

# The Guardian of Last Resort

## Summary

The Orange County Public Administrator/Public Guardian (PA/PG) provides a much-needed service to the citizens of this County. The agency is charged with the task of administering the estates, totaling over \$38 million and the lives, or deaths, of over a thousand people each year. These people have the misfortune of being alone, alone to the degree that they do not have anyone willing or able to care for them when they can no longer care for themselves.

Review of the Public Administrator/Public Guardian resulted in many concerns by the Orange County Grand Jury. Those most evident are in the areas of financial accountability, policies and procedures, personnel administration, information technology and case-load management. The investigation revealed a general need to improve organization and adhere to County policies. While these issues alone are damaging enough, the additional workload being placed on the employees has created a morale problem prompting letters to the Grand Jury.

This report explains how the agency has failed to keep its promise to the taxpayers of Orange County to cut costs and improve services. **The annual base salary of management has increased over 96% since 2005.** The policies and procedures are disorganized and outdated, illustrating that this

business, which is mandated by law to attend to the details of people's lives, is not following its own policies. The agency has interpreted the Orange County Human Resources (OCHR) rules and regulations to promote individuals into management positions that were, according to the OCHR, beyond what is accepted policy. Compounding every aspect of the inability of the PA/PG to function fully and efficiently is its aging, inadequate case management software system. It is with these issues in mind that the Grand Jury provides this report.

## Reason for Investigation

The Grand Jury received information from numerous and varied sources that there were activities within the PA/PG that appeared to be inappropriate. Many changes in the agency have taken place over the past several years. Early investigations substantiated the organizational problems as well as revealing other areas of concern.

Another serious issue contributed to the Grand Jury's decision to investigate more deeply. Statistics from the State of California project a 62% increase in the population aged 65 and over by the year 2020. The aging population will necessitate increased services from the PA/PG. Combining the Public Administrator and the Public Guardian in 2005 and the separation of the PA/PG from the Health Care Agency (HCA) warranted this review.

## Method of Investigation

Method of investigation included conducting interviews and site visits, as well as reviewing reports and agency documents. Members of the Grand Jury interviewed probate judges and attorneys in addition to several agencies involved with the operations of the PA/PG. Employees past and present of the PA/PG provided insight into the functions of the agency. Documents reviewed included client records, court cases, budgets, policies and procedures and employee training records. Members attended court hearings and estate auctions, visited storage facilities, reviewed decedents' estate inventories and attended a procurement Proof of Contract session.

## Background and Facts

The Public Administrator/Public Guardian provides valuable services which depend largely on the Probate Code and the Lanterman-Petris-Short Act (LPS)<sup>1</sup> to regulate its performance. The Public Administrator is an elected official in Orange County. In eight of the largest counties in California including San Francisco, San Diego and Los Angeles, the Public Administrator is not elected. The Board of Supervisors appoints the Public Guardian. The offices of the PA/PG became a separate County department in 2005 with the intention of providing Orange County

<sup>1</sup> The statute regulating the authority of the state is codified in the Lanterman-Petris-Short Act (LPS). Beginning in the California Welfare and Institutions Code Section 5000, the LPS covers a wide range of topics including the voluntary and involuntary treatment of patients and their rights, confidentiality and conservatorship.

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taxpayers reduced management costs and improved efficiency. The duties of the PA/PG are carried out by employees who have been deputized in order to fulfill this need. Within this report they are referred to as deputies.

### The Public Administrator (PA) - An Elected Official

Depending on complexity, the cases handled by the deputies of the PA are fully processed within one to three years of being appointed by the court. Those deputies working under the PA are assigned the important role of settling a decedent's estate. Their duties include evaluating, inventorying, storing and liquidating assets as well as arranging for the disposition of the client's remains. In addition to searching for heirs, deputies also attend scheduled court appearances. The PA as an elected official, has the ability to appoint staff to assist him in his duties. These individuals are referred to as at-will<sup>2</sup> employees. There are no educational or experience requirements for the three at-will positions within the PA/PG. They are awarded at the discretion of the elected official.

### The Public Guardian (PG) - An Appointed Official

The deputies of the PG take care of the clients that are under

LPS or probate conservatorship. These cases can continue for many years depending on the physical or mental health of the conservatees. The deputies in this department provide individual support for their clients in many different ways. In some cases, a deputy acting as the conservator, has legal powers only for the estate of the client. For other conservatees, the deputy cares for the estate as well as the client's well being. Many different living situations make home or facility visits by the deputy mandatory both by law and in good conscience. Frequently there are life and death decisions to be made quickly, requiring someone with prior knowledge of the client's record. LPS and probate cases also require extensive preparation for court appearances.

### Financial Accountability

The office of the Public Guardian was a department of the Orange County Health Care Agency. The PA was a department of the Coroner's Office until 1965. A proposal by the PG on May 3, 2005, in an Agenda Staff Report<sup>3</sup> requested that the office be combined and the PG separated from the Health Care Agency. According to the report, this action would save the taxpayers of Orange County \$300,000 over the next three years. This separation was approved by the Board of Supervisors.

### Management Growth

At the time of separation, there were seven employees with management responsibilities including the agency head and one at-will employee. As of November, 2008, this number had risen to ten, an increase of over 40%. The total hourly base salaries, without fringe benefits or pension payouts, were calculated using information received from Orange County Human Resources (OCHR).<sup>4</sup> In 2005, the combined hourly wages for the seven employees was \$254.71.

These wages calculated for one full year totaled \$529,796.<sup>5</sup> In November, 2008, the combined hourly wages for the ten individuals in the same category was \$501.36. The total payroll for these ten individuals now amounts to \$1,042,828<sup>6</sup> **This is an increase of 96.8% during the three years that the PG projected to save Orange County \$300,000.** The increase is attributable not only to the additional 40% now in management positions but also to the numerous promotions made by the PA/PG. Several of these promotions were called unwarranted by OCHR due to the limited size and scope of the agency. This calculation does not include two additional individuals in at-will clerical positions that have added at least \$100,000 a year to management overhead or employees classified as supervisor.

<sup>2</sup> At-will positions exist in most County agencies. Some of these employees are noncompetitively appointed at the complete discretion of the department head and without County mandated work experience or education requirements.

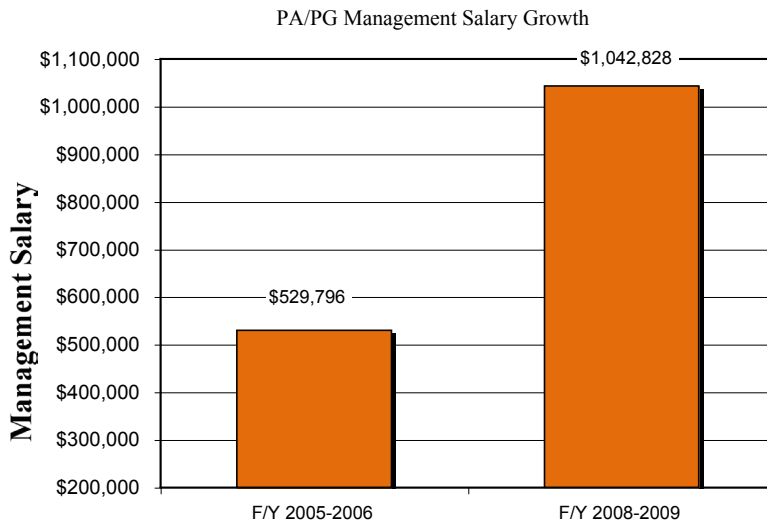
<sup>3</sup> Agenda Staff Report Control #05-00743

<sup>4</sup> The original County-wide Human Resources function was decentralized after the OC bankruptcy in an effort to reduce administrative costs. Individual agencies and departments acting as business units formed their own human resource departments. OCHR retains oversight and policy responsibility for County human resources.

<sup>5</sup> Combined hourly wages in 2005 were \$254.71 on an annualized basis of (254.71x2080 hrs.) \$529,726.

<sup>6</sup> Combined hourly wages in November 2008 are \$501.36 and on an annualized basis of (501.36x2080 hrs.) \$1,042,828.

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Salaries, exclusive of fringe benefits and are based on salary information from County Human Resources. Cost of living increases for F/Y 2008-2009 not included.

**Figure I**

During this period, while the number of managers and their payroll increased, the number of total employees has remained approximately the same.

### Questionable Pension Practices

The Grand Jury reviewed the case wherein an employee was promoted to a top management position within a year of retirement. The position was at will and there were no education and experience requirements. That one year of promotion is costing the taxpayers of Orange County an additional \$56,674 per year in pension benefits and, using the Internal Revenue Service life expectancy tables, for this employee, the taxpayers of Orange County will pay **at least \$1,453,100** in additional pension benefits. This figure does not include statutory cost of living increases.

### Conservatee Account Balances

Several individuals interviewed by members of the Grand Jury stated that as a result of increased caseloads there was a problem maintaining the conservatees' financial obligations. For example, when a conservatee's bills are not paid on time and he has more than \$2,000 in his account on the first of the month, he is found to be **over property**. This means that an individual has too much money to qualify to receive his Social Security benefits. According to the Health Care Agency (HCA), when this happens, the PA/PG is required to pay out of pocket for the conservatee's room and board. The money for this comes from taxpayer dollars through HCA. In addition to being a financial drain on the County, this creates yet additional work for the deputies handling

these cases. A 2008 sample audit of PG files by the Social Security Administration exposed a 30% error rate.

On October 22, 2008, the Grand Jury visited Probate Court and observed PA/PG case handling problems. In this instance, a person in the conservatorship of the Public Guardian died. At that time he became a client of the Public Administrator. This individual had a small estate that had been expended on medical care except for \$7,100. The PA took four years from the time of the conservatee's death to bring the matter before the court for disbursement. By this time the estate had dwindled to zero.

### Policies and Procedures (P&P)

The PA/PG produced two manuals, both labeled Policies and Procedures, in two separate binders. There was one older, complete set of P&P's dated 1992-93 and one new, incomplete set dated 2005 and later. The older set of documents appeared to be the working manual complete with Table of Contents, Appendix and tabbed divider pages. The second set of documents, in a binder with none of the organizational accompaniments, was in a newer style and format. These appeared to be the updated, new or rewritten procedures. Standard business practice dictates that procedures in a policy manual not only be reviewed and updated on a regular basis, but be replaced directly into the working manual when rewritten. This ensures that employees always have a current resource for the agencies method of doing business. The Grand Jury found four glaring examples of this confusion.

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### **1. P&P 4.16 for handling contaminated waste and used needles creates hazardous conditions for PA/PG employees (see appendix)**

After an in-depth review of both manuals, the Grand Jury observed that basic health care policies are poorly written and do not take into account a potential safety hazard to its employees. This policy gives instructions on the handling of contaminated waste at the home of a decedent or conservatee. The instruction to deputies is to place used syringes (referred to as sharps) in a soda bottle if the official sharps container reached capacity. The procedure then goes on to instruct that, upon return to the office, the sharps are removed from the bottle and placed in an official container. This potentially dangerous method of handling both contaminated waste and sharps is inconsistent with Orange County Waste and Recycling Department<sup>7</sup> procedures.

### **2. P&P 4.6, 4.8 and 4.10 cannot be followed due to the confusion surrounding them (see appendix)**

Jurors, attending a decedent's home during a final property inventory, observed that the agency's own procedures were not being followed. They were informed that this was a second and final search for documents possibly revealing the names and addresses of heirs. During this search there was a surprise discovery of a wallet containing a driver's license and cash under a pile of mail on a counter top. The Jurors were informed that the search concluded the PA/PG's handling of the personal property of this estate and it would now be turned over

to a sub-contractor. At the time of their departure, papers remained throughout the house, such as the ones that had been concealing the wallet on the counter top. The PA/PG has a policy instructing the deputies to remove the papers from the home. That policy contains a procedure instructing the reader to refer to yet a second policy. The second policy gives clear directions for the Deputy to sort, label and box important papers and destroy junk mail. It goes on to also describe the process for storing the boxed papers so they can be delivered to an heir or used when settling the estate. However this policy contained a purple "sticky" note stating that it had been deleted and the reader should now refer to yet a third policy. Complicating matters even further, this third policy does not address the sorting, storing or discarding of papers at all; it only addresses warehouse security.

### **3. P&P 4.1 identifies the importance of the chain of custody (see appendix)**

The Grand Jury visited the storage area at the PA/PG including the warehouse and the property vault. It was apparent that the documentation and identification process for their property inventory system was extremely out of date, time consuming and inadequate. The entire process was completed in long hand on duplicate copy inventory sheets. Although the use of a computer-enabled bar-coding system is used extensively by Orange County to inventory and control County property, the PA/PG does not have the benefit of such a system. A system such as this would assist to both streamline the process and easily document the chain of custody.

### **4. P&P 8.9 gives deputies authority in intrusive medical procedure (see appendix)**

Interviews with management revealed that there was no one authorized to make serious life and death decisions in the absence of the Public Guardian (PG). When questioned what the procedure was during an emergency situation the Grand Jury was told that the PG could always be reached even while out of the country on vacation. After further investigation into the written procedure, it appeared that management was unaware or did not adhere to its own policy and was placing the conservatee at risk of serious complications or death. The procedure designated to deal with this matter gives this responsibility to the deputy presently on duty, the Officer of the Day and the Supervising Deputy. There is no mention of the Public Guardian having that sole responsibility.

### **Personnel Administration**

Four organizational charts were provided to the Grand Jury over a period of four months. These charts were different each time they were produced and the titles of the individuals were constantly changing. The Grand Jury reviewed at length the processes by which changes were taking place. Documentation regarding these revisions was obtained from the Orange County Human Resources Department (OCHR). The practice of using personnel transfers and promotions, both permanent and temporary, has resulted in flawed personnel administration policies.

In 2007, the Information Technology System Analyst position was eliminated at the PA/PG and

<sup>7</sup> Formerly called the Orange County Integrated Waste Management Department

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the employee was transferred to the County Information Technology Department. This change occurred when the PA/PG was in the midst of trying to select and implement a new software system. It is believed that this transfer helped delay its implementation.

In March, 2008, a senior management position, although occupied at the time, was removed from the organization chart. In August, 2008, the position reappeared and was filled by a different employee who received a temporary promotion into that same position. Some employees interviewed believed that the temporary promotions were numerous and were often not based on competency. "We never knew a position was even open," an employee stated. This practice is, according to many, demoralizing.

As employees were promoted into management positions, the workload for the supervisors and deputies continued to increase. From June, 2006, until November, 2008, in management alone there were 16 temporary promotions granted in an agency with a staff of fewer than 70. According to County policy the employees are allowed to remain in a temporary promotion for a maximum of 18 months. After 18 months the individual in the position must be reduced back or the position must be filled through a complete recruitment process.

When the time came to fill a permanent non-technical management position, OCHR produced a list of over thirty candidates. The individuals were divided into two categories. The PA/PG directed OCHR to refer only applicants from their own organization for potential selection. This action

made it impossible for anyone not currently employed by the agency to qualify. The request produced one candidate from the lower classification category. Consequently, other applicants who had scored higher on County placement tests were not referred, because they did not work in the PA/PG office. By doing this, a management position was filled by a PA/PG employee who otherwise may not have been considered.

In addition to the promotion previously mentioned, a surprisingly rapid promotion from an Administrative Manager I position to an Administrative Manager II position in a four-month period was documented. Further, two Administrative Manager III positions were awarded over the objections of OCHR. The Grand Jury learned from OCHR that the promotions to Administrative Manager III in the PA/PG were not warranted due to the level of responsibility within that agency. The PA/PG made one of those positions permanent in spite of the objections of OCHR by finding a budget loophole in the system.

The Grand Jury noted that an appointed at-will senior manager is supervising individuals in the Administrative Manager II position. Although this is not against OCHR rules, it does not appear to be good judgment to have an individual both inexperienced in supervision of professional employees and unfamiliar with the policies and procedures of the agency in this position.

### Information Technology

Information Technology provides an essential role in the effective operation of any agency.

At the beginning of the review

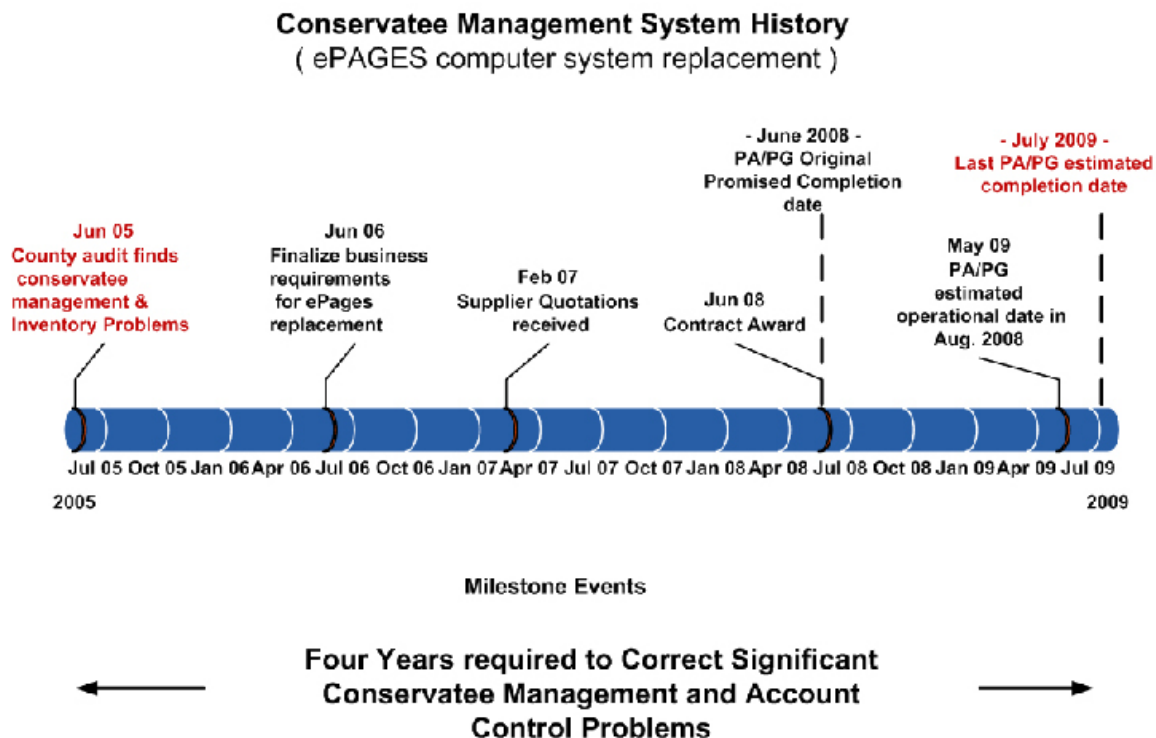
of the PA/PG, items of interest to the Grand Jury were requested. Very often they responded that they did not have the information readily available. Pertinent information that should have been easily gathered with a few key strokes proved to be beyond their current capabilities.

The current ePAGES computer program used to manage conservatorships and guardianships is no longer supported by the software supplier, and is inadequate for its intended task. As of January, 2009, the PA/PG has failed to correct numerous, serious deficiencies in case management that were identified in a May, 2005, County Internal Audit. These issues were to be corrected by implementation of a replacement computer system.

The same County Internal Audit report recommended that the Public Administrator/Public Guardian replace its aged inadequate ePAGES software program. The PA/PG responded by indicating the deficiencies would be corrected and the old software system would be replaced by June, 2008. The Grand Jury was informed by the PA/PG in July, 2008, that this had not taken place; in fact a software provider had just been identified. At this time the PA/PG indicated that project delays were partially caused by a lack of funding. However, County purchasing records revealed that the project was fully funded during this period. For the next several months the Grand Jury observed that steps were taken to initiate this system. At the time of this report, the implementation of the successor program to ePAGES is at least thirteen months behind schedule. It is probable that this project will not be completed in July, 2009, as forecasted.

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Figure II, below, depicts the major ePAGES program milestones and scheduling.



### Caseload Management

The size of the individual caseloads of the deputies was a concern expressed in complaint letters received by the Grand Jury. The writers pleaded for help for the deputies doing the hands-on work. In response, the Grand Jury made repeated requests for information regarding the number of cases each deputy was assigned. Due to an inadequate computer records system, there was no list of assigned cases that could be retrieved. Repeated attempts to view statistical data from both the PA/PG and Probate Court produced little usable information for the Grand Jury to

review. An authoritative study<sup>8</sup> identified that the usual caseload for a Public Guardian Deputy was 45. The PA/PG, though unable to identify the caseload size for each caseworker, has stated that deputies on average handle between 70 and 80 cases each.<sup>9</sup>

### Conclusions

This investigation revealed that the PA/PG's ability to provide services according to its mission has been reduced by management's inability to function effectively and efficiently. They have failed to deliver on their promise to save Orange County taxpayer's money. The

road map for the job at hand, the Policies and Procedures Manual, is in shambles. Out-of-control personnel practices have created an organization top heavy in management and riddled with unhappy workers, required to do much more work than what is considered typical. Additionally, the aged, inadequate software system cannot produce the basic information needed for timely completion of everyday business. The need for change is evident. The Grand Jury's findings and recommendations provide the Board of Supervisors with what is considered necessary to enable the PA/PG to fulfill its mission.

***PA/PG Mission Statement: The Public Administrator/Public Guardian Department is committed, when no other alternatives exist, to compassionately and effectively protect, assist and manage the affairs of resident decedent estates and residents unable to care for themselves or who may be a danger to themselves or others.***

<sup>8</sup> April, 2008, Large Sample Guardianship Project Report from the Vera Institute of Justice, New York

<sup>9</sup> Orange County F/Y 2008-2009 Section 029 Budget Workbook

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### Findings

In accordance with California Penal Code Sections 933 and 933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 Orange County Grand Jury has arrived at the following findings:

F.1: The management of PA/PG has become top heavy which complicates communication with employees, increases costs and lowers morale and department performance.

a) The Administrative Services section consists of three managers and two non-supervisory staff: one Administrative Manager Level III, one Administrative Manager Level II, one Administrative Manager Level I.

b) The Executive Manager position is redundant with the Program Chief Deputy.

c) Administrative Manager Level III positions within the PA/PG are unwarranted due to the level of their duties and responsibilities.

d) Because of top-heavy management, LPS and Probate Deputy caseloads are too large.

F.2: Personnel practices at PA/PG have used temporary promotions and selective exclusion criteria to circumvent standard hiring procedures.

F.3: The current ePAGES computer program is no longer supported by the software supplier, and is inadequate for its intended task. Implementation

of a replacement system, recommended by County Internal Audit in 2005, is severely delayed and is now scheduled for release in July 2009.

F.4: Evidence of questionable pension practices was found at the PA/PG, which could cost taxpayers nearly one and one half million (\$1,500,000) dollars.

F.5: Public Administrator/Public Guardian policies and procedures are outdated, confusing and are not being adhered to as written making it difficult to effectively implement the PA/PG stated mission.

F.6: The lack of business metrics used to measure the effectiveness of PA/PG internal operations and its delivery of those services described in their mission statement makes it difficult to manage and continuously improve agency operations.

F.7: Management practices used since the separation of the Public Guardian from the Health Care Agency have significantly increased administrative management costs.

F.8: The combining of the PA and PG in 2005 has not produced the anticipated administrative cost reductions. The administrative costs have actually increased without any apparent improvement in decedent estate processing or conservatee care. The agency has made ineffective decisions that have cost Orange County taxpayers and conservatees a significant amount of money.

*Responses to Findings F.1 through F.8 are required from the Public Administrator and requested from the Public Guardian, Response to Finding F.1c and F.4 are requested from County Executive Office/ OCHR.*

### Recommendations

In accordance with California Penal Code Sections 933 and 933.05, each recommendation will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. Based on the findings, the 2008-2009 Orange County Grand Jury makes the following recommendations:

R.1a: The PA/PG should comply with the Orange County Human Resources (OCHR) request and eliminate the Administrative Manager Level III classifications at the PA/PG.

R.1b: The PA/PG should reduce the number of management positions in the Administrative Services department.

R.1c: The PA/PG should flatten the organizational hierarchy by elimination of the redundant Executive Manager position.

R.1d: The PA/PG should, with the cost savings from R.1a, b and c, add deputies to help reduce caseload.

R.2: The Board of Supervisors should transfer the personnel management functions of PA/PG to the OCHR.

R.3a: The PA/PG should immediately form an independent task force, reporting directly to the agency head, to develop and

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launch the ePAGES replacement program.

R.3b: From outside the PA/PG organization, the PA/PG should assign a professional information technology (IT) individual with strong business management experience. This individual would head the task force identified in R.3a during development, trials and conversion to the replacement system.<sup>10</sup>

R.3c: The PA/PG should perform an in-depth top-to-bottom review of all communication systems. Develop a corrective action plan and review monthly with the senior management staff.

R.4: The County Internal Audit Department should conduct an in-depth review of OCHR personnel records to determine if additional instances of questionable pension practices exist in agencies other than the PA/PG office. The audit report and any resulting County responses will be forwarded to the Grand Jury for information.

R.5a: A policy for distributing newly written or updated policies or procedures should be developed. Appropriate training based on these documents should be given and that action documented.

R.5b: Old policies and procedures need to be removed from operations manuals as soon as the new ones are written and put into effect.

R.5c: The PA/PG should make the agency internal audit group permanent and report directly to the department head. The group should be expanded to include a person with LPS experience. Additionally, yearly internal audit schedules should be developed covering all areas of operation and audit results should be published in written reports to senior management for required action.

R.6: The PA/PG should develop a method of tracking to measure improvements of service and reduction of costs.

R.7: The Board of Supervisors should complete a comprehensive independent review of Public Administrator/Public Guardian. Based on the results of this review and the Grand Jury report, they should reconsider whether separating the PA/PG from the Health Care Agency and turning it into a separate stand-alone County department has been cost and performance improvement effective. If not, the Board of Supervisors should return Public Guardian to the HCA or another County department.

R.8: When the term of the current PA expires in two years, the Board of Supervisors should consider moving the Public Administrator function into the same department that administers Public Guardian activities. This action should be coordinated with the recommendations identified in R.7 to

eliminate any logistic or redundancy problems.

***Responses to Recommendations R.1a, R.1b, R.1c, R.1d, R.2, R.3a, R.3b, R.3c, R.4, R.5.a, R.5b, R.5c R.6, R.7 and R.8 are required from the Public Administrator and requested from Public Guardian.***

***Response to Recommendation R.2 is required from the Board of Supervisors and requested from County Executive Office/Orange County Human Resources Department.***

***Response to Recommendation R.4 is requested from the County Executive Office /Orange County Internal Audit Department and OCHR.***

***Responses to Recommendation R.7 and R.8 are required from the Board of Supervisors and requested from the County Executive Office and the Orange County Health Care Agency.***

### Required Responses

The California Penal Code specifies the required permissible responses to the findings and recommendations contained in the report. The specific sections are quoted below:

§933.05

1. For purposes of Subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the

<sup>10</sup> Presently, the Administrative Services Manager is acting as the IT program manager



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portion of the finding that is disputed and shall include an explanation of the reasons therefore.

2. For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or de-

partment being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

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### Appendix - PA/PG and County Procedure Excerpts

#### Policy and Procedure 4.1 SECURING REAL PROPERTY AND CONDUCTING FIELD INVENTORIES OF PERSONAL PROPERTY

10. During the inventory all items listed on the inventory sheet are tagged or labeled with the identifying number on the Property Inventory Sheet and the identifying code letters. The importance of accurate tagging can not be over emphasized as they are used to trace the chain of custody from the decedent/conservatee's residence to the warehouse and ultimately to buyers and heirs.

#### Policy and Procedure 4.6 MAINTAINING WAREHOUSE AND IMPOUND SECURITY PRACTICE

To establish a uniform procedure for access and security of the PA/PG warehouse and impound area.

#### Policy and Procedure No. 4.8 DISPOSITION OF PERSONAL PAPERS

##### PROCEDURE:

1. Personal papers are inventoried and placed in the personal papers section of the PA/PG warehouse.
2. Prior to completing the inventory and Appraisal, the assigned Deputy examines the personal papers in accordance with P&P 4.10 (see P&P4.10 excerpt below)
3. The assigned Deputy removes all papers necessary to the administration of the estate and throws away all junk mail, advertisements, etc.

4. The assigned PA Deputy sends the Disposition of Personal Papers and the Reply form to all heirs requesting their desires regarding the personal papers.

5. In accordance with the Heirs' wishes, or after 60 days has elapsed the assigned Deputy sends a memo to personal property Services advising whether to ship, destroy or release to a specified agent.

6. A deputy assigned to a Public Guardian case will not release Personal Paper to heirs or other family members during the lifetime of the case, unless written and informed consent is obtained from the conservatee and only if there is no will detailing disposition of personal property.

#### Policy and Procedure 4.10 ACCESS/USE OF PA/PG PA- PERS ROOM, BUILDING "B"

*(Remember this Policy has been deleted according to the note attached to it directing the reader to 4.6)*

PA papers are to the right, PG papers are to the left. Unsorted papers are on the racks labeled "unsorted PA papers". Empty boxes for sorting into are stacked against the East wall. Place items to be kept into the lidded boxes. Use the smallest size appropriate. Put the items to be thrown out into the trash cans. Place empty used boxes under the sorting tables. Label boxes with full name and date sorted. (Magic Markers can be found on the sorting tables, please leave them there). Inventory sorted papers on property inventory sheet as "sorted personal papers". Indicating how

many boxes and designating them "NV" (no value).

#### Policy and Procedure 4.16 HANDLING, INVENTORYING AND DISPOSING OF PRE- SCRIPTION DRUGS, SHARPS AND CONTAMINATED ITEMS PROCEDURE:

3. Property Services Staff will count and list the number of unopened and opened syringes on the inventory sheet in the presence of the witness. The estimated value will be NV-No Value. Unopened syringes are left in their packages and placed in a standard inventory box. Opened syringes are placed in a sharps container. If the sharps container becomes full, a plastic soda bottle or similar appropriate container will be used to temporarily store the sharps. Sharps will be removed from the temporary container and put in a designated sharps container upon return to the warehouse.

#### Policy and Procedure No.8.9 PUBLIC GUARDIAN AUTHORITY IN INTRUSIVE MEDICAL PROCEDURE

##### PURPOSE:

To establish a uniform policy for administering cases in which the Public Guardian has been given medical powers under Probate Code Section 2355.

##### SCOPE:

Applicable to all Public Guardian conservatorships that give the medical powers to consent to treatment under Probate Code Section 2355 to the Public Guardian.

##### POLICY:

Letters of conservatorship or orders of conservatorship

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issued to the public Guardian may give the Public Guardian authority to give medical consent. Those cases that do give the Public Guardian authority to give medical consent include the authority to consent to intrusive medical procedure without additional Court approval when recommended by medical professional. Court approval should be requested, however, in those cases where you receive conflicting medical advice and cannot make a "good faith" determination on the best course of treatment. Some types of medical treatment are limited by Probate Code section 2356, (i.e., sterilization, convulsive treatment, experimental drugs)

### PROCEDURE:

#### Responsibility

#### **Deputy**

Receives information from facility staff, conservatorship services unit worked, or other sources that conservatee needs treatment.

Determines if conservatee is/is not adherent of a religion whose tenets and practices rely on prayer alone for healing. If yes, contact accredited practitioner of that religion. If not, contact treating doctor and request doctor's declaration in writing that treatment is necessary.

After review of doctor's declaration and conference with case worker to obtain additional information, may concur with treatment and authorize procedure

Any conflicting information regarding treatment, contact supervisor.

#### **Officer of the Day Calls**

Request for Intrusive Medical Treatment are referred to Supervisor.

#### **Supervising Deputy**

Reviews information.

Makes recommendation to proceed with treatment, or request Court for authority.

#### **Deputy**

Obtains Court Order if recom-

mended by Supervisor before authorizing intrusive procedure.

REFERENCE: County Counsel opinion 91-236

### **Probate Code Sections 2355 and 2356**

### **OC WASTE AND RECYCLING (FORMERLY: COUNTY OF ORANGE INTEGRATED WASTE MANAGEMENT DEPARTMENT)**

Disposal Procedures for Household Generated "Sharps" Waste

1. "Sharps Waste" is to be placed in a rigid, leak-proof container with a secure lid (i.e., Plastic bleach or laundry detergent containers, etc., **not** soda bottles or milk jugs).

2. Prior to disposal, when the container is full, disinfect the contents by adding a small amount of 10% bleach solution to the container. Tightly seal the lid and shake the container to ensure contact of bleach with the contents.