

D. DHHS Class Members who are Public Wards

DHHS is currently Public Guardian for 145 Class Members. The Department, through the Office of Elder Services (OES), works to assure that those class member public wards are afforded the benefits of the Settlement Agreement.

DHHS obligations to class member public wards are outlined in the OES policy manual. Referrals are made on behalf of all new guardianship appointments for an ISP and assignment of a community support worker. Caseworkers monitor the ISP or hospital and treatment discharge plans, and attend all planning meetings. In the event that a caseworker is unable to attend an ISP or planning meeting, the casework supervisor or another caseworker attends in their place.

The public guardian is charged, consistent with common law obligations and the Settlement Agreement, to make decisions in the ward's best interests. This charge is reflected in OES policy and procedure. Additionally, before medical treatment is authorized, DHHS must seek the counsel or opinion of an independent professional when the risks associated with the proposed medical order or procedure are great, or when the proposed order or procedure would limit the ward's independence and the prognosis is poor or guarded.

Caseworkers are required to visit all class member public wards twice monthly, except that visits may be reduced to monthly in accordance with an approved protocol. The frequency of visits is recorded on the client's case plan and in annual class member public ward reports submitted to the Court Master and Plaintiff's counsel. These reports are reviewed by the casework supervisor, regional manager, and by OES central office staff as part of quality assurance.

On an annual basis, class member public wards are advised of their right to name a designated representative and informed of the availability of advocacy and peer assistance. Class member public wards are also advised orally and in writing of their right to petition the Probate Court for termination of guardianship, including information on the hearing process and the availability of legal assistance.

Caseloads are monitored on a monthly basis for caseworkers assigned to work with class member public wards to determine whether the caseloads exceed a 1:25 ratio. Data generated from the Maine Adult Protective Services Information System (MAPSIS) is reviewed monthly by OES regional and central office staff and shared with DHHS Adult Mental Health Services. A recent report to the Court Master outlined the issue with caseloads exceeding 25, and the possible need to request additional casework staff.

Caseworkers make placement decisions consistent with the guardianship authority granted by the Probate Court. When making placement decisions

(other than in hospices, shelters or nursing homes,) caseworkers first seek placements in facilities of 8 beds or less, considering the wishes of the ward.

Annual training is provided to DHHS caseworkers on the terms of the Settlement Agreement and specific performance obligations. In addition, new caseworkers must complete orientation training before being assigned to work with class member public wards. Casework supervisors and Protective Program Administrators ensure that this training occurs. With the assistance of the Muskie School, an interactive training video was produced in 2005 for all staff.

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