



## COUNTY OF PLACER

## OFFICE OF AUDITOR-CONTROLLER

ANDREW C. SISK, CPA  
Auditor-Controller  
E-mail: [asisk@placer.ca.gov](mailto:asisk@placer.ca.gov)

NICOLE C. HOWARD, CPA  
Assistant Auditor-Controller  
E-mail: [nhoward@placer.ca.gov](mailto:nhoward@placer.ca.gov)

October 27, 2021

Dr. Robert Oldham, Director/Chief Psychiatrist/Interim Public Health Officer  
Placer County Department of Health and Human Services  
3091 County Center Drive, Suite 290  
Auburn, CA 95603

Re: Public Guardian and Public Administrator Review

Dear Dr. Oldham:

The Internal Audit Division of the Auditor-Controller's Office performed a review of the Office of the Public Guardian and Public Administrator (PG and PA's Office) in accordance with Government Code Section 26883 for the review period July 1, 2019 through June 30, 2020.

Our responsibility is to conduct the compliance review in accordance with the International Standards for the Professional Practice of Internal Auditing (Standards) established by the Institute of Internal Auditors, and in accordance with certain sections of the California Government Code. These Standards require that we identify, analyze, evaluate, and document sufficient information and evidence to achieve our objectives. We believe that the evidence obtained provides reasonable basis for the results, observations, and recommendations contained in our report.

The objectives of our review are to determine whether all real and personal property is being inventoried and managed properly; applicable benefits available for each recipient are being properly acquired; procedures for filing court documents are followed and completed accurately within code deadlines; and internal controls surrounding proper fiscal accountability of client's funds are being followed including collection of funds and disbursements for bill payment.

Based on our review, which consisted of determining whether adequate internal controls exist to provide reasonable assurance that conservatees' assets and benefits are being adequately obtained and safeguarded, we found several areas where internal controls do not appear to be operating as designed and they could be strengthened. Accordingly, our observations and recommendations are as follows:

### **Observation #1– Daily Cash and Check Deposits**

We found multiple instances in which the PG and PA's Office did not follow the *County's Accounting Manual for Cash* which requires all collections to be deposited daily intact into the County Treasury or authorized bank accounts. Also, we noted the PG and PA's Office did not obtain permission from the Auditor-Controller

to have less than daily deposits or use alternate procedures for the daily deposit of money into a trust account with a commercial bank as required by Placer County Code Section 4.04.060.

Also, we found an instance in which the Daily Cash Collections Register Log was not signed by the PG staff who was assigned for receipting the funds for the day's deposits.

Section 3.3 of the County's *Accounting Manual for Cash* states, "All collections shall be deposited daily intact into the County Treasury or authorized bank accounts. If unable to deposit daily due to geographic location, hardship, small amounts of revenue, or any other reason, the department shall request permission from the Auditor-Controller to establish less than daily deposits, not to exceed one week, or any other alternate procedures for the daily deposit of money into a trust account with a commercial bank or other depository, as required by Placer County Code Section 4.04.060. "Small amounts of revenue" is defined as revenues not exceeding one hundred dollars (\$100) in checks, currency and coins. However, the amount of currency and coin shall not exceed twenty-five dollars (\$25)."

Per the HHS's *Deposit Protocol at the Dewitt Center Front Reception Desk*, the Change Fund Custodian or the assigned designee who is "receipting-in" funds for the day's deposits is responsible for completing the "Daily Cash Collections Register Log blue section on the right side".

#### Recommendation

If the PG and PA's Office is unable to deposit daily due to geographic location, hardship, small amounts of revenue, or any other reason, we recommend the PG and PA's Office request permission from the Auditor-Controller to establish less than daily deposits, not to exceed one week, or any other alternate procedures for the daily deposit of money into a trust account with a commercial bank or other depository, as required by Placer County Section 4.04.060.

Also, we recommend that the staff responsible for receipting the deposits ensure the Change Fund Custodian/Designee Section of the Daily Cash Collections Register Log is completed and prior to submitting it to the HHS's Accounting Office.

#### PG and PA's Office Response:

*PG/PA acknowledges the delays in making deposits for decedent's or conservatee's cash assets. The nature of the process of gathering the cash items from residences (such as water jugs or multiple mason jars full of coins which require the rolling of the coins), and the fact that discovery of the money is often made late in the day at client's homes makes it hard to adhere to the one-day deposit rule. As a result of the ACO's audit, PG/PA reached out to the Auditor – Controller, to request a waiver to this one-day rule and it was granted approval to make other than same day deposits.*

*Regarding the ACO's point on the completion of the Daily Cash Collections Register Log ("Log"), the Log in question reviewed by the ACO requires context. This Log included five individual cash receipts that were collected over a seven-day period (April 23 – April 29, 2020). Although the Custodian/Designee Section was not complete, the cash receipt for the single transaction on the Log that was selected by the ACO for testing was signed by the Senior Legal Clerk. The Department agrees with the importance of signing for funds as they are received. However, in this instance the Log was used as a summary of cash collections over the previous week, rather than a Daily Collections Log.*

*PG/PA will be preparing revised Policies & Procedures (“P&P”) Manual to reflect a deposit schedule longer than one day, as well as the safeguarding of client cash assets received but not yet deposited. Additionally, the revised P&P Manual will address potential adjustments to the use of logs, the names of supporting documents, and signature requirements. These procedures will be discussed with the ACO, and we look forward to the ACO’s cooperation.*

### **Observation #2– Custodial Personal Property**

We found multiples instances in which the PG and PA’s Office did not follow its own Policies and Procedures Manual (P&P Manual) related to property/asset management. Specifically, we noted that:

- Internal required documents such as the “Acknowledgement of Policies” and “PG Storage Plan” are not completed by staff and the program supervisor,
- Important client documents and items such as birth certificate, driver’s license, benefit/health insurance cards, and keys are not stored in the PG’s Closet as required by the P&P Manual, and
- Monies discovered from client's residence were not timely deposited to their account. Staff did not submit the client’s monies for deposit upon return to the office the same day.

#### PG’s Office

During the on-site visit, auditor discovered that coins totaling hundreds of dollars were kept in the locked file cabinet for over a year.

#### PA’s Office

Monies collected from client’s residence were kept in a locked filed cabinet for two months before they were deposited into the client’s account. In another instance, monies collected from the client’s residence were stored in a bag along with other items in a locked cabinet. The bag of monies was subsequently discovered by staff months later as it was pushed to the back of the cabinet.

Also, we noted that the PG and PA’s Office does not perform physical count on a random basis for custodial personal property items that are held at the PG and PA’s Office storage facility as required by the County's *Accounting Policies & Procedures Manual*. In addition, we noted that the main storage facility is not equipped with any security camera or alarm systems which increases the risk for loss of custodial personal property.

The P&P Manual states, “staff conducting searches must sign this form (Acknowledgement of Policies) before searching”.

The P&P Manual states, “if a conservatee/decedent requires storage of more than five boxes and does not have the funds to pay for private storage, Public Guardian Deputy will develop a written plan using the PG Storage Plan.doc and submit for approval from the Public Guardian Supervisor. Plan must include the following:

- a. Volume of property to be stored,
- b. Description of attempts to obtain family assistance,
- c. Plan for length of time items will be stored at facility.”

The P&P Manual states that important or personal documents shall be “placed in the fireproof file cabinet”. Also, it states that “important documents are to be photocopied and kept in the chart.”

The P&P Manual also states, “money found during the cursory search will be rigidly controlled and promptly recorded. Upon return to the office the same day, money is to be receipted by the staff that will make the deposit.”

In addition, the County’s *Accounting Policies & Procedures Manual* states, “an employee not responsible for receipting or safeguarding the custodial personal property should perform a physical count of all custodial personal property held by a department on a random basis. This same employee should then reconcile the written inventories and the Custodial Personal Property Log to the custodial personal property counted.”

Recommendation

We recommend that the PG and PA’s Office ensure all required documents are properly completed by staff. The PG and PA’s Office should review the case files for all clients and remove any important documents and items that are stored in the paper filing charts into the locked cabinet in the PG’s Closet. A copy of important documents should be scanned and stored in the client’s electronic case files in the Panoramic system.

We also recommend that the PG and PA’s Office ensure all monies discovered from client’s residence are submitted by staff for deposit upon return to the office the same day. Exception to the same-day depositing policy may be permitted for special circumstances when approved in advance by the program supervisor. The approval documentation should be submitted as supporting documentation along with the deposits. For those that justify for special circumstance, the client’s monies must be deposited within a reasonable time and shall be secured immediately in the locked cabinet until they are submitted for deposit.

We also recommend the PG and PA’s Office utilize HHS’s internal audit team to conduct physical count of custodial personal property items that are held at the PG and PA’s Office storage facilities on a random basis to satisfy the requirement by the County’s *Accounting Policies & Procedures Manual*. HHS’s internal audit team should reconcile the client’s inventory records to the custodial personal property counted. Any discrepancies should be properly investigated.

In addition, we recommend the PG and PA’s Office work with HHS and the Procurement Services Division to obtain new security camera or alarm systems to enhance the security of custodial personal property at the PG and PA’s Office main storage facility and to ensure that the installation project will comply with the County’s *Security Camera System Policy*.

PG and PA’s Office Response:

*PG/PA agrees with the ACO’s Observation. The following addresses the points raised in the first section of this Observation:*

- *Since the completion of the ACO’s audit, Acknowledgements of Policies have been signed by all staff. PG/PA is developing a checklist for admitting items into storage which will include a “Complete Storage Plan”.*
- *Regarding the storage of client information, there is a fireproof safe in the locked closet. PG/PA acknowledges that the safe was not consistently utilized. PG/PA Administrative staff have been removing all original legal documents from paper charts, placing originals and keys in the fireproof safe, and copies are being added to the paper charts and Panoramic record system.*
- *The third point (daily deposit requirement) has been addressed with Observation #1.*

*Regarding the ACO’s points on PG’s and PA’s individual offices and the timeliness and securing of cash assets between collection and depositing, PG/PA has discussed with staff, the importance of prioritizing deposits to*

*be made as soon as possible after money is collected, as well as properly securing of same prior to deposit. These processes will be incorporated into updated PG/PA deposit procedures as part of the revised PG/PA P&P Manual.*

*PG/PA agrees with the point conducting of random physical counts of custodial assets stored at PG/PA storage facilities and the required steps to feasibly perform these will be incorporated into the updated PG/PA P&P Manual.*

*Regarding the security equipment issue noted in the ACO's Observation, the PG/PA storage facility is in the process of moving to an off-campus location. The new location will have intrusion alarms on the doors and windows to alert law enforcement in case of forced entry. Currently, there is no plan to have additional camera type surveillance at the new location.*

### **Observation #3– PG's Office Outside Bank Reconciliation**

We noted that there were instances in which the PG's Office outside bank reconciliations were not submitted to the ACO within 30 days after the bank statement date as required per *County's Accounting Manual for Cash*. Specifically, bank reconciliations were submitted approximately between 48 - 87 days after the bank statement date.

Section 8.3I of the *County's Accounting Manual for Cash* states, "Bank accounts shall be reconciled monthly or quarterly, depending on the frequency of the bank statements, to the department's book balance and to the general ledger. This reconciliation should be reviewed by an employee who is not involved in the cash receipting cycle and shall be furnished to the Auditor-Controller no later than 30 days after the bank statement date."

#### Recommendation

We recommend HHS's fiscal team submit a bank reconciliation for the PG's Office outside bank account within 30 days of the bank statement date as required by the *County's Accounting Manual for Cash* to ensure funds are being handled with fiscal and fiduciary responsibility, as well as, to ensure complete and accurate financial reporting.

#### PG's Office Response:

*During the months observed by the ACO (July 2019 – April 2020), the Department had experienced a tremendous amount of staff turnover, including prolonged vacancies, which contributed to these delays. Since June 2020, the Public Guardian's bank reconciliation has been submitted to the ACO within the required 30 days, usually within two weeks of the date of the statement. PG/PA believes this Observation represents more a moment in time than a procedure that requires corrective action.*

### **Observation #4– Closing Conservatorship of Deceased Clients**

We found multiple instances in which the PG's Office did not follow their own P&P Manual related to closing deceased conservatorship cases. Specifically, we noted that:

- In all cases that were tested, staff did not complete the "Deceased Client Checklist" which is an internal document required by the P&P Manual to close out the conservatorship.
- The "Change of Address– COA" (used as a notice to inform the Court of the client's death) was not completed timely after the PG's Office is notified of the death.

- The PG's Office did not file the final accounting and release the deceased client's personal property within one year of their death. In some instances, the PG's Office is still storing the personal property for conservatorship cases have already been closed by the Court.

Also, we noted there is a lack of consistency of when PG deputies request the computation of trust interest to be stopped for deceased clients.

The P&P Manual states, "It is the policy of the Public Guardian's (PG) Office to file the final accounting and release cash and property within one year after the date of death of a conservatee. In all deceased conservatorship cases, a Deputy must complete the Deceased Client Checklist in its entirety before closing it in the typical manner."

Per the P&P Manual, after receiving notification of the death of a conservatee, the Deputy is to "complete COA.doc (Change of Address) and forward to PG Clerk".

#### Recommendation

We recommend the PG's Office ensure its staff becomes familiar with the requirements related to closing conservatorship of deceased clients in the P&P Manual.

For the deceased conservatees' belongings at storage, we recommend the PG and PA's Office work with County Counsel to determine when it is no longer legally liable to keep the deceased clients' belongings at storage and allocate appropriate resources to dispose clients' property promptly. Once that determination is made, the PG and PA's Office should also update the P&P manual to reflect the change.

#### PG and PA's Office Response:

*PG/PA was unaware of a "Deceased Client Checklist" until the ACO conducted their audit. PG/PA agrees with the Observation and will be using this checklist on all future cases. PG/PA Administrative staff will develop a tracking mechanism for when clients pass away and will work with the deputies to monitor the progress of the necessary tasks on the check list, as well as discuss with County Counsel, the requirements of maintaining deceased clients' belongings. These procedures will all be incorporated into the revised PG/PA P&P Manual.*

#### **Observation #5– Lack of Documentation to Support Client's Recurring Payments**

We found two instances in which the PG's Office is unable to provide documentation to support the client's recurring monthly payments. In both instances, the clients have monthly automatic payment set up in the Panoramic system for board and care (B&C) payments. However, we noted that both the PG's Office and the HHS's fiscal unit could not locate the Payment Request Form for one of the clients. The Payment Request Form is to be completed by PG deputy and submitted to HHS's fiscal unit to set up the recurring payment in the Panoramic system. Also, the PG's Office could not locate the rental agreement to support the monthly B&C payment amount for both clients.

#### Recommendation

We recommend management of the PG's Office develop and implement effective controls to ensure both the PG's Office and the HHS's fiscal unit maintain adequate documentation to support client's recurring payments. The PG's Office should ensure that documents supporting the payment amount are submitted along with the Payment Request Form to the HHS's fiscal unit for review.

PG's Office Response:

*PG/PA agrees with the ACO's Observation. PG/PA staff have rectified the issue for the two clients in question. Historic documents, from 2008 and 2015 (the year each client was conserved), were in archived files which indicated the monthly amounts to be paid (it should be noted that for the two clients the ACO observed, a required monthly board and care payment was never missed).*

*Going forward, the PG will standardize the use of the "Conservatee Payment Request Form" to make any future requests for new client payments, as well as for any change to existing payments on current conservatees. Updated procedures for recurring payments will be documented in the revised PG/PA P&P Manual.*

**Observation #6– Client's Real Estate Sale**

The PG's Office did not maintain adequate supporting documentation related to the client's real estate sale. According to the P&P Manual, the exclusive Right to Sell listing package which includes Exclusive Authorization and Right to Sell, Real Estate Transfer Disclosure Statement, disclosure regarding Real Estate Agency, and Broker's Exhibit A (from contract - terms of sale) should be completed with the signature of a PA/PG supervisor. However, the PG's Office is unable to locate and provide the signed listing package. Therefore, we were unable to confirm whether the listing package has the signature of the PA/PG supervisor.

Recommendation

We recommend the PG's Office develop and implement effective controls to ensure the PG's Office maintain adequate documentation to support client's real estate sale. The PG's Office should ensure that listing package is being submitted to the PA/PG supervisor for review and signature.

PG's Office Response:

*PG/PA believes further clarification of the process of selling client real estate is warranted. All PG/PA real estate transactions are done in concert and coordination with County Counsel and a licensed real estate agent and are overseen by the Superior Court Judge. The real estate and court documents for the sale in question were signed by the Deputy Public Guardian assigned to the case. The PG supervisor did submit the public notification of sale, indicating that he was aware of, and in support of this sale. The real estate packet associated with the client's home sale is now in the client's PG paper chart.*

*For the case in question, all required documents were reviewed by County Counsel and a licensed real estate agent and submitted to and approved by the court, prior to the sale. The Department will review and update this section of the PG/PA P&P manual to reflect current Court and County Counsel approved practices as needed. PG/PA will work to ensure all future documentation associated with sales transactions is properly filed in the client chart and/or Panoramic records system.*

**Observation #7– Court Documentation**

Based on our testing, we have identified many instances in which the PG's Office did not file the required court documents (e.g., Inventory and Appraisal (I&A) Reports, and periodic accountings, etc.) timely within code deadline, or best practice. In some instances, we noted that the I&A report was never filed with the Court or it cannot be not found in the client's case files (e.g., current paper filing chart or the Panoramic system). Also, we noted that there are instances in which important court documents such as the Letters and Order for the temporary conservatorship and court accountings were not maintained in the client's case files. In addition, for one of the clients, we noted that the Letter of Conservatorship was not marked for "limited

conservatorship” when the client is determined by the PG’s Office as a conservatee for limited probate conservatorship.

Probate Code Section 2610 requires the conservator to file an inventory and appraisal of the estate with the Court within 90 days of conservatorship appointment or within such further time as the Court for reasonable cause upon ex parte petition of the guardian or conservator may allow.

Pursuant to Probate Code Section 2620, the PG’s Office should file the accounting to the court no later than one year after the appointment, at least once every two years after that, and when the duties as conservator end. The first accounting period begins on the date the Letters of Temporary Conservatorship were issued. Subsequent accountings may cover up to two-year periods. The court may waive the requirement to file period accountings.

Also, per discussion with the PG deputy, the periodic accounting is expected to be provided to the Court within 60 days after the first-year anniversary of the appointment (or accounting period). Subsequent accounting should be filed within 60 days after each subsequent biennial anniversary (or accounting period).

Recommendation

The failure to file the I&A report within the required timeline specified by the Probate Code can constitute a contempt of the authority of the Court and result in the revocation of the letters of conservatorship. Therefore, we recommend the PG’s Office track all I&A reports to ensure that they are submitted to the Court by the timeline specified in the Probate Code. The tracking of I&A reports should be reviewed at least quarterly by the program supervisor and at least annually by the PG deputy. Also, we recommend the PG’s Office verify with the Court that the I&A reports have been filed for all active clients and file accordingly if it has not been submitted to the Court.

In addition, we recommend the PG’s Office ensure that all important court documentation such as the I&A report, Letters and Order, and court accountings are maintained in the client’s electronic case files in the Panoramic system. A copy of these documents should also be maintained in the client’s current paper filing chart. If a court document cannot be found in the client’s paper filing charts, the PG’s Office should request a copy from the Court. Furthermore, we recommend the PG’s Office review the Letter of Conservatorship for the client identified above and consult with the Court to determine if any correction of the type of conservatorship is needed.

PG’s Office Response:

*The Department agrees with the ACO’s Observation. PG/PA acknowledges some historic deficiencies in the accounting process and tracking and is working to address these, as well as deficits in Panoramic client information. PG/PA is also developing processes to ensure all documents are filed timely with the court. PG/PA has developed a spreadsheet to track and bring up to date all delinquent accountings. On Lanterman-Petris-Short (LPS) cases, PG/PA has worked with the court to develop a consistent renewal date for accountings and client annual reviews for renewal of conservatorship, thereby cutting the annual required court dates in half and placing all annual review items (renewals and accountings) on the same court date.*

*PG/PA identified inconsistent court dates were being used to set up the renewals. This issue was discussed with County Counsel, and it was determined that the first date of conservatorship would be the date for annual renewals and accountings (vs. the date Letters of Conservatorship are issued). We will modify the P&P Manual to reflect the current County Counsel approved practice.*

**Observation #8– Discrepancies of Appointment Date in Panoramic**

Based on our testing, we found discrepancies in the client’s appointment date in the Panoramic system. During testing, we noted the appointment date in the Panoramic system for multiple clients does not agree to their court Letters and Order. Also, for one Probate client, we noted that the hearing date was incorrectly used as the appointment date. For Probate conservatorship, the “Order Appointing Probate Conservator” specifies that the appointment becomes effective on the date the order was signed. In this case, the order was signed on a later date after the court hearing.

Recommendation

We recommend the PG’s Office verify the appointment date in the Panoramic system for all clients against their Letters and Order to ensure information in Panoramic agrees to case file documents.

PG’s Office Response:

*PG/PA acknowledges the ACOs’ Observation. However, which date to use as the appointment date was discussed with County Counsel and is not consistent with current policy. Over the course of several years, the dates entered into Panoramic have been made by multiple people with different understandings of policy. PG/PA is working to correct the dates in Panoramic to reflect the current County Counsel approved practice of using the first court appointment date as the due date for accountings and renewals. PG/PA will update the P&P Manual to reflect the correct date that should be entered into the Panoramic system.*

**Observation #9– Discrepancies in PA’s Office Open Case Count**

During our review, we noted that there is a decrease in the number of open PA cases (from 110 to 9) compared to the prior review that was conducted for FY2008/2009. Per the PA’s Office monthly statistics report for the period of July 2019 and June 2020, the PA’s Office received a total of 59 referrals during this period in which one referral became an open case, and nine referrals were closed. As of June 2020, 49 of these referrals are still pending to be investigated.

We inquired with staff from the PA’s Office and learned that they do not include the referral for next of kin (NOK) Search and asset searches in their case count. Staff is also unsure at what point is a matter considered “open”. Also, during our testing, we found two cases that are categorized differently within the staff of the PA’s Office.

Probate Code Section 7601 authorizes the PA’s Office to promptly safeguard a decedent’s property that is subject to loss, injury, waste or misappropriation with or without court appointment. When a new referral is received, the PA’s Office conducts the NOK search as one of the fundamental first actions. Probate Code Section 7602 authorizes the PA’s Office to take possession or control of property of a decedent and shall make a prompt search for other property, a will and instructions for disposition of the decedent’s remains.

Recommendation

We recommend that the PA’s Office review all referrals including those that have their estates currently held in the County’s trust account and/or have personal property held at the PA’s Office storage, and work with County Counsel to determine whether these decedent’s estates should be included as a case of the PA’s Office.

PG/PA’s Office Response:

*The Department acknowledges the ACO’s Observation. PG/PA is working to further clarify and define the status of PA cases relative to what is considered open and what is just a referral for information gathering*

*purposes (NOK or asset search, etc.) The significant decrease in case numbers over time reflects the different definitions used to describe open cases. The definitions of these terms will be reflected in the updated PG/PA P&P Manual.*

**Observation #10– PG and PA’s Office Policies and Procedures Manual**

The PG and PA’s Office has developed its P&P Manual which was first adopted in June 2006 and last revised in May 2015. However, we noted that some sections of the P&P Manual are still in draft pending County Counsel’s review. During the course of our review, we learned that two staff within the PG and PA’s Office have never seen the P&P Manual until the start of this review. Also, we noted that the P&P Manual contains references to outdated forms/documents, other county, previous case management system. Additionally, there is a lack of procedures of key processes for staff in the PA’s Office to follow. Specifically, we noted:

- The P&P Manual contains references to forms that no longer being used by the PG’s Office. For example, the Mental Health Functional Assessment has been replaced with the Request for Assessment of Grave Disability Form. Also, the “Conservatee Change of Address & Status Form” has been replaced and updated by the “Conservatee Change of Address Form”.
- The P&P Manual contains reference to another county.
- The P&P Manual contains a reference to the previous case management system (Computrust was replaced by Panoramic in 2015).

In addition, through discussion with the deputies, the current practices within the PG’s Office are not in line with the requirements of the P&P Manuals. For example, the deputies are not aware of internal documents such as the “Placer County Public Guardian Service Plan” (required to be completed on the first visit with the newly conserved client) and the “Values History” (requires to be completed for client that is over 60 years old). Also, we found that deputies do not use the “Placer County public Guardian Periodic Review” to document their semi-annual visit with the clients.

The PA’s Office investigates, protects, and administers estates of Placer County decedents who have no known relatives who are willing and able to administer their estate. The process may include securing and protecting valuables against loss (including those held by financial institutions), seeing to the final disposition of the decedent’s remains, locating possible next of kin to perform as administrators of the estate, or, if none are found, County administration of the decedent’s estate. However, we noted that many of these key processes for the PA’s Office are not discussed in the P&P Manual. There are no detailed policies and procedures for the referral/investigation process, the next of kin (NOK) and asset searches, petition and administration for formal probate, summary probate, or “No Letters” estate, etc.

Recommendation

We recommend the PG and PA’s Office update its P&P Manual to reflect current practices and regulatory requirements. Also, the P&P manual should be reviewed and updated with current forms/documents, references to Placer County and Superior Court, and the Panoramic system. In addition, the PG and PA’s Office should work with the County Counsel to finalize all draft policies and procedures as soon as practicable. In addition, we recommend the PG and PA’s Office provide a copy of the P&P Manual to all new employees (including temporary employee) as part of the onboarding process.

Furthermore, we recommend the PA’s Office develop detailed policies and procedures for key processes such as the referral/investigation process, the next of kin (NOK) and asset searches, petition and administration

for the various types of decedent estates (e.g., formal probate, summary probate, and “No Letters” estate) to provide clear guidance to staff for administrating the PA’s Program.

PG and PA’s Office Response:

*The Department agrees with the ACO’s Observation. As noted, PG/PA acknowledges that the Policy & Procedures Manual should be updated. In addition to the items noted in ACO’s report, PG/PA leadership will be addressing the manual, in its entirety for outdated / improved process, and will document same.*

**Observation #11– HIPAA Training Violation**

During our review, we found that one temporary staff was not trained for Health Insurance Portability and Accountability Act (HIPAA) during the contracted employment with the PG and PA’s Office. We confirmed with the HHS HIPAA Privacy Officer that they were unable to locate evidence to support the temporary staff was HIPAA trained in 2019.

Recommendation

We recommend the PG and PA’s Office to ensure all new employee (including temporary employee) to complete HIPAA compliance training as soon as reasonably possible upon being hired. A new employee should not be allowed to handle any documents that contains client’s information until they have completed the HIPAA compliance training. Also, as part of the onboarding process, we recommend the PG/PA’s Office develop a comprehensive onboarding checklist which include the forms to be reviewed and required trainings to be completed by all new employees (including temporary employee).

PG and PA’s Office Response:

*PG/PA agrees with the ACO’s Observation. The Department works with Search Pros for temporary staffing needs. It was the Department’s understanding that Staffing Agencies were providing HIPAA training to their hires. Unfortunately, in this instance, the Department has been unable to secure proof that the employee received HIPAA training in 2019. However, since the implementation of the Learning Management System in late 2019, the Department has built-in an option to train non-County Employees. Going forward, all non-county employees are assigned to the Learning Management System. The employee in question was trained in 2020, as part of this new policy.*

**Observation #12– Extra Duties Assigned to Staff**

We noted that non-public guardian related duties are assigned to staff within the PG’s Office. These issues were first identified in the review that we conducted in 2009 in which we determined that the Crisis Duty responsibility is time-consuming which takes the deputies away from their clients and should be managed by property trained staff in Mental Health. We also noted in the 2009 review that the deputies were often moving clients’ personal effects to storage, which is also a time-consuming duty that might be more cost effective to have other employees perform or perhaps be outsourced.

During this review, we noted that all deputies are assigned as the Worker of the Day (WOD). As the WOD, the deputies are responsible to respond to various types of situations that require immediate attention in the two County buildings in Auburn and Roseville (Cirby Hill). Similar to Crisis Duty, the WOD responsibility is not related to the function of PG’s Office and it is taking away time from the deputies to effectively address the needs of PG’s clients. The biggest challenge for the deputies for being the WOD is the effectiveness in fulfilling their Public Guardian duties as situations in the building could arise and intensity at any time which require the deputies to stop their work and look for others to cover.

Each deputy in Auburn is required to work 4.5 - 5 hours per week while the deputy in Cirby Hills works two to three shifts per month (4.5 hours per shift). We also noted that the program supervisor is assigned the Supervisor of the Day (SOD) in the Auburn building.

Examples of WOD duties at the Auburn building include, but not limited, to the following:

- Assists individuals with mental health distress or behavior issues or appear ill in the lobby or outside the building. For example, call appropriate medical personnel/facility for assistance.
- Assists individuals for phone calls, bus passes, etc.
- Responds to individuals sleeping on the front porch or entering the lobby with aggressive animal. Also, responds to individuals requesting for mental health or substance abuse services.
- De-escalates any suicidal/homicidal/gravely disabled persons, conduct mental health evaluation and/or write Welfare and Institutions (W&I) 5150 application to detain a person who is deemed to be a danger to self, or a danger to others, or grave disability.
- Answers any questions from individuals requesting to speak with a WOD.

The deputy in Cirby Hills works at the outpatient clinic which serves the ASOC clients who are in crisis or require urgent assistance. Similar to the situation at Auburn, the individuals requiring assistance from WOD are not PG's clients as the deputy travels to support their clients or work directly with mental health provider to address any issues from the clients. In addition, we noted that all deputies are continually required to move conservatee's personal property into storage. Depending on the needs for storage, the types of personal property that deputies and support staff have to move includes, but not limited to: boxes of clothing, dining table, television, washer/dryer, and mattress, etc.

#### Recommendation

We recommend the PG's Office work with the County Executive Office to reassess and reprioritize the job duties for PG deputies and program supervisor with a primary focus on addressing the needs of the PG's clients. The WOD and SOD tasks currently performed by the PG deputies and program supervisor should be reviewed to ensure that they are relevant to the functions of the PG's Office. The responsibility of clients from other HHS's programs should be managed by their respective staff.

Also, we recommend that the PG's Office assign the transport of client's personal property to a designated transport team or request for professional moving services when appropriate to ensure the time and resources of PG deputies are utilized appropriately.

#### PG's Office Response:

*The Department acknowledges the ACO's Observation. PG/PA will discuss with leadership the current staffing pattern and responsibilities to strategize how best to meet division and program goals, while maximizing available resources.*

The PG and PA's Office responses to our recommendations identified by our review are included above. We did not audit their responses and, accordingly, we do not express an opinion on them.

We appreciate the courtesy and cooperation of the PG and PA's Office's staff throughout the course of this review.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Nicole'.

Nicole C. Howard, CPA  
Assistant Auditor-Controller

cc: Amy Ellis, Deputy Director of Health & Human Services, Public Guardian/Public Administrator  
Colby Hytoff, Health & Human Services Program Manager  
Brooke Rhodes, Health & Human Services Program Supervisor  
Vicki Grenier, Deputy Director of Health & Human Services  
Samantha Stone, Administrative and Fiscal Operations Manager  
Steve Schroeder, Senior Accountant  
Placer County Audit Committee