-program>, Accessed March 6, 2024.

¹⁸ Larson report, page 155, *Riverside County Programs and Services for Children in Foster Care, Transitioning Youth, and Adults Under Conservatorship*, [Larson Public Report June 2022.pdf](#), Accessed March 6, 2024.

Financial Accountability and Audits:

OPG is a member of the Local Government Association and participates in the County Medi-Cal Administrative Activities and Targeted Case Management Program. This program is part of California Medi-Cal reimbursement for Targeted Case Management. The state and the federal governments conduct annual audits of OPG including Medi-Cal and Social Security.¹⁹ These appear to be the only scheduled external audits reported by OPG leadership. Those audits did not identify any performance review or audit process by an outside entity. The National Guardianship Association requires that “*the organization shall undertake an internal program evaluation annually;*” and “*the organization will arrange to have an external program audit by an objective third party on a biennial basis.*”²⁰

According to budget information provided by OPG, it manages millions of Federal, State, and County taxpayer dollars and makes decisions influencing the quality of life for over a thousand clients under conservatorship. OPG budgets have increased over the years.²¹

OPG’s management of taxpayer dollars should be audited, including financial (internal) and performance (external) audits. The Board of Supervisor’s Resolution Number #83-338 details the authority of the Auditor-Controller’s Internal Audits, which states under Policy III. A. 3.: “*The accounts and records of any department, office, board, or institution under the control of the Board of Supervisors and of any district whose funds are kept in the County treasury shall be audited by the Auditor-Controller as directed by the Board of Supervisors. Government Code §26883.*”²²

The most recent Internal Audit Report regarding OPG was dated July 31, 2014.²³ There was a follow-up to this report dated November 23, 2016. However, there were no further audits scheduled by the Board of Supervisors regarding OPG, although

¹⁹ OPG correspondence May 13, 2024.

²⁰ Larson report, page 154-155, [Larson Public Report June 2022.pdf](#), last access 5/8/2024

²¹ 2024 Riverside County Adopted Budget, Behavioral Health, <https://rivco.org/sites/g/files/aldnop116/files/2023-12/Riverside%20County%20Budget%20-%20Adopted%20Budget%20FY23-24%20Volume%201%20Final.pdf>, Accessed March 14, 2024.

²² Policy for Internal Audits, [Board Resolution 83-338.pdf](#), Accessed May 13, 2024.

²³ Internal Audit Report, <https://auditorcontroller.org/sites/g/files/aldnop171/files/2023-02/Internal%20Audit%20Report%202014002%20Countywide%20Revolving%20Funds%20Mental%20Health%20Public%20Guardian.pdf>, Accessed March 14, 2024.

California Government Code 25250 requires the County Board of Supervisors to audit, or cause to be audited, departments under its authority.

The June 2022 Larson report identified OPG as one of the financially and/or politically sensitive areas within Riverside County government that needs improvement. In an interview, a County executive officer informed the Grand Jury that the Executive Office can request the Auditor-Controller to add internal audits to the normal two-year internal audit schedule. The Executive Office can also arrange for external audits of financially and/or politically sensitive areas within the County.

The Grand Jury was left with an important unanswered question: If by statute, audits are required for entities managing taxpayer dollars, why is the OPG program not being audited by the County on a regular basis?

Findings

- F1:** OPG manages millions of Federal, State, and County taxpayer dollars.
- F2:** The Riverside County Auditor-Controller's office has not conducted an internal audit of OPG since 2014.
- F3:** The Riverside County Auditor-Controller's planned internal audits do not include OPG.
- F4:** The Riverside County Auditor-Controller's office is required to audit County departments, offices, boards, and institutions.
- F5:** OPG is a sensitive program that is not being financially audited internally, nor audited externally, for performance by the County on a regular basis.
- F6:** OPG is audited annually by the state of California specifically for its use of Medi-Cal funds.
- F7:** OPG is audited annually by the federal government specifically for its use of Social Security funds.
- F8:** The information provided on the Riverside County website regarding Office of Public Guardian has a brief description of conservatorship, which includes the OPG address, telephone/fax numbers, and office hours.

F9: The OPG page is embedded within the Riverside University Health System website.

Recommendations

R1: The Auditor-Controller Office should financially audit OPG on a regular basis according to County policies and procedures.

- Based on finding: F1, F2, F3, F4, F5, F6, F7
- Financial Impact: Minimal - Moderate
- Time Frame: January 1, 2025

R2: The Executive Office should order external performance audits for OPG on a regular basis, regardless of current County policies and procedures.

- Based on finding: F1, F2, F3, F4, F5, F6, F7
- Financial Impact: Minimal - Moderate
- Time Frame: January 1, 2025

R3: OPG leadership should work with the County's IT Department to establish a link between the County's website and the RUHS-BH website to provide improved OPG information, visibility, and accessibility.

- Based on finding: F8, F9
- Financial Impact: Minimal
- Time Frame: July 1, 2025

Required Responses

- Riverside County Board of Supervisors
 - Findings: F1, F2, F3, F4, F5, F8, F9
 - Recommendations: R1, R2, R3
- County Auditor-Controller Office
 - Finding: F1, F2, F3, F4, F5, F6, F7
 - Recommendation: R1, R2

Invited Responses

The following Riverside County Agencies are invited to respond:

- Riverside County Executive Office
- Riverside University Health System
- Riverside County Behavior Health
- Riverside County Office of Public Guardian

References

- Larson Report: *Riverside County Programs and Services for Children in Foster Care, Transitioning Youth and Adults Under Conservatorship*, [Larson Public Report June 2022.pdf](#)
- OPG Annual Report, [Public Guardian Annual Report 2022 \(FINAL\).pdf](#)
- Webster Dictionary, <https://www.merriam-bebster.com>
- RUHS/Careers website, <https://www.governmentjobs.com/careers/riverside/jobs/newprint/4339233>
- CDC, *Helping Older Adults*, <https://www.cdc.gov/chronicdisease/resources/publications/factsheets/promoting-health-for-older-adults.htm>
- RUHS OPG statement, *Guide to Services*, <https://www.rcdmh.org/Administration/PG>
- Handbook for Conservators, <https://www.courts.ca.gov/documents/handbook.pdf>
- RUHS Behavioral Health *Guide to Services*, Public Guardian Responsibilities, <https://www.ruhealth.org/behavioral health/>
- Public Guardian Referrals, <https://www.courts.ca.gov/documents/care/01.pdf>
- APS website, <https://www.cdss.ca.gov/adult-protectiveservices>
- OPG Contact Information website, <https://www.ruhealth.org/behavioral-health/public-guardian-program>
- Riverside County Adopted Budget, Behavioral Health, <https://rivco/sites/g/files/aldnop115/files/2023-12/Riverside%20County%20-%20Adopted%20Budget%20FY23-24%20Volume%201%20Final.pdf>
- California State Association of Counties, [Public Guardian - California State Association of Counties](#)
- The Legacy, *The Conservatorship Process: How Does it Work?* <https://www.thelegacylawyers.co./blog/cpservatorship-process/>
- OPG, https://www.riverside.courts.ca.gov/system/files/guardianship_brochure.pdf
- OPG, https://www.riverside.courts.ca.gov/system/files/conservatorship_packet.pdf
- Policy for Internal Audits, [Board Resolution 83-338.pdf](#),

Exhibit 1

County of Riverside website Public Guardian page

Public Guardian

The Public Guardian provides a vital service to persons unable to properly care for themselves or who are unable to manage their finances. The Public Guardian conducts the official County investigation into conservatorship matters and acts as the legally appointed guardian or conservator for persons found by the Superior Courts to be unable to properly care for themselves or their finances.

Street Address

3625 14th Street
Riverside, CA 92501

Mailing Address

P.O. Box 1405
Riverside, CA 92502

Phone (951) 955-1540

Fax (951) 955-1610

Business Hours

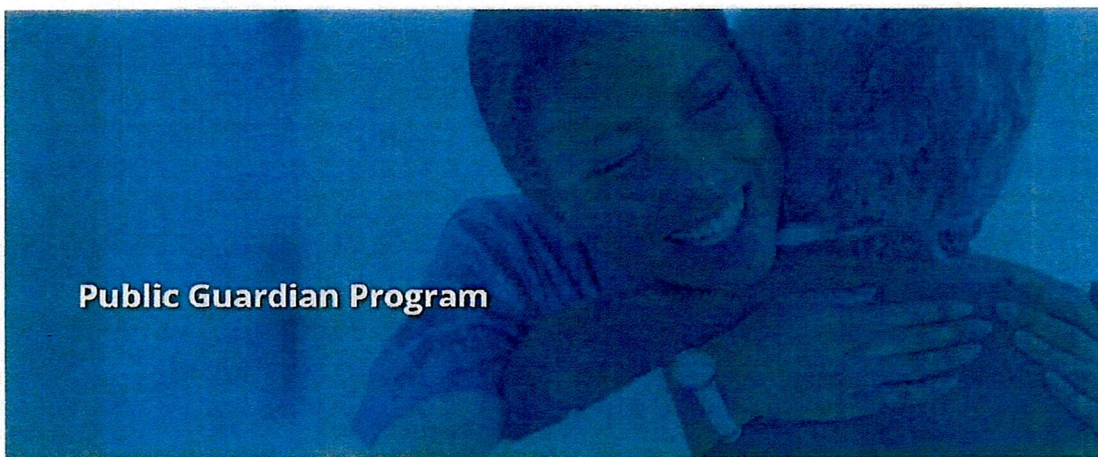
Monday - Thursday, 8:00 a.m. - 5:00 p.m.
Friday, 8:00 a.m. - 4:30 p.m.

Exhibit 2

Riverside University Health System – Behavioral Health
Public Guardian Program page



[RUHS](#) [NEWS](#) [LOCATIONS](#) [APPOINTMENTS](#) [RESOURCES](#) [SERVICES](#) [CAREERS](#)



What is Conservatorship?

Services and Locations

MyRUHealth Patient Portal

Patient Advocate

RUHS Behavioral Health
(800) 499-3008

RUHS Community Health Centers
(800) 720-9553

RUHS Medical Center
(951) 486-4000

RUHS Public Health
(951) 358-5000

© 2020 All Rights Reserved | [Privacy Practices](#) | [Patient Rights](#) | [Terms of Use](#) | [Price Transparency](#) | [Help Paying Your Bill](#)

Report Issued: 6/6/2024

Report Public: 6/10/2024

Response Due: 9/10/2024

2023-2024 Grand Jury Report
Office of Public Guardian: Taking Care of At-Risk Adults
June 6, 2024*

Riverside County Board of Supervisors

*Report was dated July 6, 2024, but was received June 6, 2024

GRAND JURY FINDINGS:

Grand Jury Finding #1:

F1: Office of Public Guardian (OPG) manages millions of Federal, State, and County taxpayer dollars.

Response to Grand Jury Finding #1:

Respondent agrees with finding.

Department comments:

Riverside University Health System - Behavioral Health (RUHS-BH) acknowledges this finding and agrees that the Office of Public Guardian (OPG) manages substantial taxpayer funds from various sources. This responsibility includes ensuring proper management, accounting, and utilization of funds to provide essential services to our clients.

Grand Jury Finding #2:

F2: The Riverside County Auditor-Controller's office has not conducted an internal audit of OPG since 2014.

Response to Grand Jury Finding #2:

Respondent disagrees wholly with finding.

Department comments:

The OPG is a program under the Riverside University Health System – Behavioral Health Department and is also included in the Auditor-Controller’s planned internal audits within the scope of that audit. At the writing of this Grand Jury Report, the Auditor-Controller’s Office was conducting an internal audit of OPG. See Auditor-Controller’s Response to 2023-2024 Grand Jury Report: Office of Public Guardian – Taking Care of At-Risk Adults dated August 5, 2024, attached hereto. The audit is scheduled for the meeting of the Board of Supervisors on August 27, 2024.

Grand Jury Finding #3:

F3: The Riverside County Auditor-Controller's planned internal audits do not include OPG.

Response to Grand Jury Finding #3:

Respondent disagrees wholly with finding.

Department comments:

The OPG is a program under the Riverside University Health System – Behavioral Health Department and is also included in the Auditor-Controller’s planned internal audits within the scope of that audit. See Auditor-Controller’s Response to 2023-2024 Grand Jury Report: Office of Public Guardian – Taking Care of At-Risk Adults dated August 5, 2024, attached hereto. As stated in the response to Finding #2, there is an audit by the Auditor-Controller scheduled for the meeting of Board of Supervisors on August 27, 2024.

Grand Jury Finding #4:

F4: The Riverside County Auditor-Controller's office is required to audit County departments, offices, boards, and institutions.

Response to Grand Jury Finding #4:

Respondent agrees with finding.

Department comments:

In accordance with Board Resolution 83-338, the Auditor-Controller’s Office audits all county departments. See Auditor-Controller’s Response to 2023-2024 Grand Jury Report: Office of Public Guardian – Taking Care of At-Risk Adults dated August 5, 2024, attached hereto.

Grand Jury Finding #5:

F5: OPG is a sensitive program that is not being financially audited internally, nor audited externally, for performance by the County on a regular basis.

Response to Grand Jury Finding #5:

Respondent disagrees wholly with finding.

Department comments:

RUHS-BH acknowledges the concern regarding the frequency of audits for the OPG program. In addition to the audits conducted by the Auditor-Controller's Office, the OPG undergoes regular audits by multiple entities, ensuring thorough oversight and compliance with all relevant regulations. These audits include Medi-Cal Administrative Activities (MAA) and Targeted Case Management (TCM) audits, which are conducted annually by the California Department of Health Care Services (DHCS) to review clinical documentation, program costs, and cost allocation related to case management services provided to Public Guardian clients. Additionally, the Social Security Administration (SSA) conducts biennial audits to review the accounts of individual clients for benefits eligibility and the management of client funds.

The OPG is mandated by statute to file accountings with the Superior Court of California for all conservatorships. Accountings are filed annually for Lanterman-Petris-Short (LPS) conservatorships, and probate conservatorships are filed biennially. These accountings are reviewed by the court to certify the accuracy and current status of client accounts.

Grand Jury Finding #8:

F8: The information provided on the Riverside County website regarding Office of Public Guardian has a brief description of conservatorship, which includes the OPG address, telephone/fax numbers, and office hours.

Response to Grand Jury Finding #8:

Respondent agrees with finding.

Department comments:

RUHS-BH acknowledges this finding and agrees that the information on the Riverside County website was limited. We recognize the necessity for more comprehensive and detailed information to better serve the community. To address this, we have added a hyperlink on the Riverside County website that directs users to the new, more comprehensive RUHS-BH Public Guardian page (<https://www.ruhealth.org/behavioral-health/public-guardian-program>). Users can access detailed and updated information about OPG services, including descriptions of the conservatorship process, roles, responsibilities, and additional resources for at-risk adults.

Grand Jury Finding #9:

F9: The OPG page is embedded within the Riverside University Health System website.

Response to Grand Jury Finding #9:

Respondent agrees with finding.

Department comments:

We agree with the finding that the OPG page is embedded within the Riverside University Health System (RUHS) website. This integration is part of a broader strategy to consolidate health services information, making it easier for residents to access multiple resources in one place. Embedding the OPG page within the RUHS-BH website ensures improved user experience and access to additional health services in one location.

GRAND JURY RECOMMENDATIONS:

Grand Jury Recommendation #1:

**RI: The Auditor-Controller Office should financially audit OPG on a regular basis according to County policies and procedures. Based on finding: F1,F2,F3,F4,F5,F6,F7
Financial Impact: Minimal - Moderate Time Frame: January 1, 2025**

Response to Grand Jury #1:

Recommendation has been implemented.

Department comments:

In accordance with Board Resolution 83-338, the Auditor-Controller's Office audits all county departments. See Auditor-Controller's Response to 2023-2024 Grand Jury Report: Office of Public Guardian – Taking Care of At-Risk Adults dated August 5, 2024, attached hereto.

Grand Jury Recommendation #2:

**R2: The Executive Office should order external performance audits for OPG on a regular basis, regardless of current County policies and procedures. Based on finding: F1,F2,F3,F4,F5,F6,F7
Financial Impact: Minimal - Moderate Time Frame: January 1, 2025**

Response to Grand Jury #2:

Recommendation has been implemented.

Department comments:

RUHS-BH adheres to rigorous audit procedures conducted by multiple external entities. These audits include:

Medi-Cal Administrative Activities (MAA) / Targeted Case Management (TCM)

Audits: Conducted annually by the California Department of Health Care Services (DHCS), these audits involve a thorough review of clinical documentation and cost allocation related to case management services provided to Public Guardian clients.

The audits assess the accuracy and compliance of the services provided, confirming that program costs are properly allocated according to state and federal regulations.

The audit process includes reviewing time surveys, cost reports, and other supporting documentation to confirm that services billed are consistent with those provided.

Social Security Administration (SSA) Audits: The SSA conducts biennial audits to verify the proper management of client funds and verify eligibility for benefits. The audits involve a detailed review of individual client accounts to confirm that all funds received are correctly allocated to meet clients' needs, including payments to vendors and provision of necessary behavioral health treatments. The SSA examines records of fund disbursements, client eligibility documentation, and financial management practices to ensure compliance with federal regulations.

Superior Court of California Accountings: The OPG is required by statute to file detailed accountings with the Superior Court for all conservatorships. Accountings are filed annually for LPS conservatorships. Probate conservatorships are filed biennially. These accountings are meticulously reviewed by the court so that all expenditures and receipts are accurately documented, and client funds are managed properly. If discrepancies are found, the court requests further explanation or adjustments before approving the accountings, ensuring that the financial practices are transparent and accurate.

In addition to regular audits, the California State Association of Public Administrators, Public Guardians, and Public Conservators (CA PA|PG|PC) provides further oversight and certification, ensuring that the practices and procedures of the OPG meet state standards.

The robust audit framework in place guarantees that the OPG is regularly reviewed by external entities, providing comprehensive oversight and maintaining high standards of

financial accountability, in addition to controls in place through active County and OPG policies and procedures.

This multi-layered audit approach safeguards taxpayer dollars and upholds the transparency and effectiveness of the OPG.

Grand Jury Recommendation #3:

R3: OPG leadership should work with the County's IT Department to establish a link between the County's website and the RUHS-BH website to provide improved OPG information, visibility, and accessibility. Based on finding: F8,F9 Financial Impact: Minimal Time Frame: July 1, 2025

Response to Grand Jury #3:

Recommendation has been implemented.

Department comments:

RUHS-BH has implemented this recommendation by collaborating with Riverside County IT (RCIT) to establish a direct link between the Riverside County website and the new RUHS-BH Public Guardian page. This initiative enhances the visibility and accessibility of OPG information. The new RUHS-BH website (<https://www.ruhealth.org/behavioral-health/public-guardian-program>) offers a user-friendly interface, detailed descriptions of services, and enhanced integration with other health resources.



COUNTY OF RIVERSIDE
OFFICE OF THE AUDITOR-CONTROLLER

Ben J. Benoit, Auditor-Controller
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August 5, 2024

Honorable Judith C. Clark
Presiding Judge
Superior Court of California, County of Riverside
4050 Maint Street
Riverside, CA 92501

Reference: Response to 2023-2024 Grand Jury's Report: Office of Public Guardian –
Taking Care of At-Risk Adults

Honorable Judge Clark:

Pursuant to California Penal Code Section 933 et seq., please find enclosed the response of the Riverside County Auditor-Controller's Office to the above entitled Grand Jury Report.

The Riverside County Auditor-Controller's Office is responding to finding F1, F2, F3, F4, F5, F6 and F7 and recommendations R1 and R2 as requested under page 12 of the Grand Jury Report. Our agreement, partial agreement, or wholly disagreement with each finding is stated below after each finding as written in the Grand Jury Report.

Signed: *Ben J. Benoit*

Name: Ben J. Benoit

Title: County Auditor-Controller

GRAND JURY FINDINGS:

Grand Jury Finding #1:

F1: OPG manages millions of Federal, State, and County taxpayer dollars.

Response to Grand Jury Finding #1:

Respondent disagrees partially with the finding.

We partially disagree since we cannot attest that the statement above is factual. We trust the statement made by the Grand Jury is supported by their research and objective assessment of the information they received. As such, we remain neutral to the finding statement.

Grand Jury Finding #2:

F2: The Riverside County Auditor-Controller's office has not conducted an internal audit of OPG since 2014.

Response to Grand Jury Finding #2:

Respondent disagrees wholly with finding.

We recently concluded an audit of Public Guardian under the Department of Behavioral Health, and the final audit report will be issued by August 27, 2024. We will continue to audit the operations of the Office of Public Guardian in accordance with Board Resolution 83-338 and within the parameters allowed under the law.

Grand Jury Finding #3:

F3: The Riverside County Auditor-Controller's planned internal audits do not include OPG.

Response to Grand Jury Finding #3:

Respondent disagrees wholly with finding.

We recently concluded an audit of the Office of Public Guardian under the Department of Behavioral Health, and the final audit report will be issued by August 27, 2024. We view the Office of Public Guardian as an auditable unit within the Behavioral Health Department. As such, our risk-based approach to auditing Behavioral Health focuses on risks for this department as a whole and not solely focused on one auditable unit. We consider all risk managed by Behavioral Health and this drives what we include in the audit scope of each audit.

Grand Jury Finding #4:

F4: The Riverside County Auditor-Controller's office is required to audit County departments, offices, boards, and institutions.

Response to Grand Jury Finding #4:

Respondent agrees with finding.

We audit all county departments in accordance with Board Resolution 83-338 and will continue to do so as required.

Grand Jury Finding #5:

F5: OPG is a sensitive program that is not being financially audited internally, nor audited externally, for performance by the County on a regular basis.

Response to Grand Jury Finding #5:

Respondent disagrees partially with the finding.

We audit all county departments in accordance with Board Resolution 83-338 and will continue to do so as required. The Office of Public Guardian will remain an auditable unit within the Behavioral Health Department, and we'll audit the operations of this office consistent with the requirements under Board Resolution 83-338. Also, the county contracts with an external CPA firm to audit the county's financial statements. These external auditors perform various types of analysis for the entire county and audit the financial transactions for the year.

Grand Jury Finding #6:

OPG is audited annually by the state of California specifically for its use of Medi-Cal funds.

Respondent disagrees partially with the finding.

The Auditor-Controller's Office is not involved in audits performed by state or federal agencies. We support any audits conducted by other government agencies and will work with the Behavioral Health Department to permit access to audit reports issued by these agencies.

Grand Jury Finding #7:

OPG is audited annually by the state of California specifically for its use of Social Security funds.

Respondent disagrees partially with the finding.

The Auditor-Controller's Office is not involved in audits performed by state or federal agencies. We support any audits conducted by other government agencies and will work with the Behavioral Health Department to permit access to audit reports issued by these agencies.

GRAND JURY RECOMMENDATIONS:

Grand Jury Recommendation #1:

RI: The Auditor-Controller Office should financially audit OPG on a regular basis according to County policies and procedures.

- Based on finding: FI,F2,F3,F4,F5,F6,F7
- Financial Impact: Minimal - Moderate
- Time Frame: January 1, 2025

Response to Grand Jury #1:

Recommendation has been implemented.

Department comments:

The Auditor-Controller's Office will continue to perform its audit services in accordance and as required under Board Resolution 83-338. As such, the Office of Public Guardian will continue to be viewed as an auditable unit under the Behavioral Health Department and will follow a risk-based approach when selecting the audit scope under the department. Also, the county contracts with an external CPA firm to audit the county's financial statements. These external auditors perform various types of analysis for the entire county and audit the financial transactions for the year.

Grand Jury Recommendation #2:

R2: The Executive Office should order external performance audits for OPG on a regular basis, regardless of current County policies and procedures.

- Based on finding: FI,F2,F3,F4,F5,F6,F7
- Financial Impact: Minimal - Moderate
- Time Frame: January 1, 2025

Response to Grand Jury #2:

Recommendation will not be implemented because it is not applicable.

Department comments:

The Auditor-Controller's Office is an independent office from the Executive Office. We collaborate with the office on matters affecting and impacting the county. If the Executive Office needs our support to conduct internal audits of the Office of Public Guardian more

regularly, we will do so in accordance with Board Resolution 83-338 and as permitted under the parameters of the law governing the operations of the Office of Public Guardian.


Response to Civil Grand Jury Report - Civil Grand Jury Report - 2023-2024 Grand Jury Report-Office of Public Guardian


Final Audit Report


2024-08-06


Created:	2024-08-06
By:	Rene Casillas (RCasillas@RIVCO.ORG)
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Transaction ID:	CBJCHBCAABAAU5c3IIEH97B3GEQ23dYgdIQoxrqkdu9u


"Response to Civil Grand Jury Report - Civil Grand Jury Report - 2023-2024 Grand Jury Report-Office of Public Guardian" History

 Document created by Rene Casillas (RCasillas@RIVCO.ORG)
2024-08-06 - 1:07:46 AM GMT

 Document emailed to Ben Benoit (bjbenoit@rivco.org) for signature
2024-08-06 - 1:08:06 AM GMT

 Email viewed by Ben Benoit (bjbenoit@rivco.org)
2024-08-06 - 1:30:29 AM GMT

 Document e-signed by Ben Benoit (bjbenoit@rivco.org)
Signature Date: 2024-08-06 - 1:30:45 AM GMT - Time Source: server

 Agreement completed.
2024-08-06 - 1:30:45 AM GMT