

State Public Guardian's 2023 Annual Report

The Office of Public Guardian submits this report for state fiscal year 2023 pursuant to Iowa Code §231E.4(3)(h).

About the Office of Public Guardian

Iowa's Office of Public Guardian serves as guardian or conservator of last resort for the neediest Iowans who:

- Are 18 years of age or older
- Do not have suitable family or other persons willing and able to serve as a guardian or conservator
- Are incompetent as defined in Iowa Code chapter 633
- A guardianship or conservatorship is the last resort for meeting the person's needs

Priority is given to those persons who are experiencing abuse, neglect, or exploitation; persons who need critical medical decisions to be made on their behalf; and other situations where serious or irreparable harm could occur. Iowa Admin Code 17-22.7(2).

The Office of Public Guardian attempts to direct people to alternatives to public guardianship whenever possible as well as supporting outside, private guardians and conservators through training and education.

Office of Public Guardian Funding

In SFY23, the Office of Public Guardian had four sources of funding – state appropriations, temporary federal ARPA funding, funding from Iowa Department of Health and Human Services for the Care Transitions Pilot Project, and Medicaid Administrative claiming.

State Appropriations: For SFY23, the Office of Public Guardian received \$380,000 in state appropriations, \$217,048 (57%) of which was budgeted for direct guardianship and conservatorship services. This amount – which has allowed the Office of Public Guardian to serve approximately 60 to 65 clients at a time – remained essentially unchanged since 2016. Although the Governor recommended a budget increase of \$500,000 to support the Office of Public Guardian in SFY23, that increase was removed from the final health and human services budget.

ARPA Funding: In February 2022, the Office of Public Guardian received \$502,200 of temporary federal ARPA funding to clear its waiting list. Out of 81 cases on the waiting list as of January 2022, 41 were still eligible for public guardianship services and were accepted by the Office of Public Guardian. Petitions were filed in 37 of those cases, resulting in appointment as permanent guardian and/or conservator in 31 cases. By the end of SFY23, the Office of Public Guardian had obligated \$220,800 of the ARPA funds, and \$281,400 remained available through September 30, 2024.

Fiscal Year	Amount Obligated	Amount Remaining
SFY2022	\$113,300	\$388,900
SFY2023	\$107,500	\$281,400

Because the Office of Public Guardian did not receive increased state appropriations for SFY23, the Office was unable to continue taking new cases during SFY23. ARPA funds were used to pay for ongoing services for the 31 new clients taken in SFY22.

Care Transitions Pilot Project: In March 2022 the OPG began a partnership – the Care Transitions Pilot Project – with the Iowa Department of Health and Human Services to provide public guardianship services to individuals receiving adult protective services in the Eastern Iowa and Cedar Rapids Service Areas. These cases are funded by federal CARES Act and ARPA funds received by HHS Adult Protective Services. In SFY22, the Local Office of Public Guardian was appointed as permanent guardian and/or conservator for 3 clients through the Care Transitions Pilot Project. In SFY23, the Local Office of Public Guardian was appointed as permanent guardian and/or conservator for an additional 6 clients through this Project. These were the only new cases the Office of Public Guardian accepted during SFY23.

Medicaid Administrative Claiming: In January 2023, the Office of Public Guardian began Medicaid Administrative Claiming at the state level. This resulted in \$4,500 of revenue in the 3rd quarter of SFY23 and \$1,600 of revenue in the 4th quarter of SFY23.

Establishment, Monitoring, and Oversight of Local Offices of Public Guardian

The OPG is charged with establishing, monitoring, and overseeing local office of public guardian. Pursuant to Iowa Code 231E.4(3)(a) local offices of public guardian are established by a request for proposals process. Since 2017, Iowa had one local office of public guardian serving the entire state. In August 2022, the OPG issued a new request for proposals for providers to serve as local offices of public guardian. The existing local office of public guardian, Corridor Care Management, did not renew their contract or submit a proposal in response to the RFP. This led to the establishment of two local offices of public guardian – Guardians of Northeast Iowa and Decisions for Life.

Name of Provider	Time period as Local Office
Corridor Care Management	November 2017 - December 2022
Guardians of Northeast Iowa	November 2022 ¹ - present
Decisions for Life	November 2022 - present

Transfer of Cases to New Local Offices of Public Guardian: Between November 2022 and March 2023, the OPG oversaw the transfer of 68 existing cases from Corridor Care Management to Decisions for Life and Guardians of Northeast Iowa. Of those cases, Decisions for Life received 47 cases and Guardians of Northeast Iowa received 21. This transfer required court action in all 68 cases in order for Corridor Care Management to resign as guardian and/or conservator and the appropriate new local office to be appointed as successor guardian and/or conservator. Corridor Care Management retained their contract related to the Care Transitions Pilot Project, but those cases will also need to be transferred prior to the expiration of that contract on September 30, 2023.

Clients Served: In SFY23, the Local Office of Public Guardian served a total of 103 consumers. Of these, 96 cases were opened prior to the start of the fiscal year. Seven new cases were opened during the fiscal year. Twenty cases were closed during SFY23: eleven consumers being served by the office passed away, five consumers had a successor guardian appointed, and one consumer had their rights restored when their child agreed to serve as their agent after previously serving as an agent under a durable healthcare power of attorney. Two cases were dismissed after the courts found a permanent guardianship was not needed.

Client Demographics: As of June 30, 2023 the Office of Public Guardian had 91 open cases. Those clients consisted of 46 men and 45 women. Older adults (age 60+) made up a majority of clients, with 45 clients between ages 60-79 and 13 clients age 80 or older. Twenty-four clients were between ages 26-59, and nine were between ages 18-25.

¹ The OPG began contracting with Guardians of Northeast Iowa in March 2022, but only for cases taken using the ARPA funding received in February 2022.

Ninety-one percent of clients were white, 7% were Black or African-American, 1% were Asian or Pacific Islander, and 1% were Hispanic or Latino.

Nearly all of the Office of Public Guardian's clients are eligible for Medicaid. Of the cases open at the end of SFY23, 86 clients (95%) were on Medicaid (including clients on an HCBS waiver), and only 5 (5%) were not.

Clients resided in a variety of different settings:

- 57 clients lived in a nursing facility or NFMI
- 12 lived in supported housing such as a habilitation home, HCBS waiver home, or host home
- 6 lived in an ICF/ID
- 4 lived in state-run facilities
- 1 lived in their own home
- 1 lived in an assisted living facility
- 5 were placed in facilities out-of-state
- 5 lived in other settings

Increased Funding for SFY24

The Governor requested an increase of \$500,000 in state appropriations to support the Office of Public Guardian for SFY24. This increase was included in the final health and human services appropriation (SF561). Increased state appropriations are necessary because the Office of Public Guardian's waiting list for services – which was cleared using the temporary ARPA funding received in February 2022 – had to be resumed in May 2022. Only six new cases, all from the Care Transitions Pilot Project, were taken during SFY23. By June 30, 2023, the waiting list was back up to 83 applications with an additional 13 applications pending review.

This increased funding allows the Office of Public Guardian to:

- Hire a second FTE to support the operations of the State Office of Public Guardian. A Deputy Public Guardian was hired effective October 13, 2023.
- Continue to serve existing clients and accept additional cases during SFY24. As of October 1, 2023, four cases had been accepted from the waiting list and additional cases will be accepted each month.
- Enhance information gathering and data analysis regarding public guardianship services.

- Develop a full and robust training program for guardians and conservators and update it as laws and best practices change.

If you have questions, please contact the Office of Public Guardian at (515) 975-5084 or via email at jennifer.donovan@iowa.gov.