

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 3.8
(ID # 25387)

MEETING DATE:
Tuesday, August 27, 2024

FROM : EXECUTIVE OFFICE

SUBJECT: EXECUTIVE OFFICE: Approval of the Response to the 2023-2024 Office of Public Guardian: Taking Care of At-Risk Adults and Directive for the Response to be Sent to the Grand Jury, Presiding Judge, and County Clerk-Recorder.; All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve, with or without modification, the attached response to the 2023-2024 Grand Jury Report: Office of Public Guardian: Taking Care of At-Risk Adults; and
2. Direct the Clerk of the Board to immediately forward the Board's finalized responses to the Grand Jury, the Presiding Judge, and the County Clerk-Recorder.

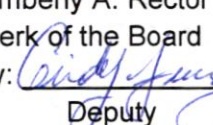
ACTION:Policy


Jeff Van Wagenen, County Executive Officer 8/16/2024

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: August 27, 2024
xc: E.O., Grand Jury, Presiding Judge, Recorder

Kimberly A. Rector
Clerk of the Board
By: 
Deputy

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	N/A	N/A	N/A	N/A
NET COUNTY COST	N/A	N/A	N/A	N/A
SOURCE OF FUNDS: N/A			Budget Adjustment: No	
			For Fiscal Year: 23/24-24/25	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Penal Code Section 933(c) requires Board of Supervisors comment on the Grand Jury's recommendations pertaining to matters under the Board's control. In addition, responses must be provided to the Presiding Judge of the Superior Court within 90 days of receipt of the report.

ATTACHMENTS:

- ATTACHMENT A. 2023-2024 Grand Jury Report: Office of Public Guardian: Taking Care of At-Risk Adults
- ATTACHMENT B. Grand Jury Response: Office of Public Guardian: Taking Care of At-Risk Adults
- ATTACHMENT C. Office of Auditor-Controller Response to 2023-2024 Grand Jury Report Office of Public Guardian: Taking Care of At-Risk Adults Dated August 5, 2024.


Robin Reid, Legislative Assistant

8/15/2024


Gregg Gu, Chief of Deputy County Counsel

8/14/2024

2023-2024 Grand Jury Report
Office of Public Guardian: Taking Care of At-Risk Adults
June 6, 2024*

Riverside County Board of Supervisors

*Report was dated July 6, 2024, but was received June 6, 2024

GRAND JURY FINDINGS:

Grand Jury Finding #1:

F1: Office of Public Guardian (OPG) manages millions of Federal, State, and County taxpayer dollars.

Response to Grand Jury Finding #1:

Respondent agrees with finding.

Department comments:

Riverside University Health System - Behavioral Health (RUHS-BH) acknowledges this finding and agrees that the Office of Public Guardian (OPG) manages substantial taxpayer funds from various sources. This responsibility includes ensuring proper management, accounting, and utilization of funds to provide essential services to our clients.

Grand Jury Finding #2:

F2: The Riverside County Auditor-Controller's office has not conducted an internal audit of OPG since 2014.

Response to Grand Jury Finding #2:

Respondent disagrees wholly with finding.

Department comments:

The OPG is a program under the Riverside University Health System – Behavioral Health Department and is also included in the Auditor-Controller's planned internal audits within the scope of that audit. At the writing of this Grand Jury Report, the Auditor-Controller's Office was conducting an internal audit of OPG. See Auditor-Controller's Response to 2023-2024 Grand Jury Report: Office of Public Guardian – Taking Care of At-Risk Adults dated August 5, 2024, attached hereto. The audit is scheduled for the meeting of the Board of Supervisors on August 27, 2024.

Grand Jury Finding #3:

F3: The Riverside County Auditor-Controller's planned internal audits do not include OPG.

Response to Grand Jury Finding #3:

Respondent disagrees wholly with finding.

Department comments:

The OPG is a program under the Riverside University Health System – Behavioral Health Department and is also included in the Auditor-Controller's planned internal audits within the scope of that audit. See Auditor-Controller's Response to 2023-2024 Grand Jury Report: Office of Public Guardian – Taking Care of At-Risk Adults dated August 5, 2024, attached hereto. As stated in the response to Finding #2, there is an audit by the Auditor-Controller scheduled for the meeting of Board of Supervisors on August 27, 2024.

Grand Jury Finding #4:

F4: The Riverside County Auditor-Controller's office is required to audit County departments, offices, boards, and institutions.

Response to Grand Jury Finding #4:

Respondent agrees with finding.

Department comments:

In accordance with Board Resolution 83-338, the Auditor-Controller's Office audits all county departments. See Auditor-Controller's Response to 2023-2024 Grand Jury Report: Office of Public Guardian – Taking Care of At-Risk Adults dated August 5, 2024, attached hereto.

Grand Jury Finding #5:

F5: OPG is a sensitive program that is not being financially audited internally, nor audited externally, for performance by the County on a regular basis.

Response to Grand Jury Finding #5:

Respondent disagrees wholly with finding.

Department comments:

RUHS-BH acknowledges the concern regarding the frequency of audits for the OPG program. In addition to the audits conducted by the Auditor-Controller's Office, the OPG undergoes regular audits by multiple entities, ensuring thorough oversight and compliance with all relevant regulations. These audits include Medi-Cal Administrative Activities (MAA) and Targeted Case Management (TCM) audits, which are conducted annually by the California Department of Health Care Services (DHCS) to review clinical documentation, program costs, and cost allocation related to case management services provided to Public Guardian clients. Additionally, the Social Security Administration (SSA) conducts biennial audits to review the accounts of individual clients for benefits eligibility and the management of client funds.

The OPG is mandated by statute to file accountings with the Superior Court of California for all conservatorships. Accountings are filed annually for Lanterman-Petris-Short (LPS) conservatorships, and probate conservatorships are filed biennially. These accountings are reviewed by the court to certify the accuracy and current status of client accounts.

Grand Jury Finding #8:

F8: The information provided on the Riverside County website regarding Office of Public Guardian has a brief description of conservatorship, which includes the OPG address, telephone/fax numbers, and office hours.

Response to Grand Jury Finding #8:

Respondent agrees with finding.

Department comments:

RUHS-BH acknowledges this finding and agrees that the information on the Riverside County website was limited. We recognize the necessity for more comprehensive and detailed information to better serve the community. To address this, we have added a hyperlink on the Riverside County website that directs users to the new, more comprehensive RUHS-BH Public Guardian page (<https://www.ruhealth.org/behavioral-health/public-guardian-program>). Users can access detailed and updated information about OPG services, including descriptions of the conservatorship process, roles, responsibilities, and additional resources for at-risk adults.

Grand Jury Finding #9:

F9: The OPG page is embedded within the Riverside University Health System website.

Response to Grand Jury Finding #9:

Respondent agrees with finding.

Department comments:

We agree with the finding that the OPG page is embedded within the Riverside University Health System (RUHS) website. This integration is part of a broader strategy to consolidate health services information, making it easier for residents to access multiple resources in one place. Embedding the OPG page within the RUHS-BH website ensures improved user experience and access to additional health services in one location.

GRAND JURY RECOMMENDATIONS:

Grand Jury Recommendation #1:

**RI: The Auditor-Controller Office should financially audit OPG on a regular basis according to County policies and procedures. Based on finding: F1,F2,F3,F4,F5,F6,F7
Financial Impact: Minimal - Moderate Time Frame: January 1, 2025**

Response to Grand Jury #1:

Recommendation has been implemented.

Department comments:

In accordance with Board Resolution 83-338, the Auditor-Controller's Office audits all county departments. See Auditor-Controller's Response to 2023-2024 Grand Jury Report: Office of Public Guardian – Taking Care of At-Risk Adults dated August 5, 2024, attached hereto.

Grand Jury Recommendation #2:

R2: The Executive Office should order external performance audits for OPG on a regular basis, regardless of current County policies and procedures. Based on finding: F1,F2,F3,F4,F5,F6,F7 Financial Impact: Minimal - Moderate Time Frame: January 1, 2025

Response to Grand Jury #2:

Recommendation has been implemented.

Department comments:

RUHS-BH adheres to rigorous audit procedures conducted by multiple external entities. These audits include:

Medi-Cal Administrative Activities (MAA) / Targeted Case Management (TCM)

Audits: Conducted annually by the California Department of Health Care Services (DHCS), these audits involve a thorough review of clinical documentation and cost allocation related to case management services provided to Public Guardian clients.

The audits assess the accuracy and compliance of the services provided, confirming that program costs are properly allocated according to state and federal regulations.

The audit process includes reviewing time surveys, cost reports, and other supporting documentation to confirm that services billed are consistent with those provided.

Social Security Administration (SSA) Audits: The SSA conducts biennial audits to verify the proper management of client funds and verify eligibility for benefits. The audits involve a detailed review of individual client accounts to confirm that all funds received are correctly allocated to meet clients' needs, including payments to vendors and provision of necessary behavioral health treatments. The SSA examines records of fund disbursements, client eligibility documentation, and financial management practices to ensure compliance with federal regulations.

Superior Court of California Accountings: The OPG is required by statute to file detailed accountings with the Superior Court for all conservatorships. Accountings are filed annually for LPS conservatorships. Probate conservatorships are filed biennially. These accountings are meticulously reviewed by the court so that all expenditures and receipts are accurately documented, and client funds are managed properly. If discrepancies are found, the court requests further explanation or adjustments before approving the accountings, ensuring that the financial practices are transparent and accurate.

In addition to regular audits, the California State Association of Public Administrators, Public Guardians, and Public Conservators (CA PA|PG|PC) provides further oversight and certification, ensuring that the practices and procedures of the OPG meet state standards.

The robust audit framework in place guarantees that the OPG is regularly reviewed by external entities, providing comprehensive oversight and maintaining high standards of

financial accountability, in addition to controls in place through active County and OPG policies and procedures.

This multi-layered audit approach safeguards taxpayer dollars and upholds the transparency and effectiveness of the OPG.

Grand Jury Recommendation #3:

R3: OPG leadership should work with the County's IT Department to establish a link between the County's website and the RUHS-BH website to provide improved OPG information, visibility, and accessibility. Based on finding: F8,F9 Financial Impact: Minimal Time Frame: July 1, 2025

Response to Grand Jury #3:

Recommendation has been implemented.

Department comments:

RUHS-BH has implemented this recommendation by collaborating with Riverside County IT (RCIT) to establish a direct link between the Riverside County website and the new RUHS-BH Public Guardian page. This initiative enhances the visibility and accessibility of OPG information. The new RUHS-BH website (<https://www.ruhealth.org/behavioral-health/public-guardian-program>) offers a user-friendly interface, detailed descriptions of services, and enhanced integration with other health resources.