

**SANTA CRUZ COUNTY
BOARD OF SUPERVISORS INDEX SHEET**

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Index: --Letter of Supervisor Campos
--Letter of Ombudsman/Advocate, Inc.

Item: 29. DIRECTED the County Administrative Officer to coordinate with County staff and provide a report to the Board on January 10, 2006, regarding the County's efforts to respond to the increasing need for probate/conservatorship assistance, as recommended by Chairman Campos



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County of Santa Cruz

BOARD OF SUPERVISORS

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FIRST DISTRICT

ELLEN PIRIE
SECOND DISTRICT

MARDI WORMHOUDT
THIRD DISTRICT

TONY CAMPOS
FOURTH DISTRICT

MARK W. STONE
FIFTH DISTRICT

AGENDA: 5/24/05

May 17, 2005

APPROVED AND FILED
BOARD OF SUPERVISORS
DATE: 6/7/05
COUNTY OF SANTA CRUZ
SUSAN A. MAURELLO
EX OFFICIO CLERK OF THE BOARD
BY: *[Signature]* DEPUTY

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: ASSISTANCE FOR UNREPRESENTED AND INCAPACITATED PERSONS
WHO REQUIRE SUPPORT FROM SURROGATE DECISION-MAKERS

Dear Members of the Board:

Attached is a letter from members of the Unrepresented Elderly Committee, comprised of representatives from a number of agencies serving seniors in our community. The committee has been meeting to discuss the problems which arise as a result of the limited assistance available for people who are unrepresented by family or friends and who are incapacitated, necessitating support from surrogate decision-makers.

The Public Guardian's office provides conservatorship services to Santa Cruz County residents who are unable to care for themselves because of physical illness and/or mental disorder. Responsibilities include the investigation of referrals for Lanterman-Petris-Short (LPS) conservatorships and probate conservatorships, as well as providing case management to conservatees. As conservator, the Public Guardian is responsible for the management of clients' finances and/or personal affairs including food, clothing, shelter and medical and psychiatric care. The Public Guardian's office has continued their extremely effective work with the Financial Abuse Specialist Team to recover assets belonging to conservatees whose funds have been either embezzled or misappropriated by relative's, care givers, or trusted friends. However, it is unfortunately true that County government has been compelled to make harsh budget reductions over the past few years which have included significant reductions in staff in the Public Guardian's office.

In an effort to better meet the needs of conserved clients and to increase access to alternative revenue sources, the proposed County budget for fiscal year 2005-06 includes a recommendation to transfer the operations of the Public Guardian/Conservator from the Human Resources Agency (HRA) to the Health Services

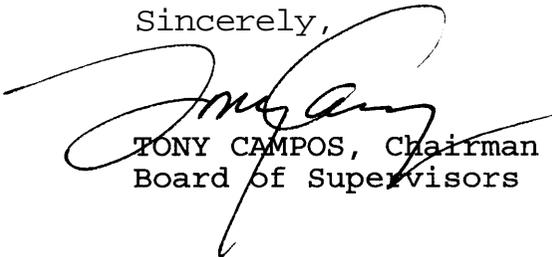
BOARD OF SUPERVISORS
 May 17, 2005
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Agency (HSA) effective July 1, 2005. HSA has had a long-standing role in providing services to Public Guardian clients. In fact, prior to July, 1989, the Public Guardian/Conservatorship program was administered by HSA. Since that time, HSA has continued to work closely with HRA to provide various mental health services to clients conserved through the Public Guardian's Office.

As indicated in the proposed budget, while the current Public Guardian/Conservatorship program model has worked well in the past, current best practice models for clients with serious mental illness, as well as the opportunity for enhanced revenue recovery, offer compelling reasons for the transfer. HSA Mental Health has adopted the Best Practice Recovery Model in the adult mental health service system of care, which focuses on client strengths and goals. Transferring the Public Guardian/Conservatorship program to HSA creates an opportunity to reorganize and enhance case management activities and allows for increased federal claiming potential. It is anticipated that over time, the enhanced leveraging will enable the Public Guardian's office to respond to the growing need for probate conservatorships.

While the HRA and HSA Directors are very optimistic that the changes outlined above, if approved by the Board in June, will improve client services, I believe that the Board should receive a report back on this matter six months into the fiscal year. Accordingly, I recommend that the Board direct the County Administrative Officer to coordinate with appropriate County staff and provide a report to the Board on January 10, 2006, regarding the County's efforts to respond to the increasing need for probate/conservatorship assistance.

Sincerely,



TONY CAMPOS, Chairman
 Board of Supervisors

TC:ted
 Attachment

cc: County Administrative Officer
 Human Services Agency Director
 Health Services Agency Director
 Linda Robinson, Ombudsman/Advocate, Inc.
 Lisa Pearson, Watsonville Nursing and Rehabilitation
 Kelly Duffin, Dominican Hospital
 Mary Masongsong, Pleasant Care Rehabilitation and Nursing
 Salima Cobb, Hospice Caring Project
 Jane Schwickerath
 *Majel Jordon, Elderday
 Kathleen Johnson, Ombudsman/Advocate, Inc.

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Ombudsman/Advocate, Inc.

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Protect, through advocacy, education and intervention, the rights of facility-placed seniors and disabled persons, and individuals with mental health needs.

April 29, 2005

Santa Cruz County Board of Supervisors
701 Ocean St. Room 500
Santa Cruz, CA 95060

The Unrepresented Elderly committee was formed out of a concern for persons living in Santa Cruz County who have no surrogate decision-makers and lack capacity to make their own health care decisions. The committee consists of representatives from many agencies that serve seniors in our community, including skilled nursing facility staff, Hospice Caring Project, Elderday, Ombudsman/Advocate, Inc., and Senior Citizens Legal Services.

There is a lack of resources in Santa Cruz County for unrepresented and incapacitated persons who need surrogate decision-makers. Recent cuts to the Santa Cruz County Public Guardian's office have virtually eliminated the Probate Conservatorship program, leaving unrepresented, incapacitated and indigent individuals with no options for court appointed surrogates. This has created an unmet need in our county. The affected individuals include:

- Those who need Hospice services and are not able to obtain them without a surrogate to sign the Hospice admission papers.
- Those who need to enter a long-term care facility and have no one to sign them in as a legal responsible party.
- Those living in the community, who can no longer manage their money and have no one to assume that responsibility.
- Those who become ill and need medical treatment and have no one to speak on their behalf.

For example, there was an elderly **man** living in a residential care facility for the elderly who had no family or friends, no Advance Directive and was unable to make his own medical decisions. He had declined physically and mentally and was unable to manage his money. He needed to move to a skilled nursing facility where he could get more care. He had no one to take over the responsibility of managing his money or to move him into a nursing facility. In the past, he would have been referred to the Santa Cruz County Public Guardian's office for a probate conservatorship. The conservator would have taken over the responsibility of managing his money, placing him in a skilled nursing

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facility and following up with his care while in the facility. If he became ill and needed to go to the hospital, the conservator would be there to make treatment decisions for him and ensure he received the care he needed.

There are individuals living in skilled nursing facilities who have a physician's order for Hospice because they are dying and need comfort care. These individuals lack the capacity to sign the Hospice admission papers and have no family or friends to sign for them. The nursing home staff, the physician, and Hospice are legally prohibited from signing the admission papers. These individuals then, are unable to receive the Hospice services without a surrogate decision-maker to sign the admission papers. There are many more examples of this unmet need in our county.

The Unrepresented Elderly committee has been meeting monthly for over one year. We have explored the problem, looked at what other counties are doing to address the problem, and identified options in our county. We have developed a Best Practices guideline for skilled nursing facilities.

Individuals who are incapacitated, unrepresented and indigent have few resources in this county. There are no options for probate conservatorships. Conservatorships through the Public Guardian's office are available for mental health clients only.

On behalf of the unrepresented, incapacitated and indigent individuals living in Santa Cruz County, we are making a plea that the Board make every effort to reinstate and strengthen probate conservatorships within the Public Guardian's office so these services will be available to meet the needs of these individuals.

We would like to request that this item be placed on the agenda for a future meeting.

Sincerely,

Linda Robinson, Coordinator
Long-Term Care Ombudsman

Salima Cobb, Professional Liaison
Hospice Caring Project

Lisa Pearson, Administrator
Watsonville Nursing and Rehabilitation

Jane Schwickerath
MSW Student Intern

Kelly Duffin, Vice President
Dominican Hospital

Majel Jordan, Director
Elderday

Mary Masongsong, Administrator
Pleasant Care Rehabilitation and Nursing

Kathleen Johnson, Executive Director
Ombudsman/Advocate, Inc.