

Explanation of Fiscal Impact:

Alternatives

Attachments:

[Public Guardian report.pdf](#)

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)



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November 18, 2021

To: Board of Supervisors

Re: Carson City Public Guardian's Office

STATUTORILY MANDATED

NRS 253.150 1. states that the "The board of county commissioners of each county shall establish the office of public guardian." Therefore, the Public Guardian's Office is considered a statutorily mandated office that each County must have.

Carson City has contracted with Storey County for this Office to handle Guardianship cases from Storey County of which the Guardian's Office has three. NRS 253.150 2 (e) provides that a county may "Contract with the board of county commissioners of a neighboring county in the same judicial district to designate as public guardian the public guardian of neighboring county."

QUALIFICATIONS FOR APPOINTMENT OF PUBLIC GUARDIAN

NRS 253.200 provides that only adult residents of the county in which he or she resides may be appointed a Public Guardian. The Public Guardian is the last resort as the Court looks at whether the proposed protected person has nominated someone, and if not whether a relative or friend is suitable and willing to serve as guardian.

The Public Guardian may only be appointed on cases where the protected person is unable to respond to a substantial and immediate risk of physical harm or the need for immediate medical attention and/or where the protected person is unable to respond to substantial and immediate risk of financial loss; NRS 159.0523 and NRS 159.0525.

Before a Temporary, Limited, or Permanent Guardianship is established by the Court, a licensed Nevada Physician must assess the individual and attest to incapacity and provide a recommendation to appoint a Guardian. This statement must be signed by a Physician and not a PA or PRN.

EMPLOYEES OF THE PUBLIC GUARDIAN'S OFFICE

John Giomi is the Public Guardian and has been since November of 2019 and is serving a 4-year term. John's background is in accounting and law as he practiced law for about 25 years in both Nevada and California. John is admitted to both the Nevada and California Bars and he has held a Nevada CPA Certificate. John has been a Guardian since 1987 and supervised for 8-years a program in Douglas County that advocated for the rights of individuals in Guardianship and investigated and secured several million dollars in funds of people in Guardianship that were exploited by friends and family.

Sandra Doughty is the Public Guardian Case Manager and became employed at the Guardian's Office in August of 2020. Sandra has a master's degree in psychology and her previous work experience includes working for State of Nevada, Manufactured Housing Division and the Division of Public and Behavioral Health, Douglas County Child Support Enforcement, and Carson City Public Works. Sandra has mastered dealing with both Social Security and Medicaid and she is assigned the most difficult cases.

Mickey Garcia has been the accounting clerk in the Public Guardian's Office since 2016. Mickey's knowledge of our clients is invaluable and her concern and empathy for our clients is bar none.

The Guardian's Office was approved for a half time position for this fiscal year, and the Office struck gold with Mary Souza. Mary a recent retiree, who managed an Urgent Care Facility for 25-years, has helped the Office immensely.

Mihaela Neagos is the Deputy District Attorney assigned to the Public Guardian's Office. The Public Guardian's Office is very fortunate to work with her. Mihaela has made this Office better.

CASES

The Public Guardian's Office has carried between 77 and 90 active cases since November of 2019. The Office currently has 78 active cases plus another 10 administration of estates of clients that have passed.

Covid took 13 of our clients in 2020 and 2021.

The Guardian's Office lost 20 clients from January 1st, 2021 to present, 17 clients in 2020, and 10 clients in 2019.

Due to the demographics of Carson City, the Guardian's Office has approximately twice as many people in Public Guardianship than Douglas and Lyon Counties combined. This trend should continue and is not an aberration.

The Guardian's Office lost four clients to death in a 30-day period from October 4th to November 3rd and was appointed on 4 more with one pending.

The Guardian's Office is proactive in encouraging family and friends to become Guardian in lieu of this Office. Many times, the Guardian's Office will secure benefits for the protected person and then transfer the Guardianship to a qualified family member or friend.

MEDICAID

Medicaid is the safety net that politicians talk about, but Carson City pays for the benefits.

Basically, Medicaid works as follows:

- It is a State administered program where the City and the Federal Government pay an approximate match of the costs. Carson City pays Medicaid charges through the Indigent Fund.
- Institutional Medicaid is for those individuals in a Skilled Nursing Facility.
- Medicaid approved costs for clients at Skilled Nursing will run from \$130 a day up to \$450 a day for someone that is severely disabled and not able to do anything for themselves.
- This Office uses the client's income to pay down the cost of services to the facility. Assuming the total cost is \$4,000 a month and the client has \$1,039 in Social Security income and nothing more, then the client gets to retain \$39 for his or her personal items, \$1,000 of the client's income is used to pay the facility rent, and remaining balance of \$3,000 is paid for by Medicaid with the City and the Federal Government each kicking in about \$1,500.

If the client is in Assisted Living, then the Medicaid costs are less:

- Assisted Living Facilities provide less services than Skilled Nursing. Medicaid allows the Guardian to retain \$129 for the client for personal spending. In this example the income is \$1,129, but the cost of the facility is less. Medicaid generally only pays about \$2,000 for Assisted Living.
- Therefore, the Guardian would pay the facility \$1,000 (\$1,129 less \$129) and the remaining \$1,000 of cost would be allocated about equally between the City and Federal Government or about \$500 each.
- The biggest issue is working through the process of getting approved for Medicaid for Assisted Living.

To qualify for Medicaid the client must have assets less than \$2,000 (currently it is more due to Stimulus but will go back to the \$2,000 threshold in April 2022). There are limitations on income, generally under \$2,300 a month, but if the client needs to be in Skilled Nursing and their income is higher there are ways to work with Medicaid to have the higher income, but the client still pays all but \$39 a month to the facility.

Medicaid, as administered by the State of Nevada, goes through a redetermination at least once a year on all our cases.

95% of our clients are on Medicaid or Medicaid pending.

Even though we would rather have our clients in Assisted Living or Group Homes due to the greater freedoms they enjoy and the lower cost to the City, approximately 55% of our clients are residents of Skilled Nursing Facilities due to dementia, behaviors, and disease such as Huntington's Disease or Schizoaffective disorder.

We have several clients living independently and they take more care from this Office than those in Assisted Living. The Guardian's Office has more duties for someone in Assisted Living than in Skilled Nursing. However, the less the restrictive setting the better for our clients.

Individuals with developmental disabilities that were diagnosed prior to the age of 22 are generally under the auspices of Rural Regional Center which is a division of Aging and Disability. We have 10 clients that fit into this category and are placed in Group Homes, Skilled Nursing, and Out of State Placement in facilities.

The interesting fact about Rural Regional cases is that the State of Nevada pays the shared cost of Medicaid instead of Carson City. We perform our Guardianship duties as usual, but the State is responsible for payment for the care of the individual.

The Protected Person's are categorized as the following:

• Living in Skilled Nursing Facilities	41
• Living in Assisted Living	8
• Living in Group Homes of less than 7 people	8
• Living Independently	8
• Storey County Cases	3
• Rural Regional Cases	10
Total Cases	78

APPOINTMENT TO CASES

Only the District Court can appoint the Public Guardian's Office to adult cases.

Previously, the District Attorney's Office, would file petitions when requisite information was submitted to this Office asking that this Office be named Guardian.

Due to the potential for conflict of interest issues, after consultation with the City Manager, the Public Guardian's Office and the District Attorney's Office has decided to take the approach that they use in Washoe County where all individuals or entities that want the Public Guardian's Office to be appointed must petition the Court for the

appointment. The Nevada Supreme Court has provided forms for one to use in petitioning the Court.

If an individual contacts this office, we will send them the necessary forms for them to fill out and we are available for answering questions. We will make sure that this process is as easy as possible.

Our cases come from Skilled Nursing and Assisted Living Facilities that have residents that have declined over time and are now incapacitated, from Carson Tahoe Hospital and Behavioral Health Services that have patients that meet the requirements of needing a Public Guardian, from Adult Protective Services, and from friends and family that are concerned about a loved one and are incapable of filling a guardianship role.

GUARDIAN & BANKING

At the request of the District Attorney's Office, the appointment of a Guardian to a case is the appointment of the Carson City Public Guardian and not the individual Public Guardian. This was done at the time I became Public Guardian as it was difficult transferring 80 plus cases to a new Guardian. Therefore, the transition to a new Public Guardian in the future should be much easier.

VISITATION

Our policy is to visit our local clients at least once a month and attend all care conferences that usually are quarterly. The Guardian's Office has followed this policy until Covid disrupted the ability to visit the clients.

During the Covid pandemic, the Guardian's Office spoke to nurses, social workers, and administrators bi-weekly about the clients. Face timing was not optimal with the clients in Skilled Nursing Facilities due to their cognitive issues, but the Office used this resource with clients in Assisted Living and Group Home situations.

Regarding Out of State clients, we try to visit once a year. Sandra Doughty went to Utah in November to visit three Rural Regional clients in a facility there.

The Guardian's Office has three clients in Las Vegas that we last visited in the fall of 2020. We will visit them in early 2022.

The Guardian's Office has another client in Mass., that we can face time and we are satisfied that he is in good hands.

PRE-NEED POLICIES

The Public Guardian's Office attempts to purchase pre-need (cremation) insurance policies as soon as we are appointed on a case. Medicaid allows the spending of up to

\$1,500 for this type of policy and does not count it towards the \$2,000 maximum resources that is mentioned above.

With the Stimulus payments to the clients and especially to those in Skilled Nursing that have not needed things, we have been able to purchase pre-need policies for many more of our clients. There are only a few clients that do not have pre-need policies.

Since November 2019, I have been able to pay for the cost of cremation for all our clients and I have not needed to go to the Indigent Fund to help pay for cremation until this past week.

STIMULUS FUNDS

The Stimulus payments have been a great benefit to those individuals that wanted or needed certain items.

The Guardian's Office fees for service are based upon hours per month at \$150 per hour and approved by the Court. Generally, the fees are much higher than resources available, but Carson City is paid first after meeting cremation costs, expenses of death, and the remaining fees are waived.

In FY 2021 the budget revenue number was \$40,000 and the actual was \$67,851.

From July 1, 2021 to the end of December 2021 the Guardian Fees paid to Carson City will be over \$100,000 with the budget of \$40,000 for the year.

Another change that the Guardian's Office has implemented is petitioning for fees shortly after providing extraordinary services such as selling homes when the individual does not meet the criteria for Medicaid.

SUMMARY

It is a difficult job taking care of those that are deep in dementia, that have Schizoaffective Disorder, Bipolar, alcoholic dementia, major depressive disorder, Huntington's Disease, failure to thrive, and/or have been abandoned by family and friends. Therefore, to work at the Public Guardian's Office must be a labor of love.

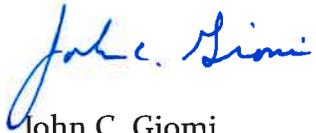
As Supervisor Giomi once said, "visualize taking care of a loved one and multiplying it by 80" and that is what the Guardian's Office does.

We would not be able to do our work if it wasn't for the support of the City including but not limited to Administration, Finance, IT, Public Works, Treasurer's Office, Health and Human Services, and Human Resources.

We are proud of our accomplishments, saddened by things we cannot change, and we have experienced too much death in the last two years, but we come to work because we

love what we do and try our best to make the lives of each one of our protected persons better.

Respectfully Submitted,

A handwritten signature in blue ink that reads "John C. Giomi". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

John C. Giomi
Public Guardian