

**COUNTY OF LOS ANGELES – DEPARTMENT OF MENTAL HEALTH**

**FACT SHEET**

**APPROVAL OF APPROPRIATION ADJUSTMENT AND AUTHORIZATION TO FILL  
POSITIONS IN THE PUBLIC GUARDIAN FOR FISCAL YEAR 2009-10  
(ALL SUPERVISORIAL DISTRICTS)  
(4 VOTES)**

**REQUEST**

Approve an appropriation adjustment in the amount of \$378,000 to increase appropriation and revenue to fund eight full-time equivalent (FTE) positions in the Public Guardian.

Authorize the Department of Mental Health (DMH) to fill eight FTE positions in the Lanterman-Petris-Short (LPS) Division of the Public Guardian in excess of what is provided in DMH's staffing ordinance, pursuant to Section 6.20.020 of the County Code, and subject to allocation by the Chief Executive Office (CEO).

**PURPOSE/JUSTIFICATION**

The purpose of these actions is to increase the number of budgeted positions in the LPS Division of the Public Guardian in order to reduce the size of the caseloads carried by Deputy Public Conservators/Administrators in the LPS Division.

The recommended actions will allow the Department to utilize federal revenue generated from the provision of qualifying Targeted Case Management (TCM) services to increase staffing for the LPS Division. The amount of TCM revenue has been steadily increasing since Fiscal Year 2006-07 as the result of procedural changes enacted in the Public Guardian to ensure that TCM activities are documented and claimed. As a result, TCM revenue has increased from \$1.1 million in Fiscal Year (FY) 2005-06 to an estimated \$2.0 million in FY 2008-09.

Despite the increasing revenue, the Department did not budget and utilize the funding due to a pending rule from the Centers for Medicare & Medicaid Services (CMS). On December 4, 2007, CMS published an interim final rule that would have eliminated the ability of the Public Guardian to claim TCM. Congress placed a moratorium on implementation of the rule until July 1, 2009. On June 29, 2009, CMS rescinded the provisions of the interim final rule.

With the rescission of the rule, the Department is now recommending that your Board approve the attached appropriation adjustment and associated staffing to allow the Department to hire and fill eight FTE positions to begin addressing the caseload and

staffing issues. This will allow a reduction in the average caseload for deputies in the LPS division by approximately 15 cases per deputy, resulting in an average case load of 60 to 70 cases per position.

### **BACKGROUND**

The Public Guardian consists of two divisions that provide services mandated by State law when persons are no longer able to handle their own affairs and thus are placed in conservatorship by the court. The Probate Division handles cases assigned to the Public Guardian under the provisions of the Probate Code. The LPS Division handles cases assigned to the Public Guardian under the provisions of the Lanterman-Petris-Short Act, Section 5000, et. seq. of the Welfare and Institutions Code.

Currently, staffing within the LPS Division is insufficient to adequately handle the existing caseload and Deputy Public Conservators/Administrators within the LPS Division are carrying 75 to 85 cases each, compared to 40 to 50 cases for deputies working in the Probate Division. Further, insufficient support staff for the LPS Division, which includes clerical and accounting staff that are responsible for mandatory court accountings, result in a backlog of court accountings and other documentation.

In Fiscal Years 2005-06 and 2006-07, your Board approved additional funding to address staffing issues within the Probate Division of the Public Guardian in response to a Board-ordered review of the Probate operations done by blueCONSULTING. The amount of net County cost approved by the Board to support the operations within the Probate Division continues in the amount of approximately \$3.3 million annually. This additional funding allowed caseloads for Deputy Public Conservators/Administrators in the Probate Division to be lowered to 40 to 50 cases per deputy.

While the blueCONSULTING report did not specifically review the LPS Division, the report noted that the existing caseloads within the LPS Division also were too high. However, no County general funds were or have been allocated to the LPS Division. The LPS Division is primarily funded from Vehicle License Fees and Sales Tax Realignment, two sources that have declined despite increasing demands on those resources. In addition, revenues generated by the LPS Division are used to fund staff and offset other costs associated with the LPS Division. However, staffing levels in the LPS Division continued to lag behind the Probate Division, with caseloads for the deputies in the LPS Division currently averaging 75 to 85 cases per deputy, or approximately 35 cases more than the Probate Division.

**CONTACT INFORMATION**

Connie Draxler  
Telephone Number: (213) 974-0407  
Email Address: [cdraxler@dmh.lacounty.gov](mailto:cdraxler@dmh.lacounty.gov)

**APPROVED BY:**

DMH Program – Connie Draxler  
DMH Contracts – Larry Quan  
Chief Executive Officer – David Seidenfeld  
County Counsel – Edward Yen