

**FISCAL IMPACT OF PROPOSED LEGISLATION****Measure: SB 1553 - A**Seventy-Seventh Oregon Legislative Assembly – 2014 Regular Session  
Legislative Fiscal Office***Only Impacts on Original or Engrossed Versions are Considered Official***Prepared by: Kim To  
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Date: 2/25/2014**Measure Description:**

Directs Long Term Care Ombudsman, in consultation with Residential Facilities Advisory Committee, to appoint Oregon Public Guardian and Conservator in office of Long Term Care Ombudsman to provide public guardian and conservator services for persons claiming to be without relatives or friends willing or able to serve as guardians or conservators and claiming to lack financial resources to obtain private guardian or conservator.

**Government Unit(s) Affected:**

Long Term Care Ombudsman (LTCO), Department of Justice (DOJ), Oregon Judicial Department (OJD), Oregon State Police (OSP)

**Summary of Expenditure Impact:**

Long Term Care Ombudsman (LTCO)

	<b>2013-15 Biennium</b>	<b>2015-17 Biennium</b>
General Fund		
Personal Services	\$376,617	\$867,349
Services & Supplies	\$160,066	\$362,683
Special Payments	\$412,500	\$948,750
<b>Total Funds</b>	<b>\$949,183</b>	<b>\$2,178,782</b>
Positions	4	5
FTE	2.25	5.00

**Local Government Mandate:**

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**Analysis:**

Senate Bill 1553 A-Engrossed directs the Long Term Care Ombudsman, in consultation with the Residential Facilities Advisory Committee, to appoint the Oregon Public Guardian and Conservator (PG) in the office of the Long Term Care Ombudsman (LTCO). The LTCO is charged with supervising, monitoring, advising, and supporting the PG. The bill permits the PG/LTCO to hire or contract with volunteers, staff, deputy public guardians and conservators, as well as other qualified individuals to carry out the provisions of the bill. Certain sections of the bill are operative July 1, 2014. The bill contains an emergency clause, and takes effect on passage.

The bill appropriates an unspecified amount of General Fund to the office of the Long Term Care Ombudsman for the 2013-15 biennium to carry out the responsibilities of the Oregon Public Guardian and Conservator. The bill establishes the Partnership Fund and appropriates an unspecified amount to this fund to enable the PG/LTCO to contract with entities to "provide assistance for persons with inadequate legal, financial and medical resources that are available statewide." It is unclear whether the Partnership Fund is intended to serve clients/wards receiving public guardian and conservator services through the PG/LTCO under the provisions of this bill, or if the Partnership Fund is intended to serve any individuals with "inadequate legal, financial and medical resources." This fiscal assumes that the intent

of the Partnership Fund is intended to serve only clients/wards receiving public guardian and conservator services through the PG/LTCO under the provisions of this bill.

### Long-Term Care Ombudsman (LTCO)

The bill adds to the duties and authorization of the office of the Long Term Care Ombudsman. The fiscal impact of this bill to the office of the Long Term Care Ombudsman is anticipated to be \$949,183 General Fund, and 2.25 FTEs for the 2013-15 biennium; and \$2,178,782 General Fund, and 5.00 FTEs for the 2015-17 biennium. This estimate includes Personal Services, and related Services and Supplies for the following five positions:

- Principal Exec/Manager D (Deputy Long Term Care Ombudsman) – starting date July 1, 2014
- Program Analyst 4 (Public Guardian) – starting date July 1, 2014
- Administrative Specialist 2 – starting date July 1, 2014
- Program Analyst 2 (Deputy Public Guardian) – starting date July 1, 2014
- Program Analyst 2 (Deputy Public Guardian) – starting date January 1, 2015

If this bill passes, the LTCO anticipates hiring four employees to set up this new program, and bringing on a second Deputy Public Guardian later in the 2015-17 biennium as the program grows. These employees will coordinate efforts to: (1) develop model standards of conduct and practice for guardians and conservators; (2) develop and implement a training program for deputy guardians and conservators; (3) establish a process to determine eligibility of persons to receive public guardian and conservator services; (4) educate the public about public guardian and conservator services; (5) recruit, train and supervise volunteers; (6) cooperate with county guardian and conservator offices; and (7) collaborate with existing programs to develop and expand guardian and conservatorship programs in Oregon.

Services and Supplies includes expenditures for PG and Deputy PG certification, employees and volunteers criminal background checks, travel, computers, facilities rental, State Government Service Charges, and Attorney General fees. The Department of Justice estimates that the new program could require a range of zero to 150 hours of legal services. Because the new program will require establishment of administrative rules and well as agency representation in cases, this fiscal assumes the top of this range.

Special Payments expenditures will fund contracts with qualified public and private entities to provide public guardianship and conservatorship services to individuals who do not have relatives or friends, or the financial resources to retain a professional, to assume the duties of guardianship or conservatorship. Special Payments expenditures are calculated assuming a caseload of 165 clients/wards during the 2013-15 biennium, and 330 clients/wards during the 2015-17 biennium

### Department of Justice (DOJ)

The fiscal impact of this bill on the Department of Justice is anticipated to be minimal. DOJ anticipates using existing Civil Enforcement Division and General Counsel Division staff and resources to provide legal services to the PG. Attorney General fees are included in the Long Term Care Ombudsman's estimates.

### Oregon Judicial Department (OJD)

The fiscal impact of this bill on state courts is indeterminate depending on the number and scope of petitions filed by PG in a given biennium. The bill stipulates that a court may not charge a fee for the filing of a petition or any other pleading by PG. The bill also prohibits the court from ordering PG to pay court costs or attorney fees in a proceeding brought on behalf of a PG client. The Judicial Department reports that the current average cost for a probate case, which includes guardianship and conservatorship cases, is approximately \$302.87 per case. This amount only includes the cost of judge and judicial department staff time, and does not include other potential costs of protective proceedings such as court visitors, physician and psychiatric exams. These potential costs are anticipated in the LTCO fiscal.

Oregon State Police (OSP)

The bill requires individuals providing authorized public guardian and conservator services, or who have personal contact with a client/ward through PG to undergo a criminal records check, including fingerprint identification. If the PG/LTCO decides to use this service, OSP anticipates absorbing this increase in workload with existing staff and resources. The fiscal impact of this bill on the Oregon State Police is anticipated to be minimal.