COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-2766
PHONE: (213) 974-8301 FAX: (213) 626-5427

J. TYLER McCAULEY
AUDITOR-CONTROLLER

WENDY L. WATANABE
CHIEF DEPUTY

June 15, 2007

TO: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: J. Tyler McCauley
Auditor-Controller

SUBJECT: **STATUS REPORT - DEPARTMENT OF MENTAL HEALTH OFFICE OF THE PUBLIC GUARDIAN RECOMMENDATION FOLLOW UP (BOARD AGENDA ITEMS 19 AND 20C, NOVEMBER 22, 2005)**

At the November 22, 2005 meeting, your Board directed the Department of Mental Health (DMH or Department), in conjunction with the Auditor-Controller, to report on the implementation status of the recommendations from blueConsulting's April 22, 2005 report on the DMH's Office of the Public Guardian (PG). blueConsulting made numerous recommendations for improving the efficiency and effectiveness of PG operations and service delivery, including additional staff for referral investigations and case management, investigating all referrals regardless of source, reducing staff caseloads, and eliminating the referral backlog.

In November 2006, DMH submitted a status report (attached), indicating that they had implemented all of the recommendations. We have completed a detailed review of the status of some of the most significant recommendations. Our review indicates that DMH implemented those recommendations. Specifically, we noted that DMH:

- Worked with the CAO and obtained funding for additional staff for referral investigations and case management.

- Clarified the duties of case management staff; updated and communicated performance expectations and guidelines; and ensured performance evaluations are performed on a regular basis.

- Updated policies and procedures to reflect organizational changes.

- Updated policies and procedures on communications with referral sources to ensure the communications are timely and reviewed regularly.

- Reviewed referral source differences; updated procedures to ensure that all referrals, regardless of source are investigated, assigned, and closed in a timely manner; and eliminated the backlog of referrals.

- Reduced caseload levels below the recommended benchmark level.

In conclusion, DMH implemented the most significant recommendations from the blueConsulting report. DMH management indicated that they have also implemented the other recommendations from the blueConsulting report.

Please call if you have any questions, or your staff may contact Jim Schneiderman at (626) 293-1101.

JTM:MMO:JLS:MR

Attachment

c: David E. Janssen, Chief Administrative Officer
Marvin Southard, D.S.W., Director, Department of Mental Health
Chris Fierro, Deputy Director, Office of the Public Guardian
Sachi A. Hamai, Executive Officer
Audit Committee
Public Information Office

COUNTY OF LOS ANGELES

MARVIN J. SOUTHARD, D.S.W.
Director

RODERICK SHANER, M.D.
Medical Director

550 SOUTH VERMONT AVENUE, LOS ANGELES, CALIFORNIA 90020

BOARD OF SUPERVISORS
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DEPARTMENT OF MENTAL HEALTH

http://dmh.lacounty.info

Reply To: (213) 738-4601

December 7, 2006

TO: J. Tyler McCauley
Auditor-Controller

FROM: Marvin J. Southard, D.S.W.
Director of Mental Health

SUBJECT: **RESPONSE TO BLUE CONSULTING FINAL REPORT**

Attached is the response from the Department of Mental Health to the final report (Work Order No. 6-95) issued by blueCONSULTING. Starting in January 2005, the consultants reviewed the probate conservatorship program of our Public Guardian operations. Their final report was issued on April 22, 2005 and contained 23 recommendations.

In our initial response dated April 28, 2005, we indicated we agreed with the recommendations. We now believe we have implemented all 23 recommendations. We thank you and your staff for the courtesy and assistance provided to us during the initial program review and the preparation of the final response.

If you have any questions on this matter, please let me know or your staff may contact Christopher Fierro, Deputy Director, at (213) 974-0407.

CF:ela

Attachment

November 20, 2006

LOS ANGELES COUNTY – DEPARTMENT OF MENTAL HEALTH
OFFICE OF THE PUBLIC GUARDIAN

RESPONSE TO REPORT
BY blueCONSULTING
WORK ORDER NO. 6-95

Submitted to:
AUDITOR-CONTROLLER

RECOMMENDATIONS/RESPONSE

NOTE: The report's recommendations are in **bold** print. The Department's responses, in regular print, follow.

Recommendation #1

Request immediate additional staff for referral investigations and case management and base future requests on objective information.

Original-Response: *Agree. Implementation, however, is dependent upon funding being made available for this purpose. The issue of allocating funding for probate conservatorship lies at the heart of the public policy issues discussed in the report.*

The Probate Conservatorship Program can best be described as an unfunded mandate in the sense that existing State law requires the Public Guardian to act in certain cases but does not provide any funding for either the investigation or the cost to administer the case.

Senior Public Guardian management has consistently requested additional staffing but funding has not been made available.

STATUS OF IMPLEMENTATION:

Implemented:

- At the request of the Fifth District, a budget summary request was submitted on April 7, 2005 for additional probate funding of $2.0 million.
- On July 14, 2005, an unmet needs document and funding request for $1.5 million was submitted to the CAO in response to the Board Motion of May 24, 2005.
- Both requests were based on objective information, including comparisons with other counties, and a review of literature on the subject and our experience.
- On September 20, 2005, the Board of Supervisors approved a budget increase of $1.1 million for Probate conservatorship. This allowed hiring 16 more line staff, an increase of 60%, effective January, 2006.
- In mid-November 2005, the Los Angeles Times published a four-part investigative series on shortcomings of the Probate conservatorship laws and

related services. The articles detailed abuses by private professional conservators, the inability of the Public Guardian to meet the demand due to lack of funding and the inadequate oversight by the court. As a result, the Board of Supervisors on November 15, 2005 ordered the CAO to lead a Task Force on Conservator Mismanagement and Abuse. This Task Force included the Department of Community and Senior Services, Consumer Affairs, County Counsel and the Public Guardian. The final report was submitted to the Board of Supervisors by the CAO on February 2, 2006. Included at the request of the CAO was a projection we prepared of funding needs for Probate conservatorship through fiscal year 2010-2011. The CAO supported our request and the Board of Supervisors approved increased funding for FY 2006 – 2007 that will allow us to hire an additional 16 positions for the Probate Conservatorship Program. For 2007-2008, we identified a need for 7.5 more positions, including the reestablishment of a Medical Consultation Team consisting of a part-time physician and two full time nurses. This team would help us monitor the health care needs of our vulnerable population of clients.

- The budget requests were based on existing workloads and staffing plus population projections by the U.S. Census Bureau and the California Department of Aging. The primary source for population growth and related social factors were two reports submitted by the Department of Community and Senior Services (DCSS) and adopted by the Board of Supervisors. The first report was "Preparing for the Future: A Report on the Expected Needs of Los Angeles County's Older Adult Population." This report, jointly filed by DCSS and the Department of Health Services (DHS), provided an overview of service demands that were likely to result from the growing disabled and vulnerable population. In March 2000, the Board of Supervisors approved the adoption of this report as a guiding document.

  The second report was filed by DCSS and adopted by the Board of Supervisors on January 21, 2003. This report was a Strategic Plan for Aged and Disabled, 2003-2006 called "Many Partners: A Single Vision." The Strategic Plan indicated there was a growing gap between service demand and service delivery. It identified several factors causing the gap: Population growth, life expectancy, quality of life concerns, financial resource limitations and a fragmented service delivery system.

  In the report by the Task Force on Conservator Mismanagement and Abuse, we further identified factors that may affect Public Guardian workload growth: Legislation, county funding, continued growth in the oldest old (85+) population and public education and outreach.

- Another source of data to support the funding request was an audit from 2003 of the San Francisco Public Guardian. In it was a survey of workloads of several counties: San Francisco, Alameda, Kings, Riverside, San Diego, Santa Clara, Solano and Yolo. It showed the average workload was 49, compared to the average workload in excess of 100 appointed cases per deputy conservator, in Los Angeles County. (Most counties combine appointed cases with terminated cases pending final discharge but Los Angeles County does not, otherwise the average caseload in Los Angeles would be much higher.)

- Finally, senior managers took advantage of an unprecedented opportunity to discuss conservatorship, including workload standards, with experts in the field of public guardianship.

  In January 2005, there was a site visit to the Office of the Public Guardian by two respected university professors who were conducting a national study of public guardianship. Senior management agreed in the previous year to participate in the study and had completed a lengthy survey prior to the site visit. The study, Wards of the State: A National Study of Public Guardianship, was completed and issued in April 2005. The 200 page document was the only national study of guardianship in the last 30 years. The study concludes with six recommendations. Included are two especially relevant to this discussion:

  - "Guardian to ward ratio of no more than 1:20...the tendency of programs to ambitiously help clients in need is offset by services stretched too thin to adequately meet the needs of incapacitated persons."

  - "Funding sufficient to accomplish these recommendations... Guardianship should either be done well or not at all because of the substantial deleterious effects of ineffectual guardianship."

Recommendation #2

Demonstrate leadership by prompt attention to operational and management issues, quick resolution of problems, and clear communication of organizational priorities.

Original-Response: *Agree. Leadership and action are critical to a well functioning operation. We also believe that Public Guardian management has long demonstrated strong leadership on the most critical issues.*

With respect to the need for prompt attention to noted operational and management issues, Senior Management has:

- *Established a procedure whereby all staff will be asked weekly to identify supply needs and will track those requests to ensure supplies are received timely;*
- *Agreed to more aggressively follow-up on bottlenecks within the Department of Mental Health on obtaining those supplies, filling vacancies and resolving personnel problems;*
- *Re-negotiated in October 2004 a new MOU with the Treasurer and Tax Collector (TTC) and is in discussions to assume some of the functions currently performed by TTC;*
- *Met with County Counsel to discuss the problems alluded to in the report and is working with them to resolve any related problems; and*
- *Expanded meeting agendas to include operational issues, such as supplies, that need attention.*

STATUS OF IMPLEMENTATION:

Implemented:

- As previously indicated, we established a procedure whereby all staff are asked weekly to identify supply needs. This is done through unit supervisors and section managers. We reminded them to check with their staff on a regular basis and standardized the dates for ordering supplies.
- We identified and cleared space on the 9th floor of the Hall of Records where most Public Guardian staff are stationed. This storage space is utilized to store some of the more commonly ordered items.

- We more aggressively followed-up on bottlenecks within the Department of Mental Health on issues affecting supplies, job vacancies and personnel. A senior manager met with DMH Administrative Services Procurement Officer in June and September 2006 to discuss our concerns. We obtained a copy of the department's Procurement Manual. We received training on the procurement procedures and have requested additional training. We had the Department's salvage crew finally remove some old office furniture and equipment.

- Our Personnel Liaison repeatedly and regularly followed up with appropriate staff in Administrative Services, Human Resources Bureau and Payroll to resolve related problems. One important example of success is our having the entry-level exam for Public Guardian Deputies posted and a hiring list promulgated within a few weeks compared to the many months it took awhile ago. The list was promulgated September 13, 2006 and is being used now to fill vacancies. Another example is senior management interceding with the Personnel Officer to resolve payroll issues affecting certain staff.

- We increased meetings and dialogue with County Counsel to identify and resolve problems, primarily with the court accountings. Our new Division Chief in charge of the process met with County Counsel on several occasions and provided them with a master list of overdue accountings. By September 2006, the backlog of overdue accountings was reduced by 90% from what it was a year earlier. Senior management attended the court hearings where the accounting petitions were heard and informed the Judge of the status of the accountings.

- We re-negotiated a new MOU for FY 2004-2005 with Treasurer Tax Collector and recently finalized an evergreen MOU effective FY 2005-2006. Some of the operational issues are addressed with the MOU.

- As a part of the negotiations with Treasurer Tax-Collector, we took over the Court Accounting function in August 2005. Accounting Technician staff members who performed the function for TTC were transferred to DMH. The assumption of this function has improved communication between the accounting staff and Public Guardian line staff, since both are now part of the same department.

- We received approval to hire a Staff Assistant I who will assume the timekeeping and supply responsibilities. These are currently performed by an Executive Secretary. By having a person who can give her full time attention to these areas, we expect further improvements.

- We instituted a policy that, with a few exceptions, Deputy Public Conservators would be responsible for a conservatorship from the time of court appointment of the Public Guardian until the conservatorship terminates. Previously, cases were assigned on a geographical basis. Therefore, every time a conservatee moved

(which is often), a whole time-consuming case transfer process was set in motion. The change will increase accountability and improve rapport with our clients. One disadvantage is perhaps an increase in travel time. Nevertheless, the consensus is that any potential increase in travel time would be more than offset by the time saved by not transferring cases with all of the related paperwork.

This policy change addressed operational issues and underscored management priorities: Individual accountability and better customer (conservatee) services. Holding staff accountable for the wide range of duties they perform with high caseloads is a difficult challenge. This policy change is one way of helping to meet that challenge.

- In March 2006, we finalized a major revision of our policy on "Do Not Resuscitate" (DNR) orders. The issue of approving or denying physician requests to not apply cardiopulmonary procedures to a dying patient is, of course, a sensitive matter. Our revised policy elevates the final decision of a DNR request to a senior manager. The policy also clarifies certain ambiguities in the old guidelines. "Imminent," for example, is now defined as meaning death is expected within 6 months of the physician's request, making our definition consistent with Medicare guidelines for hospice approval. We also standardized the forms used by physicians when requesting DNRs, making it easier for line staff to obtain the necessary information.

  The change in our policy affected a Board of Supervisors approved policy on DNR issues that provided guidelines to the Public Guardian and Department of Health Services in these matters. As a result, senior management presented the revised policy to the Health Deputies of the Board on March 15, 2006 at one of their public hearings.

- Staff meeting agendas regularly include discussion of operational issues, such as staffing and supplies. In addition, supervisors have been instructed to note trends in the operation and to bring those to the attention of senior management.

- Even a casual observer of public services would acknowledge that providing services with minimal public funding, especially human services for a vulnerable and disabled population, is a formidable challenge. Senior management has consistently demonstrated leadership in meeting this challenge. Prior to the recent allocation of County general funds, the Probate Conservatorship Program was operating only on the revenue it could generate, such as court awarded fees and the revenue contracts established by Senior management with Adult Protective Services, the Healthcare Association of Southern California and Los Angeles County hospitals.

- The Public Guardian has had the revenue agreement with the Healthcare Association of Southern California (HASC) since 1992-93 when it was approved by the Board of Supervisors, to provide expedited conservatorship investigations of referrals from the twenty-six participating hospitals. This contract, thought to be unique among California Public Guardian Programs, has specified time frames and outcomes consistently met by the Public Guardian for the duration of the contract, again demonstrating a commitment to minimizing operational problems.

- The agreements with Adult Protective Services and the county hospitals established agency standards for investigating Probate conservatorship referrals. More importantly, they establish the principle of partnership with providers of community services. The agreements have had a positive impact on the reduction of inappropriate hospitalization. They reflect agency priorities, such as revenue generation, community partnerships and maintaining agency standards.

- Senior management also headed one of the first Public Guardian programs in California to obtain other sources of revenue to support the program, such as Targeted Case Management (TCM). We recently reevaluated our activities which resulted in a shift of some TCM activities to another billable Medi-Cal Program, Medi-Cal Administrative activities (MAA). This was partly in response to Federal attempts to eliminate TCM. Senior managers have actively fought against the potential loss of revenue. Leadership in such areas is the most critical management activity because of the need to maximize revenue to maintain the program.

- Senior Public Guardian management is involved on a daily basis in solving day-to-day problems. One senior manager spends considerable time in discussions with the Closing Unit in the resolution of related programs, such as contested court accountings, contentious next-of-kin issues and, with other line staff, sensitive medical consent issues. Another senior manager has daily discussions with County Counsel attorneys, supervisors or court personnel on issues regarding immediate resolution: Problems in transporting clients to court for the court hearings, staff coverage problems, or escalating client-specific problems. The most senior manager spends considerable time in the resolution of client-specific issues, often those concerning placement problems with clients in acute care facilities. He must also review, approve and sign on a daily basis, petitions and documents related to conservatorship appointments, property disposition and client care matters, all of which lead to resolutions of daily problems faced by line staff. In addition to these examples of involvement with day-to-day issues, management is involved, of course, in the more common aspects of oversight: Performance evaluations, training, contract monitoring, reviewing reports and the hiring process.

Recommendation #3

Complete a strategic planning process, independent of the DMH planning process, and clearly communicate the vision and mission to all employees.

Original-Response: *Agree. As noted in the report, Senior Management has already initiated this process and is off to "a good start" according to the report. The development of a separate vision, mission and values statements, subject to Departmental approval, will be completed by September 30, 2005.*

STATUS OF IMPLEMENTATION:

Implemented:

The strategic planning process for the Public Guardian was completed in 2006 but, like any plan, must be flexible and subject to revisions in order to meet changing conditions. Elements that were considered as a part of the process included the following: 1) organizational structure; 2) Funding needs and funding likely to be available in the coming 3 to 5 years; 3) Analysis of current class specifications to determine if they are adequate to meet the challenges of the job; 4) Developing performance expectations in consultation with affected staff, the Union (Local 660) and the Department of Human Resources; 5) Reviewing and updating policies and procedures; 6) Analyzing our office technology needs and our computer system with an eye towards future needs; 7) a review of existing literature on guardianship for societal information on trends, legal issues, philosophy and ethical matters; and 8) Public education and outreach.

- As discussed in the response to Recommendation #1, senior management participated on a Task Force on Conservator Management and Abuse. The Task Force was created by order of the Board of Supervisors and was chaired by the CAO. The report, in summary, addressed a number of strategic issues. The report defined the roles of County departments and the Superior Court in the conservatorship process; summarized the current legislative provisions; proposed legislative remedies relative to the oversight and monitoring of conservators; provided the Board of Supervisors with recommendations for local actions/reforms; and provided an analysis of future anticipated fiscal and/or resource needs for the Public Guardian Probate Conservatorship program through the Fiscal Year 2010-2011.

- As a part of the Department of Mental Health, the Public Guardian participated in a strategic planning process for implementation of the Mental Health Services Act (MHSA). Funded by Proposition 63, the MHSA seeks to transform the mental health system to a client driven recovery model based on client strengths and self-help. Public Guardian management attended the many meetings and

stakeholder group discussions as delegates to the process. Public Guardian submitted two proposals for possible funding with MHSA money: One for a Representative Payee Program and another for a Placement Unit to facilitate placement of conservatees into appropriate living arrangements. The proposals were not funded because they were not seen by the stakeholders as priorities more important than other proposals, such as client run Wellness Centers and supportive housing. Nevertheless, the Public Guardian was a part of the process and given due consideration.

- Another strategic planning process that was completed concerned new state legislation. As a result of the Los Angeles Times articles on conservatorship, several legislators introduced bills to address the issues raised by the Times. The bills were AB 1363 (Jones), SB 1116 (Scott), SB 1716 (Bowen) and SB 1550 (Figueroa). The bills were linked and referred to as the Omnibus Conservatorship and Guardianship Reform Act of 2006. Among the provisions of the bills, which were signed into law by the Governor in August 2006, were some that dealt with increased educational requirements for private professional and public conservators. In anticipation of the new laws, Senior Management requested and obtained a new management position that would focus on meeting the new training requirements as well as improving the overall training for all Public Guardian staff. Senior management also demonstrated leadership by providing written analyses of the bills and testifying at the public hearings.

- Because the Public Guardian is a part of the Department of Mental Health, our primary role is to support the department's vision of "Making our community better by providing world-class mental health care." LPS conservatorship, which constitutes over 70% of the workload, is a part of the system designed to provide involuntary mental health treatment to the seriously mentally ill. We state in our public brochures and on the DMH website that we support the department's vision "by providing professional conservatorship services of high quality and integrity." The Probate Conservatorship Program is also a part of that support because, while not aimed at involuntary mental health treatment, deals largely with a population of clients with dementia and a significant number (30%) of clients who have other major mental disorders. Probate conservatorship is an alternative to LPS conservatorship in some cases.

- The development of the operational vision and communication of it was completed with a new policy on the philosophy and mission of the Public Guardian. As with all of the policies, they were under review by Local 660 as agreed to by DMH. That review process recently completed its review of this policy.

- Starting in 2005 and still ongoing is a joint effort by the Treasurer Tax Collector and Public Guardian to issue a new RFP for the replacement of the current

LAPIS computer system. The replacement system, called the Client and Asset Management System (CAMS), included a lengthy process of reviewing, documenting and specifying our computer needs. Public Guardian senior management has been joined by DMH Information Technology experts to assist in the process. An effective computer system is, of course, critical to the day-to-day operations.

- Part of the strategic plan is the strengthening of partnerships with community agencies and public education and outreach. The Public Guardian established or maintained formal contractual agreements with Adult Protective Services; LAC-USC Medical Center Forensic Center; Healthcare Association of Southern California on behalf of 23 private hospitals; and the District Attorney for victims of abuse or violence. We also continued participation in the Smarter Senior Forums presented annually throughout the County. These forums are designed to prevent or minimize elder fraud and abuse.

- In early 2006, we also joined the Elder Abuse Prevention Task Force chaired by the Presiding Judge of the Probate Court. This Task Force includes the District Attorney, Los Angeles City attorney, APS and County Counsel. The purpose of the Task Force is to make better use of legal resources and remedies to help victims of abuse.

- We are in the process of establishing a Rapid Response Team with Adult Protective Services to move quickly to stop abuse of older or dependent adults. The Team will meet and confer on difficult cases and make joint visits when necessary. The Team represents a joint effort with the Department of Community and Senior Services to utilize existing resources in new ways to accelerate existing processes to remedy elder abuse.

- An important part of strategic planning is succession planning and leadership training. Senior management has actively planned to fill vacancies that may occur when a manager leaves or retires. Appropriate personnel have been recruited or promoted in the last few years so that recent vacancies caused by retirements were quickly filled. In addition, senior managers completed or are enrolled in intensive leadership training arranged by the Department of Mental Health and provided by the California Institute of Mental Health. Managers and supervisors have also received section head training through the Los Angeles County Training Academy.

Recommendation #4

Use staff meetings as a tool to facilitate effective top-down and bottom-up communication.

Original-Response: *Agree. Meetings are an important means of communication and as a forum for the identification and resolution of problems. A variety of means are used in the all-staff meetings, such as videos and pop-quizzes, to stimulate discussion. The model meetings suggested in the report will be discussed for possible implementation, along with other models. The importance of regular meetings as a forum for information sharing and problem resolution has been stressed by the senior manager with all supervisors and managers.*

STATUS OF IMPLEMENTATION:

Implemented:

- Supervisors conduct regular meetings with their units. Copies of meeting agendas are submitted to management to confirm content covered. Management meetings are held weekly. An Expanded Management Meeting that includes line supervisors is held monthly. General all-staff meetings are held quarterly.

- At the Public Guardian Management meeting, the managers in charge of the line operations are asked to report on activities or issues in their sections. Issues often include personnel and workflow matters. At the Expanded Management Meeting, supervisors are asked to note trends in workload processing. Senior management maintains an open door policy so that line staff can directly communicate their concerns when they feel it is necessary. Finally, all staff members have email capability and it is used frequently to communicate operational problems, such as payroll or supply problems.

Recommendation #5

Conduct an in-depth assessment of the entire Public Guardian organizational structure.

Original-Response: *Agree. DMH has already begun a comprehensive reorganization process that will include the Public Guardian.*

STATUS OF IMPLEMENTATION:

Implemented:

- The department, as stated, has begun a comprehensive reorganization that includes the Public Guardian. The proposed reorganization has been discussed by the Department with the CAO and Department of Human Resources.

- The passage of Proposition 63 in November 2004 and the issuance in 2005 of the Mental Health Services Act (MHSA) initiated a strategic planning process. An important element of the process is the transformation of clinical mental health services to the vision of the MHSA of services in a Recovery Model with client-run Wellness Centers. These changes impact the Public Guardian by emphasizing independent living for clients as opposed to institutional settings. That, in turn, helped prompt changes such as the caseload handling procedures discussed in the response to Recommendation #2, where cases are not transferred each time a client moves.

Within the Public Guardian operation, the strategic planning process discussed in the response to Recommendation #3 included an in-depth assessment of the entire organizational structure. Some of the resulting changes include the following:

- A new unit to handle probate conservatorship cases.

- Assessing the strengths, weaknesses and preferences of individual staff and shifting them accordingly.

- Establishing a new section under a new Assistant Division Chief position. The Special Services Section is focused on training, placements (establishing living arrangements for conservatees); internal audits/quality control, public education and outreach, and when established, Representative Payee Services.

- As discussed in more detail in the response to Recommendation #7, the Public Guardian has completed an analysis of the line positions. The Performance Expectations Workgroup, led by the Department of Human Resources, reviewed

all of the duties of the positions. Local 660, the union representing the line positions, participated in the process as well. The performance expectations and job analyses informed the overall in-depth assessment of the operation.

Recommendation #6

Update policies and procedures to reflect new organizational changes and formalize their presentation.

Original-Response: *Agree. Senior Management initiated a process two years ago to update policies and procedures. Due to the complexity of the task, the process has taken longer than originally projected but is scheduled for completion this year, by August 31, 2005, of at least the core operational policies.*

STATUS OF IMPLEMENTATION:

Implemented:

- Existing policies and procedures were reviewed. New policies and procedures were developed. Some of the new policies cover the following topics: Targeted Case Management for billing Medi-Cal for case management services; Do Not Resuscitate requests; establishing living arrangements for conservatees and court accounting procedures.

- The Department of Mental Health has an agreement with Local 660 that the union will have the opportunity to review new policies and procedures before they are issued to staff. While the union cannot veto the new policies, the intent of the agreement is to work together and minimize grievances and misunderstanding. Public Guardian submitted final drafts of the policies in October 2005. After several months of waiting, we finally recently received union feedback and the approval of DMH Human Resource Bureau to issue the policies. The policies will be issued to all staff over the next few weeks and discussed at appropriate staff meetings.

Recommendation #7

Develop standards for reasonable workloads for investigation and case management DPGs (Deputy Public Guardians) to ensure that the work can be completed on a timely basis and that conservatees' and other stakeholder's needs are met.

Original-Response: *Agree. While most conservatorship activities have operational standards, monitoring needs to be improved. The updated policies, referenced in the previous response, include updated standards. In addition, the Public Guardian has developed computer-generated reports to help monitor compliance and measure outcomes. In addition, management audits cases on regular basis to identify chronic problems and develop solutions, as recommended in the report. Standards will be established by September 30, 2005 but, as discussed previously, funding will be the primary key for successful implementation of the standards.*

STATUS OF IMPLEMENTATION:

Implemented:

Workload demands upon the Public Guardian stem from the wide-ranging duties of a conservator. The Public Guardian, as conservator, is responsible for the personal well-being of conservatees and for the appropriate management of their finances.

To become the conservator, Public Guardian staff must first conduct an investigation to determine if conservatorship is the only or most appropriate remedy for the presenting problem. The investigator (a Deputy Public Conservator II or Senior Deputy Public Conservator) must personally interview the individual referred for possible conservatorship. The interview takes place wherever the individual lives, whether in his or her own home, an acute hospital, nursing home or jail.

The purpose of the interview is to begin gathering information and begin an assessment to determine if the legal criteria for conservatorship are met and if it is necessary in this instance. The interview with the client is followed by reviews of available medical records, interviews with family and friends, letters of inquiry to benefit paying agencies and financial institutions, taking steps, if necessary, to freeze assets, and talking to medical staff for a determination of the client's health care needs and recommended living arrangements.

If a determination is made that conservatorship is not appropriate, a letter explaining why not is sent to the referring party. If conservatorship is determined to be necessary, the investigator submits a court report to County Counsel with the results of the investigation and all known relevant facts. County Counsel uses this report to prepare a petition asking the Superior Court to appoint the Public Guardian as conservator and to

set a hearing date. The investigator must ensure that the client is at the hearing or obtain a medical affidavit that he or she is too ill to attend. The investigator must be present at the court hearing.

As this simplified summary shows, travel time, court time and investigative activities allow little leeway. The eventual goal of five investigations per month would allow approximately between three and four days per investigation. Based on Public Guardian experience and an earlier analysis, this is a reasonable yardstick.

Once the Public Guardian is appointed as conservator, a different and more daunting set of responsibilities begins. The Public Guardian becomes responsible for ensuring that the basic needs of the conservatee for food, clothing and shelter are met as well as arranging necessary medical care. Living arrangements that meet these needs must be arranged and paid for from the conservatee's income and assets. Benefits must be identified and obtained. Personal property must be identified, secured and stored. Real property requires title searches, insurance, inspections, repairs, and perhaps rental or sale. As the needs of the conservatee change, the Deputy Public Conservator must address them. The Deputy Public Conservator does this in part by making regular personal visits to the conservatee. The Deputy Public Conservator is involved in health care decisions, such as surgery and do-not-resuscitate requests. If the client dies, Public Guardian staff members make funeral arrangements in the absence of family. In some instances, the Deputy Public Conservator is the only person paying last respects at the funeral service for the conservatee.

Such a varied set of important duties requires a reasonable workload in order to do a reasonable job. Unfortunately, there is little literature on the subject of Public Guardianship. What there is suggests a ratio of one caseworker (Deputy Public Conservator in Los Angeles County) to 20 conservatees. This ratio is recommended most recently by the study "Wards of the State: A National Study of Public Guardianship" published in April 2005. It was prepared by a University of Kentucky professor of gerontology and several others. The Public Guardian believes that efficiencies in scale together with support from a requested Medical Consultation Team and specialized support activities allow for 40 to 50 cases per Deputy Public Conservator to be handled on a reasonable basis.

The demand for additional Deputy Public Conservators, support staff and supervisory oversight increases as the workload grows. By 2010, the following staffing ratios, if achieved, represent the long-term goal based on Public Guardian experience and a review of related literature:

- One Deputy Public Conservator II or Senior Deputy Public conservator to conduct five investigations per month.

- One Deputy Public Conservator II or Senior Deputy Public Conservator to manage 40 to 50 conservatorship cases.

- One Supervising Deputy Public Conservator to provide supervision and training for five Deputy Public Conservators.

- Sufficient administrative/clerical/accounting support to support the Deputy Public Conservators and Seniors. (One Clerk per five Deputies, one Conservator Administrator Assistant for three Case Administrative Deputies, one Accountant Technician for three Deputies and one Conservator Administrator Assistant for five Investigative Deputies.)

- As previously indicated, most conservatorship activities have operational standards and timeframes. These are covered in policies and procedures, the training manual provided to new Deputies, and the Internal Control Certification Program (ICCP) that is completed annually. For example, the written policies call for probate investigations to be completed within 45 days of assignment to a Deputy investigator. Completed means a determination has been made whether or not to ask County Counsel to file a petition for appointment of the Public Guardian as conservator. If yes, a written report must be prepared and submitted to County Counsel. If no, a letter of disposition explaining why conservatorship is not appropriate is sent to the referring party.

As implied in the recommendation, however, there was a need to develop standards for reasonable workloads for Deputies conducting investigations or managing a caseload of established conservatorship.

By virtually any reasonable standard, the existing workload of the Public Guardian could easily support three to ten times the current staffing level. For example, based on workloads in other counties, the staffing could be tripled. Based on a review of literature, with recommended ratios of 20 or 30 clients to 1 guardian, staffing could be five to six times the current levels. In the Department of Mental Health, intensive case management programs suggest a ratio of ten clients to one case manager, which would mean about ten times the current staffing. While all of these comparisons are valid and would constitute a reasonable basis for developing workload standards, the reality is that the available funding and staffing will help determine workload standards, in the absence of a union-negotiated MOU.

Previously, funding was at a level the consultants acknowledged "put the Public Guardian and its clients at a disadvantage" with "high caseloads [that] prevent staff from performing required services in a timely or thorough manner."

- The recent increase in funding has already had positive impact on workloads even though not all of the allocated positions have been filled. In August

2005, 528 active probate cases were handled by 6 Public Guardian Deputies for an average caseload of 88 active cases (terminated conservatorships are transferred to the Closing Unit keeping the active count down). In August 2006, 522 cases were handled by 11 Deputies or 48 active cases each.

Recommendation #8

Establish standards for referral staffing

Original-Response: *Agree. Per the report, the standard for referral staffing (probate investigations) should handle no more than six or seven referrals per month. Even at six per month, the investigator has only, on average, about three full days to conduct an investigation.*

STATUS OF IMPLEMENTATION:

Implemented:

The consultant's report suggests that the standard for referral staffing (probate investigations) should be no more than six or seven per month. Even at six per month, the investigator has only, on average, about three full days to conduct an investigation. This includes travel time (a large factor in Los Angeles County), personal interview with the client, review of available medical records, discussions with family, friends, neighbors, health care providers and others, sending written inquiries to banks, Social Security Administration and others, writing a report to support a conservatorship petition or a letter to the referring party explaining the decision not to seek conservatorship, coordinating the hearing date with County Counsel and making transportation arrangements with other staff and appearing in court. Issues that arise during the investigation, such as placements, must also be handled.

As discussed in the responses to Recommendation #3 and #7, we engaged in a strategic planning process and the development of performance expectations that included line representation and the union. As a result, we believe that probate investigators can reasonably be expected to process between one and five referrals per month. A single referral would be cases involving elder abuse, especially financial abuse of older adults living in their own home or cases involving adults described as "hoarders" and a "public health hazard" due to the conditions of their homes and yards. In such cases, temporary conservatorship must often be established and legal actions initiated to resolve the presenting problems. Such cases are extremely complex and require coordination with multi-disciplinary teams. Five per month would be primarily for clients in acute hospitals or nursing homes. The actual numbers assigned would be subject to the judgment of the appropriate supervisor or manager.

The criteria for establishing conservatorship are found in Probate Code section 1801:

(a) "A conservator of the person may be appointed for a person who is unable to provide properly for his or her personal needs for physical health, food, clothing or shelter...."

(b) "A conservator of the estate may be appointed for a person who is substantially unable to manage his or her own financial resources or;

(c) resist fraud or undue influence. Substantial inability may not be proved solely by isolated incidents of negligence or improvidence."

At the conclusion of the investigation, the Deputy Conservator is instructed by the Public Guardian manual to make the decision whether to seek conservatorship in this manner:

> "After having gathered the essential information and examined all possible alternatives, the decision whether to seek probate conservatorship is dependent upon a yes or no answer to the following questions":
>
> "Is the individual capable, without the assistance of the Public Guardian, of properly providing for his/her personal and financial affairs? Is his/her person or his/her estate in danger, or vulnerable to exploitation by others? Does he/she, in other words, meet the criteria stated earlier found in Probate Code section 1801? If yes and conservatorship is indicated; the investigator prepares a written recommendation for the court."

Recommendation #9

Require compliance with policies to provide adequate communication with referral sources and ensure that this area is reviewed in future internal audits.

Original-Response: *Agree. Efforts have been ongoing to improve communication with all referring parties.*

STATUS OF IMPLEMENTATION:

Implemented:

The information on conservatorship criteria provided to Deputy staff discussed in the response to Recommendation #7 is also provided to agencies that work with the Public Guardian and to the public-at-large. This information is also provided at meetings, in-service trainings and presentations to the agencies and in daily discussions with callers inquiring about conservatorship and at public forums, such as the "Smarter Seniors Forums" conducted ten times a year for the last several years in areas throughout the county. The basic source of information for the criteria used by the Public Guardian for seeking conservatorship is found in the brochure referenced by the auditors in Finding #35. The brochure states that "according to the Probate Code, a conservator may be appointed 'for a person who is unable to provide properly for his or her personal needs for physical health, food, clothing, or shelter' or for persons 'substantially unable to manage' their financial resources or resist fraud or undue influence." And the "purpose is to protect and arrange care for the conservatee, to protect their rights and manage their financial resources."

Over 20,000 such brochures have been distributed since 2001. Thus, the criteria for seeking probate conservatorship are rooted in the probate code and this information is widely disseminated.

- All referrals for conservatorship investigation have a unique case number assigned to them.
- All referring parties are sent a written acknowledgement within five business days. The acknowledgement is a standardized form that provides contact information on the status of the referral.
- Upon conclusion of the investigation, a written disposition or notice is provided to the referring party.
- Compliance with these policies and procedures are primarily ensured by the Supervising Deputy in charge of investigations.

- The internal audit form and process referenced in this recommendation have been modified to further review for compliance.

- We established a new section under the direction of a new Assistant Division Chief that will, among other duties, enhance quality control through the internal audit process.

- Our Public Guardian management regularly discusses or meets with management of Adult Protective Services, Geriatric Evaluation Networks Encompassing Services, Information and Support (GENESIS), and hospitals participating in the contract with the Healthcare Association of Southern California (HASC). Part of the discussions is on communication by Public Guardian staff with their staffs, since they refer the most or significant cases. The feedback is generally positive.

Recommendation #10

Eliminate the backlog and review referral source differences.

Original-Response: *Agree. As noted in the report, great progress has been made in reducing the backlog. However, it is also recognized that the demand for services far exceed our capacity to provide those services and indeed, if there were sufficient resources, a conservator's oversight can improve the quality of life for many individuals. Our management/supervisory team will review the referral source differences and if warranted, further clarify our target population, depending upon our funding sources.*

STATUS OF IMPLEMENTATION:

Implemented:

- All cases are assigned for investigation within three days of receipt. Field Investigations can be conducted on about half of them. The others receive a telephone investigation and are either closed or assigned for field investigation. The backlog was under 50 cases as of July 1, 2005, a historic low.

- As of September 2005, the backlog was further reduced to less than 10 cases. Today, the backlog is essentially eliminated.

- In addition, we completed an analysis of the characteristics and disposition of referrals from two primary sources, Adult Protective Services and hospitals participating in the Conservatorship Access Network (CAN) under contract through the Healthcare Association of Southern California (HASC). The analysis showed, for example, that 100% of the CAN referrals followed an episode requiring acute hospitalization while over 50% of the APS referrals were for financial abuse.

- We also analyzed probate referrals for the calendar years 2002, 2003, 2004 and 2005. This analysis determined how many referrals we received directly from the court or court appointed attorneys working with private professional conservators and the reasons for the referral. In 2005, for example, six referrals were made to the Public Guardian because the private conservator or petitioners were accused of financial exploitation.

- On 5-24-2005, the Board of Supervisors, on motion by Supervisor Antonovich, requested a report from the Public Guardian on using probate conservatorship to meet the needs of the developmentally disabled

residents of the county. Part of the report contained an analysis of the sources of the probate referrals showing how many were for "Limited Conservatorships" (probate conservatorship specifically designed for the developmentally disabled population affected by mental retardation, autism and related disorders). The analysis showed that 21% of the subsequent court filings during January through March of 2005 were for Limited Conservatorship while less than 5% of Public Guardian probate clients were strictly developmentally disabled. This underscored the Public Guardian practice of filing for more general probate conservatorships rather than Limited Conservatorships and showed the greater role of family and the Regional Centers in the lives of the developmentally disabled.

- New referrals are assigned for investigation or closed within 30 days of their receipt. This will prevent a new backlog from developing since cases received during the month are pending assignment and backlog referred to cases older than 30 days.

Recommendation #11

Reduce the number of non-handle codes to eliminate duplication and ambiguity. (Refers to finding #16)

Original-Response: *Agree. A task force led by a manager has been convened to review and revise by July 30, 2005, the current codes used to close or reject new cases. The goal will be to reduce the number of categories and eliminate ambiguity.*

STATUS OF IMPLEMENTATION:

Implemented:

A task force led by a manager was convened in early June 2005. The task force reviewed all then-current codes used to non-handle (close) investigations. By the end of June 2005, the task force completed its work and the number of non-handle codes was reduced by 50%. The new codes were changed on our LAPIS computer system and discussed with staff at different meetings.

Recommendation #12

Evaluate non-handles and clarify Public Guardian-referral source communication to reduce the number of ineligible referrals and improve the rate of appointed cases.

Original-Response: *Agree but with this limitation and clarification: The task force referenced above is reviewing the non-handled codes and will also evaluate non-handled cases to help determine patterns of referrals that result in rejection. In addition, the internal audits, recently re-instituted, will be expanded to include a review of non-handled cases, as previously discussed.*

The results of these efforts will be examined to determine what the root causes of non-handles may be. That does not mean, however, that such a determination will result in a higher percentage of appointed cases. We know now, for example that a high percentage of non-handled (closed) referrals come from skilled nursing facilities. These referrals typically are on patients considered to lack capacity and who have no responsible next-of-kin. These referrals are rejected not necessarily because they do not meet the legal criteria for Probate Conservatorship but because they are a lower priority when compared to patients in acute care facilities or elder abuse referrals. Thus, as discussed in the public policy issue, the role of the Public Guardian with respect to vulnerable residents must be examined and, if found to be necessary, funded to meet the demand. Otherwise, the correlations among referrals, non-handles and appointment rates cannot be determined with certainty.

STATUS OF IMPLEMENTATION:

Implemented (But is an ongoing process):

- We completed an analysis of the referrals made by Adult Protective Services (APS) and hospitals participating in the Conservatorship Access Network (CAN) contract with the Healthcare Association of Southern California. We looked at various factors, such as where the client lived (home alone or with others), indicators of abuse, age and assets. While useful, it cannot be said to be definitive or that the analysis will lead to an increased rate of appointed cases. As suggested in the original response, a number of factors contribute to the rate of appointment. Each client is unique and has unique circumstances that may rule in or rule out conservatorship, even if all the referring factors are otherwise identical. As discussed in Recommendation #10, the APS referrals were largely for financial abuse while the CAN referrals were for placement following acute hospitalization.

- We did compare the rate of appointment as shown in the consultant's final report, 16%, with a recent 4 month sample (June 2006 to September 2006). There has been a slight increase in the rate of appointment to nearly 20% of the cases we do field investigations on. At the same time, however, we experienced an influx of skilled nursing home referrals that wanted a "responsible party" because a Health Inspector recommended one. Such cases do not typically need a conservator because their needs are met by the facility and the law provides alternatives to a conservator. The referrals, however, increase the total numbers, thereby decreasing the appointment rate. Moreover, the recent period sampled is too short to be conclusive and does not yet reflect the increase in staffing.

- In addition to the analysis of referrals discussed in Recommendation #11, we have prepared new documents used in the investigation process. These documents provide additional information to potential or actual referring parties about the criteria for conservatorship and the process of investigating a referral. We are having regular meetings with major referral resources and providing regular status reports to them for further discussion.

- We regularly participate in Smarter Senior Forums, provided ten times a year in different service areas in order to explain what conservatorship is and the referral process. We have also expanded our participation in community forums to help educate the public about conservatorship. We are a core member of the newly established L. A. County Elder Abuse Forensic Center which meets once per week to discuss cases of possible elder abuse and the appropriateness of conservatorship to help resolve the issues. We are also participating in the Elder Abuse Prevention Taskforce that is examining legal solutions to the growing problem of elder abuse.

- We will continue to analyze referrals and increase communication with referring parties. Upon implementation of the new Client and Asset Management System (CAMS), as discussed in Recommendation #18, we will have a better tool to help us analyze characteristics of referrals. In addition, we are in preliminary discussions with Adult Protective Services, a major source of referrals, to develop a common on-line referral document that would speed-up the process, improve communication and establish an electronic baseline of referral characteristics for future analysis.

Recommendation #13

Request additional case management staffing to bring the caseload standard more in line with the data reported by Benchmark Survey participants.

Original-Response: *Agree. However, implementation of this recommendation is contingent upon the availability of funding.*

STATUS OF IMPLEMENTATION:

Implemented:

As discussed in the response to Recommendation #1, budget requests for the Public Guardian probate conservatorship program were approved for FY 2005-2006 and FY 2006-2007. The increase of 32 staff will allow us to bring the caseload standards more in line with the counties that responded to the audit's survey. As discussed in the response to Recommendation #7, the increased staffing has reduced the average caseload of appointed cases from 88 per Deputy Conservator in August 2005 to 48 each in August 2006. This is more in line with the reported Benchmark Survey participants.

Recommendation #14

The role of Case Management and Closing Desk DPGs should be clarified.

Original-Response: *Agree. The revised policies and procedures will provide clearer guidelines for deputies handling conservatorship administration (appointed caseloads) and the closing desk in order to clarify their respective duties. Clearer guidelines will be established by July 30, 2005.*

STATUS OF IMPLEMENTATION:

Implemented:

- In late 2005, we expanded the Closing Desk to a Closing Unit. This unit is headed by a Supervising Deputy Public Guardian and has three Deputies and one Conservator Administrator Assistant (CAA). Previously, it was one Deputy reporting to a Supervisor who had many other responsibilities. There is now more staff dedicated to closing out a case after the conservatorship terminates or the conservatee dies.

  The Closing Unit is responsible for making funeral arrangements for conservatees who die with no next-of-kin, paying final expenses and preparing the case for the final accounting.

- The Supervisor of the Closing Unit is monitoring the handling of cases as they are transferred in. She is providing reports to her Supervisor in order to identify and correct problem areas when the case was active. This "post-mortem" case analysis supplements the Internal Audit process discussed in Recommendation #16.

- We revised the policy on how to close out cases and it has been discussed with the unit staff.

- The Division Chief in charge of the Closing Unit has regular meetings with the Supervisor and the Supervisor with the unit.

Recommendation #15

The Public Guardian should clarify the duties of DPGs and CAAs (Conservator Administrative Assistants) and hold incumbents accountable for completing their specific job duties.

Original-Response: *Agree. The previously discussed need for updated policies and compliance monitoring will assist in defining tasks done by both DPGs and CAAs. Management has discussed with supervisors the need for regular meetings where such issues should be surfaced and resolved or referred to management.*

STATUS OF IMPLEMENTATION:

Implemented:

- The appropriate policies and procedures have been updated and discussed with Conservator Administrator Assistant staff.

- As discussed in the responses to Recommendations # 3 and #7, the Public Guardian developed performance expectations for all line positions, including the Deputy Public Conservator and Conservator Administrator Assistant positions.

  The Performance Expectations Workgroup was headed by a representative of the Human Resources Department and included Local 660 representatives.

- The Performance Expectations Workgroup looked at all of the duties of each line position. The job was broken down into 1) Work products and services; 2) Work behaviors; and 3) Skill/knowledge development. The questions answered in the process were: 1) What do they have to do? 2) What is acceptable performance? and 3) Why are they doing this? The answers, in turn, were linked to county strategic goals and Performance Counts! goals.

- Accountability for the performance of their duties is primarily done through the line supervisor. Performance Evaluations, of course, are the official report to the employee or his or her job performance. All supervisors have received or are scheduled to receive training on rating and evaluating employee job performance. The training is provided by DMH Human Resource Bureau.

- Accountability was further strengthened through the process of establishing work performance expectations in consultation with the Department of Human Resources, employees themselves and their union representatives. The frank discussions and definitions helped increase understanding of and respect for each other's roles.

- Supervisors rely on computer generated reports and manual logs to control and monitor the performance of their staff. The Supervisor of the Conservator Administrator Assistant Unit, for example, maintains a log of all incoming work requests from Deputy Conservators. The work assigned to each Conservator Administrator Assistant is tracked and monitored. An analysis of the logs for the last year shows that all work assigned to each Conservator Administrator Assistant is completed within 5 days.

Recommendation #16

The Public Guardian should re-institute and strengthen the internal audit function.

Original-Response: *Agree. The internal audit of cases done by management was re-instituted in January 2005. Since many new policies will be adopted, the management/supervisory team will re-examine the audit tool and incorporate any updated standards.*

STATUS OF IMPLEMENTATION:

Implemented:

- As previously indicated, the internal audit process was reinstituted. The document used for the audit was revised to address the issues raised in Recommendation #9 concerning communication with the referring parties. As discussed in the response to Recommendation #14, the creation of the Closing Unit has also strengthened the internal audit process.

Recommendation #17

The Public Guardian should examine the costs and benefits of initiating a Representative Payee Program and determine if such a service would benefit the County.

Original-Response: *Agree. Senior Management has closely examined the costs and benefits of a representative payee program. The conclusion is that such a program could be cost-effective, at least for LPS cases. Coupled with a strong case management component from mental health services, a representative payee program can constitute a reasonable alternative to conservatorship of the estate and, in some instances, of the person. Senior Management has requested funding to establish a representative payee program and the request is pending through the stakeholder process of the Mental Health Services Act.*

It is less certain that a representative payee program would be of similar benefit for the probate conservatorship program. It should be noted that reimbursement to any agency providing representative payee services is governed by Social Security guidelines and is currently awarded at a rate of 10% of the monthly income or a maximum of $31.00 per month ($372 a year).

This recommendation will be pursued with a report completed by September 30, 2005, but if this program is recommended, the Public Guardian will need initial funding to set-up a program, even on pilot basis.

STATUS OF IMPLEMENTATION:

Implemented:

- The Public Guardian presented a proposal for the creation of a Representative Payee Program, at least on a pilot bases, through the stakeholder process that recently completed planning for Proposition 63/Mental Health Services Act. Although seen as a worthwhile endeavor, it did not receive enough support to fund it in the face of other priorities.

- In January 2006, the Board of Supervisors became concerned about abuses occurring in some unlicensed facilities, such as "Sober Living" facilities. The Board ordered the Chief Administrative Office to head a Task Force to review the concerns and make recommendations for improving conditions and preventing abuse of the dependent adults by some unscrupulous facility operations. The Task Force included representatives from the Chief Administrative Office, Department of Mental Health, Social Security, County Counsel, Los Angeles City Attorney and the Public Guardian.

The Public Guardian prepared and submitted a proposal to the Task Force for the utilization of representative payee services as a remedy for financial abuse of residents of Sober Living facilities. The proposal received the support of the Task Force but funding ($170,000) remained undetermined.

- In July 2006, the Public Guardian revived the Representative Payee proposal and presented it to Department of Mental Health Executive Management. It appears that there may be a way to use the Proposition 63 funding for the creation of a program that would lessen the number of involuntarily detained mental health clients. The proposal is still pending but the recommendation to examine the costs and benefits was clearly completed.

Recommendation #18

The Public Guardian, working with the Public Administrator/Treasurer and Tax Collector, DMH, and County Counsel, should develop a new case management database.

Original-Response: *Agree. As noted in the discussion of this recommendation, Public Guardian Senior Management participated in the development of the design requirements and the statement of work required for a new case management database. Once the contract is finalized, Public Guardian management will actively participate in the system development, testing, data conversion, and staff training.*

STATUS OF IMPLEMENTATION:

Implemented:

As previously reported in 2005, the Public Guardian participated in the development of the design requirements and statement of work for a new computer system. The RFP which resulted from the process was not implemented because of contractual issues with the successful bidder. Treasurer Tax Collector (TTC), which issued the RFP, then invited Public Guardian participation in the development of a new RFP. Public Guardian management regularly participated in the development throughout 2006 and was joined in the process by Department of Mental Health information technology staff. The process produced a new RFP for a new system called the Client and Asset Management System (CAMS). CAMS, as the name indicates, includes a new case management data base that will greatly enhance Public Guardian capability to monitor clients health care needs and estate management as well as streamlining office processes.

It is anticipated that the RFP for the CAMS system will be issued in January 2007.

As the issuance of the RFP is under the control of the TTC and there is no guarantee of a successful bid, the implementation of the new case management database is beyond the control of the Public Guardian. As previously explained, however, the Public Guardian has actively helped develop the new case management database as recommended.

Recommendation #19

Negotiate a new operating agreement (MOU) with the Treasurer and Tax Collector to reduce overall costs to the Public Guardian, hopefully with a substantial amount of the savings available to help fund the probate function.

Original-Response: *Agree. We will be meeting with the TTC to review the appropriateness of the current billing processes.*

STATUS OF IMPLEMENTATION:

Implemented:

A new MOU between the Treasurer-Tax Collector and the Department of Mental Health was agreed upon and signed by their respective department heads in November 2004. Starting in fiscal year 2005-2006, TTC transferred some accounting functions to DMH with a resultant reduction in overhead costs. In 2006, DMH/PG and TTC/PA negotiated a new MOU for FY 2005-2006 and subsequent years. On 11-6-06, the new MOU was approved and signed by the respective department heads.

DMH/PG has proposed that it take over all of the remaining support functions provided by TTC/PA. The initial notice of the take over was given to TTC in June 2006 and a meeting with CAO, TTC and DMH was held to discuss the proposal. A formal proposal with a time line, cost analysis and a project management plan was submitted to the CAO and TTC in September 2006. A meeting was held on 10-26-06 to discuss the proposal in more detail. The CAO directed that the proposal be held for further discussion at a future meeting. If ultimately approved by the CAO, the plan will save DMH $1 million dollars annually and the savings, hopefully, will be used to further fund the Public Guardian.

Recommendation #20

Increase interaction and training with County Counsel management and staff to examine common issues that arise in more complicated estates and contexts and to increase the level of responsiveness overall.

Original-Response: *Agree. Discussions of this recommendation and findings related to County Counsel have begun. The purpose will be to improve communications, note operational problems and to solve them. In addition, with respect to training, County Counsel has always been willing to provide it. On March 3, 2005, County Counsel, for example, provided training to all staff on the preparation and filing of inventories and appraisements.*

STATUS OF IMPLEMENTATION:

Implemented:

- County Counsel is aware of the recommendation and agrees to increase interaction and training.
- As previously discussed, County Counsel provided training on March 3, 2005 to all staff on the preparation and filing of inventories and appraisements.
- County Counsel has always been willing to provide training and will do so as needed.

In the last year there has been increased interaction between Public Guardian staff and County Counsel. Specific examples include:

- Increased interaction on complex probate cases. One of the Public Guardian's most difficult cases has required County Counsel to attend a variety of meetings to discuss estate planning, tax issues, real property and corporate issues. Many times several County Counsel Attorneys with specialized expertise attended meetings with outside attorneys and certified public accountants. County Counsel actively participated in the meetings and provided assistance.
- Ongoing meetings with County Counsel probate unit to problem solve successor cases and file court accountings. During this time counsel has filed over 250 accountings.
- Meeting with Mental Health Court personnel, including County Counsel, to identify problems on LPS conservatorship problems. As a result of these meetings, court personnel are aware of limitations and willing to change some practices.

- County Counsel has participated with DMH and TTC on the development of a new RFP to replace the current LAPIS computer system.

- There were many months of daily interaction between PG and County Counsel during 2005 as a result of the numerous Public Records requests by the Los Angeles Times as the investigative reporters completed their investigation into conservatorship, which culminated with a four part series in November 2005.

- County Counsel participated with Public Guardian on the Task Force, Chaired by the CAO, on Conservatorship Mismanagement and Abuse and continues on the Task Force for Elder Abuse Prevention, chaired by the Presiding Judge of the Probate Court.

- County Counsel readily provides analyses of proposed legislation, as shown by the numerous analyses required by the many bills introduced in the wake of the L. A. Times articles, such as AB 1363 (Jones).

- A final example of interaction and training is the 30 page "short" summary prepared by County Counsel in October 2006 on the recent conservatorship reform bills that become law next year. The analysis was prepared at Public Guardian's request and summarizes key elements of the bills.

Recommendation #21

Probate management and DMH management need to immediately improve the relations and communication between their two departments

Original-Response: *Agree. Since last year, there have been regular meetings between DMH and PG staff. A Public Guardian manager has been appointed liaison for issues that may arise with the Older Adults Bureau. In addition, results of referrals, occasionally a source of contention, are communicated more quickly from the Public Guardian to the Older Adults Bureau. Electronic staff rosters with phone numbers and email links are sent by Public Guardian to several agencies, including DMH Older Adult Services, to facilitate communication.*

Members of the Office of the Public Guardian are participating in Service Area Advisory Committees (SAAC) meetings as well as the Stakeholders Process in an effort to communicate the needs of our clients, as well as advocating for increased funding for the Public Guardian to create, for example, a "call center" to improve telephonic responsiveness and a centralized unit to facilitate placement.

STATUS OF IMPLEMENTATION:

Implemented:

- Initially, case-conference meetings between Geriatric Evaluation Networks Encompassing Services, Information Support (GENESIS) and Public Guardian were held monthly to discuss cases. As the process improved, and the issues resolved, it was decided by mutual agreement to hold these meetings on an as needed basis. The Older Adults bureau and the Public Guardian continue to work together to improve the services provided to the public. In many instances, GENESIS and Public Guardian staff completed joint visits proposed conservatees' homes to complete a better assessment of a client's ability to care for themselves at home. A Public Guardian manager continues to act as a liaison for issues that may arise with the Older Adults Bureau.

- To help facilitate communication, the Public Guardian regularly sends electronic staff rosters with phone numbers and email links to several agencies, including DMH Older Adult Services.

- Members of the Office of the Public Guardian are participating in Older Adults System of Care Committee Meetings, the Service Area Advisory Committees (SAAC) meetings, and the Stakeholders Process in an effort to communicate the needs of our clients and to work together with community providers, such as GENESIS.

- Public Guardian recently joined GENESIS as core members of a new Forensic Center Team designed to discuss difficult cases and identify emerging issues.

Recommendation #22

The Public Guardian should consider alternatives to the current telephone systems and provide immediate information to Public Guardian personnel to answer questions, and establish standards of response that identify the speed with which phone calls should be returned.

Original-Response: *Agree. Written expectations have been established to return all calls with one (1) business day if possible or two days at most. The issue is complicated, however, by the fact that deputy staff must frequently go in the field as a part of their job. Deputies complain that they often have 25 to 30 voice mail messages when they return and that it is impossible to return them all promptly. Senior Public Guardian management has discussed this aspect of the issue and will initiate a process, possibly a task force of all staff levels, that will recommend solutions by September 30, 2005.*

STATUS OF IMPLEMENTATION:

Implemented:

As previously discussed, written expectations were established that direct staff to return all calls within one business day. In addition, the work of the Performance Expectations Workgroup, discussed in more detail previously, addressed this matter as well. As previously reported, an ad-hoc task force comprised of managers and line supervisors also reviewed the recommendation and looked at the underlying problem. The task force recommended that a "call center" be established where all incoming calls would be routed. Although a good idea, we had neither the equipment nor the staff to create a new function.

Another recommendation, however, was feasible and was implemented in September 2005. DMH took over the Reception Desk function from TTC. The Reception Desk receives all general incoming calls and then routes them to appropriate staff. By having staff who are selected and trained by and accountable to DMH supervision, we have improved the handling of calls. The improvement was readily noted by the executive secretaries who said that after the change there were very few inappropriate general calls routed to Public Guardian management as compared to previously, suggesting Public Guardian staff were more diligent in finding help for the general caller.

With respect to the existing telephone system, Public Guardian is working with DMH Administrative Services and ISD to correct and upgrade the system where possible. In June 2006, the Board of Supervisors approved a capital project that would replace the old Public Guardian office furniture to create new workstations for the new staff. As a part of this remodeling, a new telephone system, possibly a Voice Over Internet Protocol, will be installed.

Most importantly, the addition of new staff and the reduction of caseloads by nearly half will allow staff to have more time to review voice messages and return calls.

Recommendation #23

The Public Guardian should continue and expand distribution of its brochure and develop additional printed materials and develop a dedicated web site with links to the DMH web site and other related older adult sites.

Original-Response: *Agree. In addition to the referenced brochure, a booklet on conservatorship was created for distribution to family LPS conservators, who are usually older adults. Another booklet, aimed at clinicians and other professionals, is being developed. In both, frequently asked questions are addressed. Rather than a one-page hard copy FAQ as contained in the recommendation, Frequently Asked Questions will be addressed through the DMH web site, rather than as a stand-alone web site.*

The Senior Public Guardian manager discussed this recommendation with the DMH Chief Information Officer. Due to the pressing needs of fully implementing the IS billing system and related priorities, it will take another four to six months to resume work on the DMH web site, which will include the Public Guardian information.

STATUS OF IMPLEMENTATION:

Implemented:

- The Public Guardian revised the tri-fold brochure referenced in the recommendation. At the time of the audit, 18,000 brochures had been distributed to the general public and agencies. Since then, another 2,000 – 3,000 have been distributed.

- The booklet designed to assist family LPS conservators was also revised and another 5,000 copies have been printed. One thousand booklets were sent to the court (Department 95) in October 2006 for distribution to family conservators. In addition, the booklet was submitted to the DMH Training Bureau for assistance in having the booklet translated into the threshold languages of Los Angeles County, starting with Spanish.

- We have gone above and beyond these concrete steps to implement the recommendation Another booklet, aimed at clinicians and other mental health professionals was completed in a final draft in early 2006. This booklet of about 70 pages provides overviews of LPS and probate conservatorships, including the legal bases. Pertinent Public Guardian policies and procedures are summarized. County Counsel, which must approve the booklet, gave it a preliminary review. Public Guardian made the changes recommended by County Counsel and resubmitted the booklet for the final approval. The final review is pending but is expected to be completed within three months, at which time the booklet will be

printed and distributed. The goal is to increase understanding of conservatorship procedures and improve communication with the Public Guardian.

- Finally, Public Guardian was successful in having the public brochure put on the DMH website in an electronic version that can also be downloaded. The Department of Mental Health website is http://dmhweb and provides a link to the Public Guardian.