

What is Guardianship & Conservatorship?

Guardianship and Conservatorship of an adult is a legal process, utilized as a last resort when an adult cannot receive and evaluate information and make and communicate decisions about his/her person and/or property or has become susceptible to fraud or undue influence. Guardianship is only considered after alternatives have proven ineffective or are unavailable because it removes considerable rights from an individual. A guardian becomes the legal decision maker regarding the person and a conservator is the legal decision maker regarding property and can be the same person/agency. For sake of space, the term guardianship will be used to include conservatorship throughout this document.

OPG is Guardian of approximately 240 adults.

Other Services Provided by OPG

OPG also provides “front end tasks” including but not limited to:

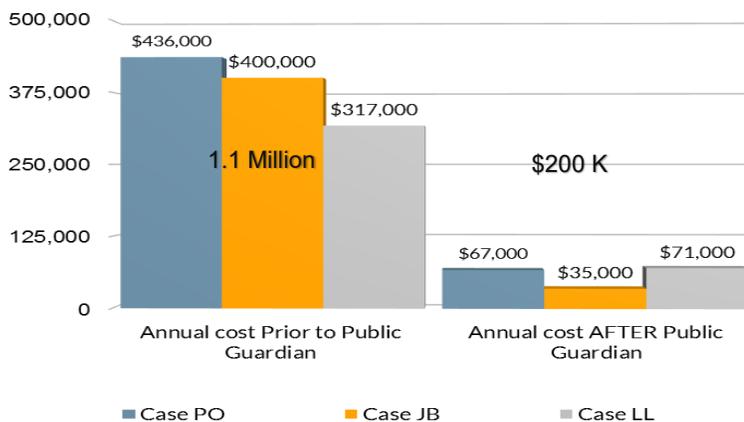
- Completing the Court process to become guardian,
- Community education on guardianship and alternatives,
- Conducting assessments for guardianship,
- Locating family and friends to become guardian

2014 Study: OPG Cost Savings

An analysis of three OPG clients that were high utilizers of public services was conducted in 2014. Prior to OPG involvement the annual cost to tax payers was 1.1 million. After OPG involvement the cost decreased to \$200,000. The annual savings of \$975,000 is more than OPG’s entire annual budget.

The presence of a guardian can lower the costs to taxpayers by ensuring preventive health care, minimizing inappropriate hospitalization and over utilization of public safety and advocating for least restrictive and therefore less costly living arrangements.

2014 OPG Case Study



OPG History

The Office of Public Guardian (OPG), created in 1999, is the state agency mandated by Utah statute 62A-14-101-111 to provide public guardianship services to adults that have decisional disabilities, have no appropriate or willing family or friends to assist, have no resources to pay for the service privately, have serious life decisions that need to be made AND meet the criteria in Rule 549 (described below).

Eligibility

OPG triages cases based on Rule 549 Eligibility and Service Priority. The Office will give priority to incapacitated individuals whose need for guardianship and/or conservatorship is more critical than other incapacitated individuals, as follows and in the following order:

- Individuals who are in life threatening situations, where immediate guardianship assistance or intervention is necessary for the preservation of life or prevention of serious harm or injury (red circle).
- Individuals who are experiencing abuse, neglect or self-neglect or financial exploitation (gold circle).
- Individuals who are at significant risk of experiencing abuse, neglect or Self-neglect or financial exploitation (grey circle).

OPG only has resources to take cases in the red circle



Supply & Demand

Scarce Supply of Certified Experienced Guardians

Utah Code 75-5-311 requires ALL professionals providing guardianship be National Certified or Master Guardians. Certification requires passing a rigorous exam and background check. In FY16 there were only 1400 National Certified Guardian (NCG) and 64 National Master Guardians (NMG) in the United States* so recruiting a certified guardian is not likely and we must start training a new guardian now to keep up with demand.

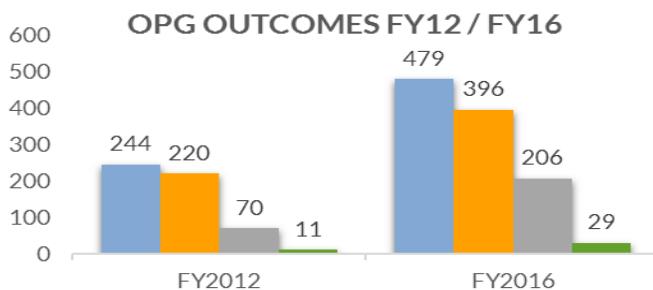
*Source: http://www.guardianshipcert.org/files/CGC_Annual_Report_2015.pdf.

Increased Demand for Services

The demand for OPG services is increasing. Utah's growth rate ranks 6th in the nation and the population growth rate is double the national average (1.75% compared to .79%). (Source <http://www.census.gov/newsroom/press-release/2015/cb15-215.html>)

The U.S. Census Bureau estimates that nearly 17% of Utah's population will be over age 60 by the year 2030- an increase of 29% from 2012. (Source: http://www.aoa.gov/AOA_Programs/HPW/Behavioral/docs2/Utah.pdf)

Increased demand is also attributable to changes in demographics of families not living nearby, increased awareness of elder and vulnerable adult abuse, enforcement of HIPPA laws (a legal guardian needed to give consent and receive information), and parents of disabled adult children becoming elderly and dying.



■ Total Referrals (96% increase)

■ Information and Referral - Located less restrictive alternative (80% increase)

■ Referral assessed (200% increase)

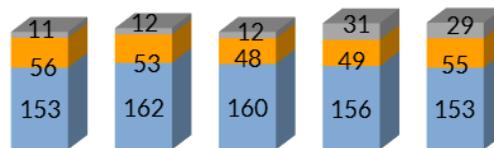
■ OPG Appointed Guardian (164% increase)

Increase in New Cases =

Time Intensive + High Level of Experience

FY16: OPG served as guardian for 237 individuals; 153 (65%) were served under contract; 84 (35%) were served by OPG; of which 29 (35%) were new cases.

OPG CASES BY YEAR



FY12 (227) FY13 (227) FY14 (220) FY15 (236) FY16 (237)

■ Cases Contracted ■ OPG On-going Cases ■ OPG New Cases

New cases are time intensive and require a high level of fiduciary experience. Nearly 100% of the new cases require one or more of the following tasks: securing and selling property (real estate, vehicles, and contents of home), locating a new residence, applying for and obtaining benefits and navigating difficult family relationships. To minimize costs and liability, OPG only contracts the cases that have other DHS oversight and do not have complicated financial or family situations.

OPG Monthly Contractor Rate

The OPG contractor rate has not been increased in over 10 years—it is unlikely a qualified contractor will bid on the contract at the current rate when it expires August 2017 resulting in 155 individuals without a contracted guardian to provide guardianship case management.

OPG Contractor Rate Study FY16



■ Current Monthly Rate

■ MAR (Monthly Rate Set by BCM FY16)

■ Monthly Market Rate (Set by BCM FY16)

Decline in Funding and FTE's

FY16 funding is 17% less than in FY08. OPG sustained the same cuts as Administration in 2008 and has not received additional appropriations to recover. Number of OPG FTE's are 25% (2 FTE's) less and Contractor FTE's are the same while the number of individuals served has increased substantially due to OPG identifying and utilizing hidden capacities while delivering consistent positive outcomes.

OPG Budget/FTE Comparison FY08/FY16



OFFICE OF PUBLIC GUARDIAN BUILDING BLOCK REQUEST FY18

1) Presenting:

Shannon Alvey, DHS – Office of Public Guardian, Director

2) Total Building Block request =\$191,200

General Fund \$111,400 (58.25 %)

Title XIX Medicaid funds of \$79,800 (41.75%)

Itemized Cost for 1 FTE Deputy Public Guardian

Caseworker Specialist II Range=	\$18.38-\$27.63
Midpoint	\$23.00/hr.
Salary	\$48,024.00
Insurance	\$14,854.64
Benefits	\$25,078.14
Pools Combined Rate	\$2,770.98
Current Expense – Rent 1 vacant	
Network Services	\$528.00
Security	\$180.00
Desktop Services	\$762.00
Telephone	\$390.00
Email + GME	\$69.00
GMD	\$25.00
DHRM	\$628.00
Bus Pass	\$85.00

Cost for 1 FTE

\$93,400

Itemized cost to increase funds for pass through to contract by 46% or \$97,800.00

Current monthly contract rate: \$92.29 per month x 160 clients = \$177,200 / year

Proposed rate: \$134.81 per month x 170 clients = \$275,000 / year

Difference: \$97,800 / year

3) PERFORMANCE MEASURES/OUTCOMES TO DETERMINE SUCCESS:

1-Increase the output by 30 new cases. OPG will serve as guardian for an additional 30 individuals in FY18 and increase the front end capacity (Info and Referral, assessments, locating family, etc.) by 20%. The increase of 30 cases includes delegating 10 cases to the contractor.

2-Fund the contract at the rate set by Bureau of Contracts Management (BCM) in July 2016 of \$134.81 per client per month. OPG Contract was extended and will expire August 31, 2017. Contract rate has not increased in over 10 years. It is unlikely a qualified contractor will bid on the contract at the current rate.

