



# **The Oregon Public Guardian & Conservator Program Overview**



# OPG: The Guardian of Last Resort

- ▶ High-Risk of serious harm is required
  - ▶ Public Guardianship is a limited resource
  - ▶ Guardianship should only be exercised when truly needed
- ▶ No other viable option is available
  - ▶ No less restrictive alternatives to guardianship
  - ▶ No appropriate alternate guardian is available
    - ▶ No appropriate family member is available
    - ▶ Lack funds for a professional guardian



# History



- ▶ County Public Guardian Offices have been authorized since 1970s
  - ▶ No requirement to create and no funding given
  - ▶ Only Multnomah and Jackson Counties ever created programs
- ▶ Workgroups studied the need for public guardianship and drafted a report in 2012 that eventually led to the creation of the program.
- ▶ OPGC program was created by the Oregon Legislature in 2014 with SB 1553
  - ▶ Pilot project funding



# Agency: Office of the Long-Term Care Ombudsman (OLTCO)

- ▶ Long Term Care Ombudsman Program
  - ▶ Created and partially funded by the Older Americans Act to advocate for adults living in long-term care.
  - ▶ Stand alone independent state agency
- ▶ OPG and RFO programs added in 2014
- ▶ **Mission Statement:** To protect individual rights, promote independence, and ensure quality of life for those with decisional limitations and also Oregonians living in long-term care and residential facilities.

# Program Structure



OPGC – Program  
Director

Deputy Program  
Director

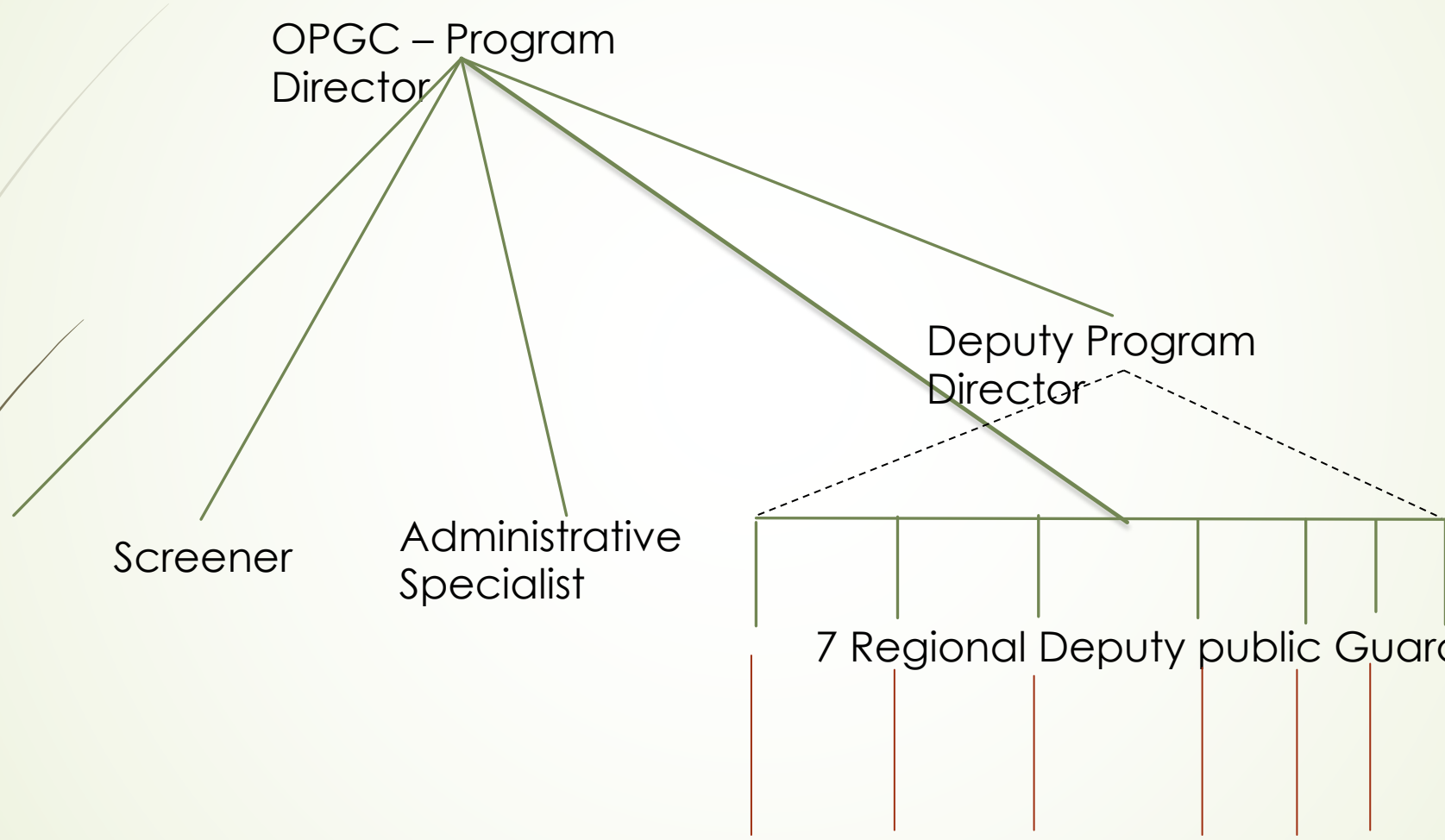
Lead  
DPG

Screenener

Administrative  
Specialist

7 Regional Deputy public Guardians

Volunteer Public  
Guardians





# The Oregon Public Guardian

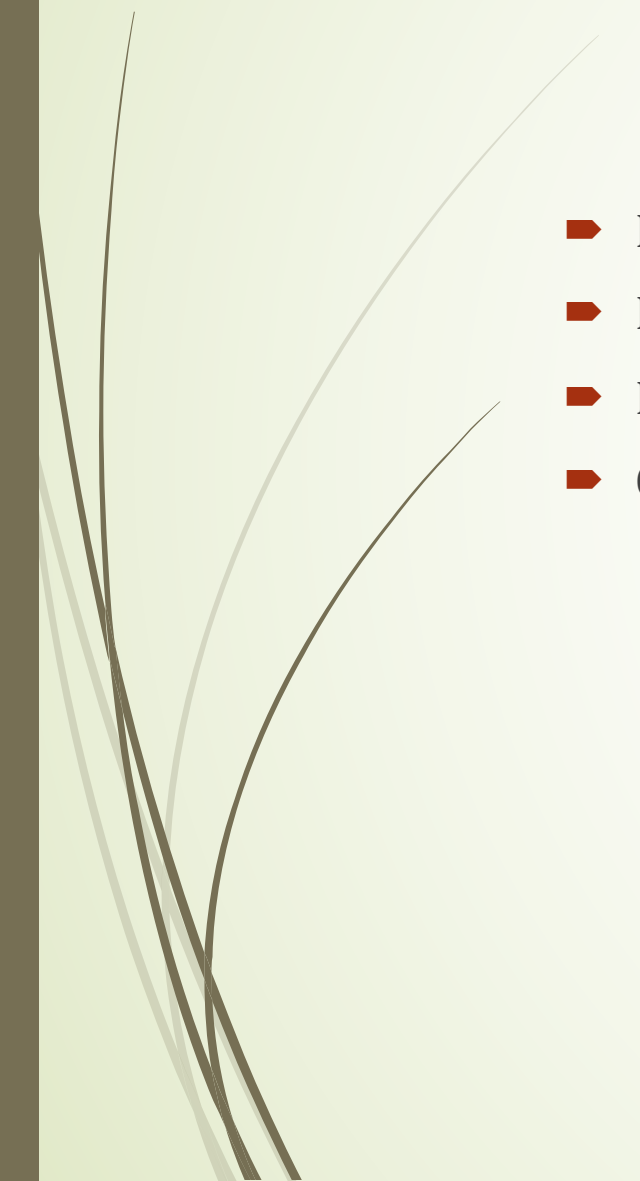
- ▶ **Existence, scope and authority all created and defined in Oregon Statute - ORS 125.675 - 125.694**
  - ▶ **125.678 Appointment; responsibilities; delegation of duties;**
    - ▶ (1) The **Long Term Care Ombudsman** appointed under ORS 441.403, in consultation with the Residential Ombudsman and Public Guardianship Advisory Board, **shall appoint the Oregon Public Guardian and Conservator** in the office of the Long Term Care Ombudsman for a four-year term.
    - ▶ (5)(a) The Oregon Public Guardian and Conservator **may delegate the exercise or discharge of any power, duty or function** that is vested in or imposed by law upon the Oregon Public Guardian and Conservator to a deputy public guardian and conservator, staff person or volunteer hired by or under contract with the Oregon Public Guardian and Conservator as appropriate for the purpose of conducting an official act in the name of the Oregon Public Guardian and Conservator.

# The Oregon Public Guardian cont.

- **125.680 Duties of Oregon Public Guardian and Conservator.** The Oregon Public Guardian and Conservator shall:
  - (1) **Educate the public** about the role and function of the Oregon Public Guardian and Conservator and about public guardian and conservator services.
  - (2) **Provide public guardian and conservator services** for persons who **do not have relatives or friends willing or able to assume the duties of guardianship** or conservatorship and who **lack the financial resources to obtain a private guardian or conservator**.
  - (3) **Certify deputy public guardians** and conservators.
  - (4) **Develop model standards of eligibility and professional conduct** for deputy public guardians and conservators and of practice and procedure in public guardianship and conservatorship proceedings.
  - (5) **Develop and implement training and educational materials** for deputy public guardians and conservators.
  - (6) **Establish and operate a program to recruit, train and supervise volunteers** to provide assistance to the Oregon Public Guardian and Conservator, deputy public guardians and conservators and clients.
  - (7) **Establish a process, including criteria and standards, to determine the eligibility of persons to receive public guardian and conservator services** and for the needs assessment required under ORS 125.683.
  - (8) **Cooperate with offices of county public guardian** and conservator operating under ORS 125.700.
  - (9) **Work with existing local and county programs** and with other organizations and entities to develop and expand public guardian and conservator services in this state.
  - (10) **Make recommendations to the Legislative Assembly** for policy and legislation regarding implementation, improvement and expansion of public guardian and conservator services in this state.



# Deputy Program Director

- ▶ Provides regular guidance to Deputies for appointed cases
  - ▶ Provides consultation and guidance for complex issues.
  - ▶ Ensures quality and consistent OPG services statewide.
  - ▶ Oversees volunteer training program.
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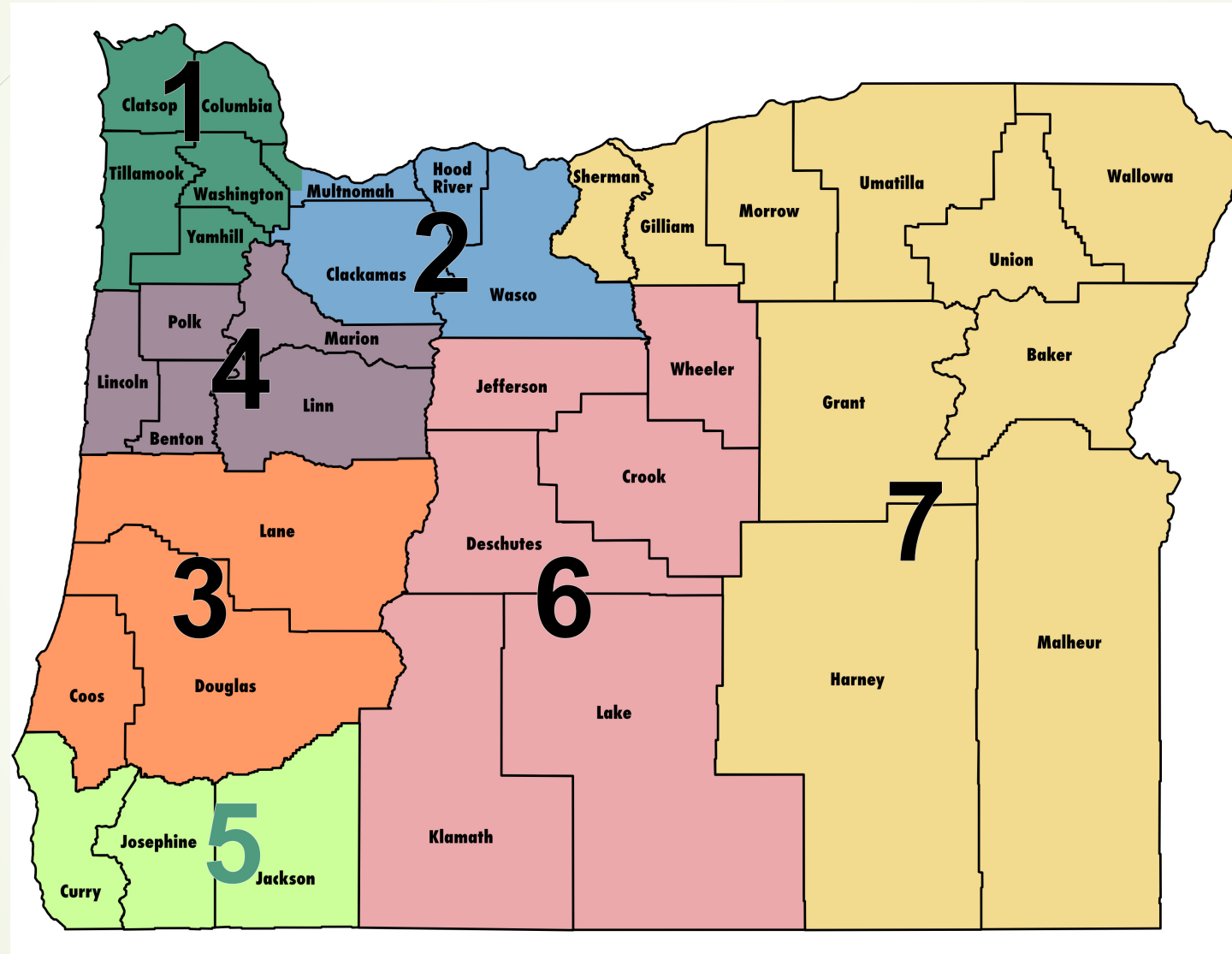




# Deputy Public Guardians

- ▶ Serve as acting guardian for clients
  - ▶ Decision making
  - ▶ Coordination of care and service
  - ▶ Health and safety monitoring
  - ▶ Quality of life
- ▶ Regionally based
  - ▶ Serve out-stationed in the communities where their clients live
- ▶ Supervise volunteers

# Regional Districts





# Lead Deputy Public Guardians

- ▶ Lead assessor of new cases for the OPG program
  - ▶ Conducts a larger number of new assessments
    - ▶ Cases transfer to other deputies and volunteers once onboarded
- ▶ Assist other deputies on certain complex cases
- ▶ Provide coverage for other deputies
  
- ▶ Reduced ongoing caseload
- ▶ Not regionally based




# Screening and Case Assistance Specialist

- ▶ Primary responsibility for initial screening and information collection on new referrals
- ▶ Assist Deputies Public Guardians with completing tasks for clients
  - ▶ Applications for benefits/services
  - ▶ Requesting records.
- ▶ Assist clients directly with simple/routine matters
  - ▶ Certain medical appointments
  - ▶ Shopping trips



# Volunteers

- ▶ Trained and certified by the OPG Program
  - ▶ Supervised ongoing by the OPG Deputy in their region
  - ▶ Serve as guardian for a limited number of OPG clients
  - ▶ Only certain clients are appropriate to be served by a Volunteer
- 



# Program Standards: How do we serve?

## Person centered guardianship and advocacy

- All guardianship plans are centered around the values, goals and desires of the protected person
- Personal advocacy
- Rapport building and trust

## Practice standards

- National Guardianship Association (NGA) Standards
- Oregon statutory standards - ORS Chapter 125



# Who do we Serve? Complex cases

- ▶ Caseload is highly complex and varied
  - ▶ Most clients have multiple co-occurring conditions effecting cognition and physical health and functioning
- ▶ Range of cognitive abilities is broad
  - ▶ Clients that are the most cognitively impaired can be non-communicative, non-responsive.
  - ▶ Clients that are highest functioning may be able to do many things for themselves; it may only be a specific risk that requires guardianship
- ▶ Hard to serve
  - ▶ Many OPG clients have a history of aggressive, violent or disruptive behaviors



# Who do we serve? Care systems

- ▶ Aging and People w/Disabilities – **38% of clients**
  - ▶ Most common cognitive conditions for OPG clients served by APD
    - ▶ Major Neurocognitive Disorder
      - ▶ 84% suffer from co-occurring mental illness or from
    - ▶ Brain Injury
      - ▶ 80% suffer from co-occurring MND or mental illness
    - ▶ Significant physical care needs
      - ▶ Clients where cognitive impairment is due to mental illness, but with severe physical needs that are primarily served through APD
- ▶ OHA Behavioral Health Services -**36% of clients**
  - ▶ 54% suffer from at least one co-occurring physical health condition
  - ▶ Most common mental health conditions for OPG clients
    - ▶ Schizophrenia (often w/agnosia)
    - ▶ Schizoaffective Disorder
    - ▶ Bipolar Disorder – Schizoaffective type





# Who do we serve? Care systems, cont.

- ▶ Department of Intellectual and Developmental Disability – **20% of clients**
  - ▶ 60% suffer from at least one co-occurring significant physical health condition
  - ▶ 60% Abuse from others was the primary need for guardianship
  - ▶ Most Common ID/DD conditions for OPG Clients
    - ▶ Autism Spectrum Disorders
    - ▶ Downs Syndrome
    - ▶ Fetal Alcohol Syndrome
    - ▶ Brain Injury during developmental years (prior to age 22)
    - ▶ Cerebral Palsy
    - ▶ Fragile X Syndrome
- ▶ VA Care services – **6% of clients**
  - ▶ Veterans served usually suffer from Major Neurocognitive disorder or mental illness



# Who do we Serve?

- ▶ 53% Homeless at the time of OPGC intervention
- ▶ 12% Veterans
- ▶ 30% Abuse by others was the primary cause of their high-risk
  - ▶ 60% when looking at ID/DD clients
- ▶ Statewide, OPGC clients live in 26 different Counties



# Life of a case

- ▶ Referral
- ▶ Screening/intake
- ▶ Assessment
- ▶ Initial legal process
- ▶ Initial case set up
- ▶ Ongoing plan
- ▶ Ongoing legal requirements
- ▶ Change in plan
  - ▶ Client wishes
  - ▶ Change in condition requiring different level of care
  - ▶ Loss of placement due to behaviors
  - ▶ Other



# End of a case

- ▶ Termination
  - ▶ Death
  - ▶ Transfer
  - ▶ Removal of guardianship



# High Risk Teams (HRT)

- ▶ Purpose: To help identify solutions to address situations involving individuals in the community that are cognitively impaired and at high risk of harm
- ▶ Regionally based
- ▶ Statutorily authorized for OPG to establish teams
  - ▶ Protects the sharing of information at meetings
- ▶ Membership: Community partners that directly interact with or serve individuals at high risk
  - ▶ Hospitals
  - ▶ APD/APS
  - ▶ Community Mental Health
  - ▶ Local ID/DD
  - ▶ Homeless outreach



# Major Impacts of OPGC

- ▶ Increase in quality of life for those we serve
  - ▶ Often life saving
  - ▶ Always positive
- ▶ Reduction in utilization of vital community resources
  - ▶ Interactions with law enforcement, including arrests
  - ▶ Hospitalizations
  - ▶ ER Visits
- ▶ Reduction in utilization of the Oregon State Hospital
  - ▶ Significant reduction in OPGC clients returning to OSH