



Larry Hogan | Governor Boyd K. Rutherford | Lt. Governor Rona E. Kramer | Secretary

October 1, 2020

The Honorable Guy Guzzone
Chair, Senate Budget & Taxation Committee
3 West Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

The Honorable Maggie McIntosh
Chair, House Appropriations Committee
121 House Office Building
6 Bladen Street
Annapolis, MD 21401

Re: 2020 Joint Chairmen’s Report (page 38) – Report on Public Guardianship Administration

Dear Chairmen Guzzone and McIntosh:

The Maryland Department of Aging respectfully submits the attached report following page 38 of the 2020 Joint Chairmen’s Report. The report addresses the Maryland Department of Aging’s administration of the public guardianship program.

Very truly yours,

Rona E. Kramer
Secretary

Enclosure

Cc: Committee Members
Sarah Albert, DLS Library and Information Services



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**Maryland Department of Aging (D26A07)
Report on Public Guardianship Administration
2020 Joint Chairmen’s Report – Page 38**

The committees requested information regarding the current administration of public guardianship for older Marylanders. The committees requested that the Maryland Department of Aging (MDOA) provide a report that: (1) evaluates the efficacy of the current public guardianship program; (2) describes the types of cases that the public guardianship program currently does and does not serve; (3) provides the distribution of funding for public guardianship among the Area Agencies on Aging; (4) identifies evidence-based practices that are currently included in the State’s administration for public guardianship in the State; and (5) explores opportunities to improve public guardianship administration in the State.

(1) Evaluation of Efficacy of Current Guardianship Program

The Maryland Department of Aging serves as the guardian of person for individuals 65 years of age and older who have been deemed by a court to lack the capacity to make or communicate responsible decisions concerning their daily living needs. A public guardian, usually a staff person from the local Area Agency on Aging (AAA), fills the role of guardian, visiting an individual on a regular basis and making sure their needs are met. The public guardian does the same thing that a private guardian does, including: buying food or clothing for the person, signing consent forms for medical care, and making decisions about where the person will live.

MDOA utilizes a policies and procedures manual to promote consistent practices statewide. Additionally, quarterly guardianship manager meetings address efficiencies for program operation through in-service training, guest speakers, and administrative topics that seek to improve the quality and consistency of operations throughout the state.

Moreover, adult public guardianship review boards in each county and the City of Baltimore review every public guardianship case in the jurisdiction twice a year.

The state requires every local guardianship program to submit an annual set of performance data that demonstrates the results in meeting state program goals and objectives. For the guardianship program, data is provided that measure the effectiveness of diversion from guardianship status. This reflects the department’s emphasis on educating and finding alternatives to guardianship. In FY2020, the public guardianship program in Maryland received 1,091 referrals to the program. Guardianship staff were able to avoid placing an individual in public guardianship in 440 of these cases, a 40% diversion rate. In

FY2019, 371 cases referred were diverted from public guardianship.

(2) Types of Cases Served by Public Guardianship Program

The Maryland Department of Aging public guardianship program serves individuals 65 years of age and older, who have been deemed by a court to lack the capacity to make or communicate responsible decisions concerning their daily living needs. The law authorizes, as a last resort, appointing the Secretary of the State Department of Aging or Director of a local Area Agency on Aging as a “guardian of person” when there is no other person or organization willing and appropriate to be named. The law requires that a guardian of the person be appointed only when no less restrictive form of intervention is available.

(3) Distribution of Public Guardianship Funding Among Area Agencies on Aging

Area Agency on Aging	FY2020 Funding for Public Guardianship Program	FY2021 Funding for Public Guardianship Program
Allegany County	\$17,357	\$17,820
Anne Arundel County	\$18,935	\$24,482
Baltimore City	\$184,830	\$173,647
Baltimore County	\$122,745	\$118,471
Calvert County	\$2,159	\$2,759
Carroll County	\$19,938	\$21,586
Cecil County	\$7,607	\$8,262
Charles County	\$4,453	\$4,207
Frederick County	\$17,357	\$17,531
Garrett County	\$2,000	\$2,000
Harford County	\$40,586	\$41,571
Howard County	\$16,497	\$18,689
MAC	\$21,085	\$23,179
Montgomery County	\$76,862	\$75,169
Prince George’s County	\$57,505	\$61,122
Queen Anne’s County	\$2,000	\$2,000
St. Mary’s County	\$8,754	\$8,697
Upper Shore Aging	\$11,192	\$10,290
Washington County	\$9,328	\$9,710
TOTAL	\$641,190	\$641,192

(4) Evidence-Based Practices

Evidence-based practices are integral to the administration of the public guardianship program. First and foremost, the Maryland Department of Aging and the local Area Agencies on Aging work diligently to avoid public guardianship whenever possible. This includes providing information on and identifying alternatives to guardianship, such as a family member or friend willing to serve as the guardian.

Additionally, the department maintains a contract with a medical doctor with an established accredited health care provider. This medical doctor consults with local guardianship programs, providing one-on-one consultation, technical assistance and the provision of evidence-based practices that supports the consistent, ethical solutions for local guardianship program challenges.

(5) Opportunities to Improve Public Guardianship Program

The Maryland Department of Aging works diligently to ensure that the public guardianship program is keeping up with best practices within the field.

Public guardianship in Maryland is administered by the Department of Human Services for individuals age 18-64 and by the Department of Aging for those age 65 and older. MDOA maintains a strong partnership with the Department of Human Services to support coordinating efforts and maximize outcomes. MDOA also interacts with the judiciary regarding public guardianship when necessary.

Additionally, MDOA is a member of the Maryland Judiciary Council and the Guardianship and Vulnerable Adults Workgroup. Through these memberships, the department is able to convene with colleagues and learn about current legislation, research, trends, and priorities affecting vulnerable older adults, thereby improving the administration of the public guardianship program in Maryland.

The director of guardianship at MDOA is in contact with their counter-parts around the country. The department also maintains a membership in Advancing States, a membership association of 57 state and territorial departments of aging. This provides access to information about best practices in other states regarding public guardianship.

Though we have considered developing a volunteer corps to supplement the services that public guardians deliver to their wards, the program does not lend itself well to volunteer support. Such a corps would result in liability issues due to the extreme vulnerability of the wards.