

HOUSE BILL REPORT

HB 1330

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to the management of services provided by the office of public guardianship.

Brief Description: Concerning the management of services provided by the office of public guardianship.

Sponsors: Representatives Kilduff, Harris, Jinkins, Valdez, Walen and Tharinger.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/30/19, 2/8/19 [DP].

Brief Summary of Bill

- Authorizes the Office of Public Guardianship (OPG) to develop and adopt a case-weighting system.
- Allows the OPG to increase the standard caseload limit of a certified professional guardian contracted by the OPG from 20 cases up to 36 cases in certain instances.
- Removes obsolete language and language pertaining to the pilot nature of the public guardianship program.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 15 members: Representatives Jinkins, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman, Graham, Hansen, Kilduff, Kirby, Klippert, Orwall, Shea, Valdez, Walen and Ybarra.

Staff: Ingrid Lewis (786-7289).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In 2007 the Office of Public Guardianship (OPG) was created within the Administrative Office of the Courts to provide public guardianship services to incapacitated individuals who need the services of a guardian and for whom adequate services may be otherwise unavailable. To be eligible for a public guardian, incapacitated individuals must: (1) be over 18 years of age and have incomes less than 200 percent of the federal poverty level; or (2) be receiving long-term care services through the Department of Social and Health Services. Initial implementation of the public guardianship program was on a pilot basis. To date there are 10 programs in the following counties: Clallam; Grays Harbor; King; Okanogan; Pierce; Snohomish; Spokane; Clark; Kitsap; and Thurston.

The OPG may contract with individuals and organizations, either public or private, to provide public guardianship services. A public guardian must be certified by the Certified Professional Guardian Board and must meet minimum standards of practice adopted by the OPG. Any entity providing professional guardianship services to more than 20 incapacitated persons per certified professional guardian may not be compensated for public guardian services.

Summary of Bill:

The Office of Public Guardianship (OPG) may authorize, on a case-by-case basis, payment of services to an entity contracted with the OPG that is serving more than 20 incapacitated persons per professional guardian. The OPG is required to develop policies and procedures to determine the ability of a public guardian or agency to accept more than 20 cases. When determining caseload size, consideration must be given to the expected activities, time, and demands involved, as well as the available support for each case. Case load size must not exceed 36 cases. The caseload restrictions apply to both public and private pay guardianships.

The OPG must submit the final case-weighting system to the Legislature by December 1, 2019, and it must be publicly available. The Administrative Office of the Courts is required to notify the Superior Courts of the final case-weighting policies.

Provisions found within the laws governing the OPG pertaining to the pilot nature of the program and reports from the OPG and the Washington Institute of Public Policy are stricken. References to a repealed section and a chapter that no longer exists in code are also stricken.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill provides more flexibility around the types and number of cases that the Office of Public Guardianship (OPG) and contracted Certified Professional Guardians can take. There was much forethought in creating a maximum caseload of 20 people for the OPG. There is a need for sufficient oversight in guardianship work and caseload sizes. While the bill would slightly increase caseload sizes, it takes into account the various needs in individual guardianship cases. The caseload-weighting mechanism contains guardrails in the proposed guidelines. The OPG will be better able to utilize scarce resources and will better meet the needs of vulnerable clients.

There is a lot of geographic variability and accessibility across the state and jurisdictions. The caseload standards need to address guardians and clients who live in rural areas.

(Opposed) None.

Persons Testifying: Representative Kilduff, prime sponsor; David Lord, Disability Rights Washington; and Steve Lindstrom, Washington Association of Professional Guardians.

Persons Signed In To Testify But Not Testifying: None.