



COMMONWEALTH OF VIRGINIA
DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

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MEMORANDUM

TO: The Honorable Glenn Youngkin
Governor, Commonwealth of Virginia

Members of the General Assembly

FROM: Kathryn A. Hayfield *KAH*
Commissioner, Department for Aging and Rehabilitative Services

SUBJECT: Study of the Client to Public Guardian Ratio for the Public Guardian and Conservator Program in Virginia (HB 96, 2022)

Chapter 272 of the 2022 Acts of Assembly (HB 96, Delegate Christopher T. Head), directed the Virginia Department for Aging and Rehabilitative Services (DARS) to decennially review the ideal range of staff-to-client ratios for public guardian and conservator programs across the Commonwealth. The attached report is the first decennial report to the Governor and the General Assembly completed under this charge.

If you have any questions about the report, please do not hesitate to contact me.

KH/ch

Enclosure



A Study of the Client to Public Guardian Ratio for the Public Guardian and Conservator Program in Virginia

Report from the House Bill 96 Study to

the Governor and General Assembly

**Virginia Department for Aging
and Rehabilitative Services**

**Commonwealth of Virginia
Richmond, VA**

March 31, 2023

Executive Summary

In 2022, the General Assembly of Virginia enacted Chapter 272 of the 2022 Acts of Assembly (HB 96, Delegate Christopher T. Head), which directed the Virginia Department for Aging and Rehabilitative Services (“DARS”) to conduct a study that explored the ideal range of staff-to-client ratios for public guardian and conservator programs across the Commonwealth. The purpose of the study was to complete the first decennial review of staff-to-client ratios for local and regional public guardian and conservator programs required by the act and report DARS’ findings and conclusions to the Governor and the General Assembly.

Background

Program Operations

The Virginia Public Guardian and Conservator Program (the “Program”) operates within DARS pursuant to Virginia Code §51.5-149 *et seq.* The Program provides public guardianship, and sometimes conservatorship, services to adult residents of Virginia found by a Virginia circuit court to be indigent; incapacitated; and without any other proper and suitable person who is willing and able to serve as a guardian, or as a conservator, or as both. The services are provided by 12 legal entities (“PGP Providers”) who have entered into contracts with DARS to operate a local public guardian and conservator program (a “Local PGP”) in accordance with Virginia law, the entity’s contract with DARS, and the court orders establishing the guardianships. The PGP Providers are the legal entities appointed by circuit courts to serve as public guardians. They maintain 24-hour-a-day, 365-days-a-year coverage for the individuals served. Once appointed, the PGP Provider typically serves for the life of the person for whom it has been appointed. Public guardianship services are provided at no charge to the individuals served.

The Client-to-Staff Ratio

In Virginia regulation 22VAC 30-70 C 2, DARS has established an ideal client-to-staff ratio applicable to all Local PGPs, which provides that each Local PGP shall maintain a direct service ratio of clients to paid staff that does not exceed the ideal ratio of 20 clients to every one paid full-time staff person (20:1).

JLARC Report

In 2020, the Joint Legislative Audit and Review Commission (“JLARC”) directed staff to evaluate Virginia’s guardianship and conservatorship system, which includes but is not limited to, the Program. As part of this review, JLARC staff were tasked with examining court processes to appoint guardians and conservators, oversight of guardians and conservators, processes for restoring rights to adults under guardianship or conservatorship, and Virginia’s laws to prevent the abuse or neglect of vulnerable adults. The report included a recommendation (Recommendation 16) that is reflected in HB 96. The recommendation specifically provides:

The Department for Aging and Rehabilitative Services should conduct an evaluation of the 1:20 ratio for public guardian providers to ensure that guardians can effectively carry out their work, and then every 10 years (or sooner if changes to state law or other circumstances indicate a reevaluation is needed), and adjust the ratio as warranted (Recommendation 16, Chapter 4).

The Program’s Client-to-Staff Ratio Relative to National Standards

No state in the country has established a client-to-staff ratio or a caseload cap on public guardianship programs that is lower than Virginia’s client-to-staff ratio of 20:1. In a nationwide study conducted in 2010 by Dr. Pamela Teaster, Ph.D. (currently the Director of the Center for Gerontology at Virginia Tech) and colleagues, the researchers found that nationally among public guardian programs, the average ratio of incapacitated persons to staff was 36:1, with caseloads ranging from a low of 2 per worker (a program in its infancy) to a high of 173 per worker. According to Teaster et al. (2010, p.129), “Statutes in seven states (*i.e.*, Florida, New Jersey, New Mexico, Tennessee, Vermont, Virginia, and Washington) provide for a ratio of staff to incapacitated persons served.” Only Vermont and Nebraska had a client-to-staff ratio limitation as low as (but not lower than) Virginia’s.

Methods

DARS engaged researchers at the Virginia Tech Center for Gerontology (the “VT Research Team”) to survey program directors¹ and guardian representatives² working in the Local PGP operated by each PGP Provider to gather information regarding the appropriateness of the current client-to-staff ratio and analyze the results of those surveys. Two surveys were developed in consultation with the Coordinator of the Program and were pilot-tested by a guardian representative and a program director. Once finalized, a unique survey was sent to the 52 guardian representatives and 12 program directors. The surveys remained open from November 15, 2022, through December 5, 2022. Forty-nine (49) guardian representatives and 12 program directors responded. Responses were kept confidential and explored caseloads, length of time working in the program, training, the split of public and private clients, characteristics of the program, work responsibilities and time spent performing them, characteristics of clients on present caseload, and experience and perceptions related to the client-to-staff ratio.

Results

Staff

The survey found that, as of October 1, 2022, guardian representatives had been working for their Local PGP for an average of 5.6 years (range 0-20 years). A majority of guardian representatives (both full and part-time) had a college degree (65.3%/n=32) and had previous work-related experience (46.9%/23). Most guardian representatives (41 out of 49; 83.7%) were assigned by their employer to work exclusively for their Local PGP; among these 41 guardian representatives, 38 were also full-time employees. The average gross annual salary for guardian representatives who reported working full-time for their employer exclusively in the PGP Provider’s Local PGP was \$44,892 (range \$32,000-\$64,000).

Program directors had been working for their employer’s Local PGP for an average of 10.4 years (range 1-26 years). Most respondents (10 out of 12/ 83.33%) were assigned by their employer to work exclusively for their Local PGP; however, among the seven program directors who

¹ Every Local PGP is required to have a program director who is responsible for supervising and overseeing the public guardianship services provided through the Local PGP and for overall administration of the Local PGP.

² Guardian representatives are employees of the PGP Provider assigned to work in its Local PGP. They are the employees primarily responsible for providing guardianship services and working with the public guardianship clients on their assigned caseload.

indicated their employer provides services to private guardianship clients, only three definitively said they were not involved in the services. The average gross annual salary for full-time PDs was \$72,546 (range \$48,000- \$150,000).

It is highly commendable that most of the staff of the Local PGPs have college degrees relevant to the job and bring related experience to the work of serving as a guardian. These requirements align with the best practices suggested in a national study by Teaster et al. (2010).

Key Takeaway: It is critical to have staff with the appropriate education and experience in order to maximize the likelihood that the guardian representatives and program directors can properly serve clients in the Program.

Clients

The survey found that, as of October 1, 2022, among public guardian clients aged 65 or older (40% of the Program's clients on that date), guardian representatives reported that the most common diagnoses were age-related dementia, acute depressive disorder, and schizophrenia. Among public guardian clients under the age of 65 (60% of the Program's clients), guardian representatives reported that the most common diagnoses were moderate intellectual disability, developmental disability other than an intellectual disability or autism, and acute depressive disorder. A significant amount of staff time is necessary to meet the needs of clients with multiple complex conditions.

Key Takeaway: Needs of clients of the Program are increasing in complexity, and staff should be allocated the time and expertise to attend to them adequately.

Ratio

The survey found that, as of October 1, 2022, over half of guardian representative respondents who work full-time and exclusively for their Local PGP agreed that the ratio of 20:1 is appropriate, but it is also significant that 41.2% of this group thought it is too high. Of those who favored an overall reduction in the ratio, the average suggested ratio among guardian representatives was 14:1.

The primary reasons given for why the ratio is too high were based on caseloads involving clients who have severe deficits in functioning, clients with psychiatric or behavioral diagnoses, and clients with complex co-morbid conditions. These problems are reflected in the conditions with which clients present when entering the Program and require a copious and intense amount of staff time. Clients with multiple and complex conditions and needs are increasing in number in many caseloads across the state, a situation borne out by the Teaster et al. (2010) study of nearly 15 years ago and confirmed in Virginia by the JLARC study (2021, p. 6).

Key Takeaway: While over half of guardian representative respondents who work full-time and exclusively for the Local PGP agreed that the ratio of 20:1 is appropriate, a significant percentage, 41.2%, thought it is too high. Responsibilities required to serve clients in the Program are vast and 24/7. A number of PGP Providers did not provide staff support for completion of necessary guardian representative tasks, making it challenging to meet caseload needs.

Recommendations

DARS recognizes many individuals served through the Program have complex needs and that given the high quality of services provided through the Program, the work of guardian representatives is challenging. DARS does not believe, however, that a reduction in the ideal client-to-staff ratio is appropriate at this time.

DARS recommends:

1. Providing training and facilitate the sharing of best practices among PGP Providers on potential opportunities to adopt guidelines to periodically reassess the clients assigned to each guardian representative's caseload to ensure the guardian representative is not overextended and is able to meet client needs and the expectations of the Program. Technical assistance would include ways PGP Providers could:
 - a. Review the needs and acuity of the clients on each guardian representative's caseload to ensure that the number of high needs/high acuity clients is manageable.
 - b. Review the distance the guardian representative is required to travel to see each client to ensure the guardian representative is not having to spend excessive amounts of travel time to and from client visits.
2. Offering technical assistance and facilitate the sharing of best practices among PGP Providers on opportunities to maximize human resources and staffing including the:
 - a. Possibility of implementing flexible work policies such as allowing guardian representatives to work primarily from home or implementing flex-time policies so that guardian representatives are allowed to adjust their schedules if they have had to attend to a client on a weekend or after-hours.
 - b. Potential to hire support staff, such as an administrative assistant, a public benefits specialist, or a bookkeeper, to aid guardian representatives with their work on behalf of Program clients. The role of support staff would be to assist the program directors and guardian representatives providing direct client services; support staff would not be counted toward the client-to-staff ratio.

Table of Contents

Table of Contents

MANDATE	7
BACKGROUND	7
METHODS	11
RESULTS	11
DEMOGRAPHIC INFORMATION--GUARDIAN REPRESENTATIVES	11
DEMOGRAPHIC INFORMATION--PROGRAM DIRECTORS	12
QUALIFICATIONS FOR GUARDIAN REPRESENTATIVES	13
TASKS OF GUARDIAN REPRESENTATIVES AND PROGRAM DIRECTORS	13
INTENSITY OF WORK	14
PROGRAM DIRECTOR RESPONSIBILITIES	15
DIAGNOSES OF CLIENTS SERVED	16
PUBLIC CONSERVATORSHIP AND REPRESENTATIVE PAYEE SERVICES MANAGED BY GRs	16
CLIENT-TO-STAFF RATIO	17
COMMENTS ON CURRENT CASELOAD	17
TRAVEL REQUIREMENTS	19
SUPPORT SERVICES	20
SUMMARY OF FINDINGS	20
STAFF	20
<i>Clients</i>	20
<i>Ratio</i>	21
REFERENCES	21
RECOMMENDATIONS	
REFERENCES	23

Report from a Study of the Client to Public Guardian Ratio for the Public Guardian and Conservator Program in Virginia

Mandate

In 2022, the General Assembly of Virginia enacted Chapter 242 of the 2022 Acts of Assembly (HB 96, Delegate Christopher T. Head), which directed the Virginia Department for Aging and Rehabilitative Services (“DARS”) to conduct a study that explored the ideal range of staff-to-client ratios for public guardian and conservator programs across the Commonwealth. The purpose of the study was to complete the first decennial review of staff-to-client ratios for local and regional public guardian and conservator programs required by the act and report DARS’ findings and conclusions to the Governor and the General Assembly.

Background

Program Operations

The Virginia Public Guardian and Conservator Program (the “Program”) operates within DARS pursuant to Virginia Code §51.5-149 *et seq.* The Program provides public guardianship, and sometimes conservatorship, services to adult residents of Virginia found by a Virginia circuit court to be indigent, incapacitated, and without any other proper and suitable person willing and able to serve as a guardian, as a conservator, or both, as applicable (Virginia Code § 64.2-2010). For ease of reference, throughout the remainder of this report the terms “guardian” and “guardianship” will be used to describe the work of the Program.

DARS administers the Program through contracts (“PGP Contracts”) with 12 legal entities (“PGP Providers”)³ who agree to operate a local public guardian and conservator program (a “Local PGP”) in accordance with Virginia law, the entity’s contract with DARS, and the court orders establishing the guardianships. The number of individuals each PGP Provider can serve through the Program is specified in the PGP Contract and payment is based on the number of individuals the PGP Provider is contracted to serve.

The Program has experienced substantial growth in recent years. As a result of funding increases, the Program grew from 706 client slots in state fiscal year 2016 to 1,049 client slots in state fiscal year 2018, a 48.5% increase in the number of Program slots. An additional 300 client slots were added in state fiscal year 2023, a 28.5% increase in the size of the Program.

The PGP Providers are the legal entities appointed by circuit courts to serve as public guardians. They maintain 24-hours-a-day, 365-days-a-year coverage for the individuals served. Once

³ The 12 PGP Providers are Alleghany Highlands Community Services Board, Appalachian Agency for Senior Citizens, The Arc of Northern Virginia, Bridges Senior Care Solutions, Catholic Charities of Eastern Virginia, Commonwealth Catholic Charities, District Three Governmental Cooperative, Family Service of Roanoke Valley, Jewish Family Services (Richmond), Jewish Family Service of Tidewater, Mountain Empire Older Citizens, and Senior Connections-Capital Area Agency on Aging.

appointed, the public guardian typically serves for the life of the person for whom it has been appointed. Public guardianship services are provided at no charge to the individuals served.

Not every person for whom a PGP Provider is appointed as guardian is a public guardianship client receiving services through the Program. DARS is permitted to contract for Program services with legal entities that also provide private guardianship services (*i.e.*, guardianship services outside of the Program and the PGP Contract); however, any PGP Provider who provides public and private guardianship services must administer its private services entirely separately from the public services it provides through the Program (Virginia Code § 51.5-150.C). Individuals receiving guardianship services outside of the Program are not covered by the protections of Virginia law governing the Program or the PGP Contract, nor are private guardianship services regulated or licensed by any executive-branch agency.

The Client-to-Staff Ratio

The *Code of Virginia* requires DARS to establish an ideal range of client-to-staff ratios for Local PGPs (Virginia Code § 51.5-150.B.3). In 22VAC30-70 C 2 DARS has established a single ideal client-to-staff ratio applicable to all Local PGPs. The regulation provides as follows:

Each public guardian program shall maintain a direct service ratio of clients to paid staff that does not exceed the department's established ideal ratio of 20 clients to every one paid full-time staff person 20 to one.

Direct services are provided by guardian representatives (“GRs”), who are employed by the PGP Provider to work in its Local PGP for the purpose of providing guardianship services to individual clients, and the program director (the “PD”) for each Local PGP. The PD is responsible for the Local PGP’s operations and supervising the work of the GRs. Some PDs also maintain client caseloads.

The client-to-staff ratio is not a cap on the number of clients that can be on any individual GRs caseload. It is focused at the Local PGP level, and is determined by dividing the total number of public guardianship clients served by the Local PGP by the total number of direct service staff members working in the Local PGP. DARS has separately provided that PDs cannot have a client caseload of more than 15 individuals if the PGP Provider has contracted with DARS to serve 40 or more public clients. This is to ensure that PDs who are managing a caseload as well as acting in the supervisory role of a program director can fulfill both functions.

In limited circumstances, DARS allows individuals working on a part-time basis in a Local PGP to be counted toward the client-to-staff ratio. This part-time staff member may be employed part-time by the PGP Provider or may be a full-time employee of the PGP Provider who is assigned to work in its Local PGP operations as well as other areas of the PGP Provider’s business. In these circumstances the part-time staff member also may serve private guardianship clients of the part-time GRs employer; however, the PGP Contract requires the PGP Provider to obtain specific consent from DARS before a GR is allowed to serve both public and private guardianship clients.

JLARC Report

In 2020, the Joint Legislative Audit and Review Commission (“JLARC”) directed staff to evaluate Virginia’s guardianship and conservatorship system, which includes but is not limited to the Program. As part of this review, JLARC staff were to examine court processes to appoint guardians and conservators, oversight of guardians and conservators, processes for restoring rights to adults under guardianship or conservatorship, and Virginia’s laws to prevent the abuse or neglect of vulnerable adults (JLARC. (2021). *Improving Virginia’s Adult Guardian and Conservator System*. <http://jlarc.virginia.gov/pdfs/reports/Rpt553-1.pdf>).

The report included a recommendation (Recommendation 16) that is reflected in HB 96. The recommendation specifically provides:

The Department for Aging and Rehabilitative Services should conduct an evaluation of the 1:20 ratio for public guardian providers to ensure that guardians can effectively carry out their work, and then every 10 years (or sooner if changes to state law or other circumstances indicate a reevaluation is needed), and adjust the ratio as warranted (Recommendation 16, Chapter 4).

The JLARC report recognized the significance of Virginia’s client-to-staff ratio for public guardians, stating “Virginia’s current maximum caseload is viewed as a national standard, and most public guardianship program directors agreed that a maximum caseload of 20 adults per guardian generally allows guardians to carry out their responsibilities effectively” (JLARC, 2021, p. 30).

The JLARC report raised concerns, however, that the client-to-staff ratio may be too high, observing that,

“[M]ore than half (53 percent) of public guardianship staff indicated on the JLARC administered survey that their workload is “too much” or “way too much,” and almost half (47 percent) said they work overtime frequently (daily or every week). Public guardians who serve adults with developmental or intellectual disabilities or mental health issues often require more work than others. For example, guardians serving these adults may need to ensure these adults are receiving adequate vocational and therapeutic services or respond to individuals experiencing mental health emergencies.” (JLARC, 2021, p. 31).

The Program’s Client-to-Staff Ratio Relative to National Standards

No known research exists either in Virginia or nationally on the effect of a client-to-staff ratio on the morbidity, mortality, or quality of care/quality of life of clients. An understanding of vulnerability of incapacitated individuals, particularly those with multiple chronic medical conditions as well as cognitive problems, suggests that health situations can change quickly and that regular and consistent attention to the needs of the individuals under guardianship can mean the difference between a managed situation and an acute one.

Research on adult guardianship in general has been limited; however, some government records on public guardianship have been made accessible to researchers and so there are more published studies conducted on public rather than private guardians. Published in 1981, Schmidt and colleagues conducted the national first study on public guardians. (Schmidt, Bell, & Miller. (1981). *Public Guardianship and the Elderly*. Ballinger Publishing Company.) The study included a survey of state public guardianship programs and a detailed analysis of programs in five states and revealed instances of abuse of the office of public guardian, as well as examples of genuine concern and advocacy for the persons served. At that time, caseloads ranged from a “low of 30 per staff person to a high of 341, with the average for all states being over 100 cases per worker” (Schmidt et al., 1981, p. 169). Nearly 30 years later, Teaster and colleagues replicated the study and found that caseloads remained high in most jurisdictions. (Teaster, Wood, Schmidt, Lawrence, & Mendiondo, (2010), *Public Guardianship in the Interest of Incapacitated People?* Praeger Publishing Company.) The average ratio of incapacitated persons under guardianship to staff was 36:1, with caseloads ranging from a low of 2 per worker (a program in its infancy) to a high of 173 per worker. (Teaster et al, (2010)). Teaster and colleagues also found that public guardians were serving far more younger people than 30 years earlier and that the individuals under guardianship had more complex needs. Both studies indicated that no guardianship was preferable to poor guardianship.

The Standards of Practice of the National Guardianship Association (“NGA”) stipulate that “The guardian shall limit the caseload to a size that allows guardian to accurately and adequately support and protect the person, a minimum of one visit per month with each person, and regular contact with all service providers” (National Guardianship Association, (2022). *Standards of Practice*. Fifth Edition. <https://www.guardianship.org/wp-content/uploads/NGA-Standards-2022.pdf>). NGA Standard 23 goes on to explain that the size of any caseload is grounded in an objective evaluation of activities needed for each case as well as ancillary support that is made available to each guardian. Differences in the level of difficulty of each case should be taken into consideration, as well as the complexity and intensity of decisions to be made and the size and intricacy of the estate to be managed. (National Guardianship Association, (2022), p. 26.)

According to Teaster et al. (2010, p.129), “Statutes in seven states (*i.e.*, Florida, New Jersey, New Mexico, Tennessee, Vermont, Virginia, and Washington) provide for a ratio of staff to incapacitated person served”.⁴ The authors went on to say that most programs accept cases based on judicial appointment, regardless of their staffing level, leaving programs in an intractable situation in which they are scrambling to attend to clients, thus placing [their incapacitated clients] in jeopardy. By contrast, Virginia public guardians may only serve the number of public

⁴ Florida has a statutory ratio of 40:1 staff member; New Jersey allows the public guardian to determine the maximum caseload based on the amount of available funding; New Mexico requires that the public guardian office establish the maximum caseload in the contract with service provider; Tennessee requires that the maximum caseload for district public guardians must be certified by the Commission on Aging upon review of documentation submitted by the district public guardian, public guardians may request a temporary cap from the Commission on Aging if the caseload proves unmanageable; Vermont allows the Commissioner of the Department of Disabilities, Aging, and Independent Living to adopt a rule including standards related to the maximum number of appointments that an office may accept; Washington has a standard caseload limit for a contract service provider of no more than 20:1 but allows adjustments on a case by case basis with adjusted caseload limits that cannot exceed 36 cases; and Nebraska has an average ratio of 20:1.

clients provided in their DARS Contract and no more, a mechanism that allows them to staff the program accordingly and serve their clients more appropriately.

Methods

Virginia Code § 51.5-150 directs DARS to decennially review the ideal range of staff-to-client ratios applicable to PGP Providers;⁵ make recommendations as to whether the ratio should be revised to ensure that public guardians are able to meet their obligations to incapacitated persons under Title 51.5, Chapter 14, Article 6 of the Code; report its findings and conclusions to the Governor and the General Assembly; and recommend appropriate legislative or executive actions. DARS engaged researchers at the Virginia Tech Center for Gerontology (the “VT Research Team”) to survey PDs and GRs working in Local PGPs to gather information regarding the appropriateness of the current client-to-staff ratio and analyze the results of those surveys. Two online surveys were developed: one for PDs and one for GRs.

The VT Research Team developed the surveys based on the expertise of the members of the team and in consultation with the DARS Coordinator of the Program. The surveys were pilot tested by a GR and a PD. Once finalized, a unique survey was sent to the 52 GRs and 12 PDs across the Commonwealth. Responses to the online surveys were kept confidential. The surveys took approximately 30 minutes to complete. The surveys remained open from November 15, 2022, through December 5, 2022. Forty-nine (49) GRs and 12 PDs responded.

Survey questions⁶ explored caseloads; length of time working in the Local PGP operated by the responder’s employer; training; whether GRs working for a Local PGP were also serving private guardianship clients of their employer;⁷ characteristics of the Local PGP; work responsibilities and the time spent performing them; characteristics of clients on their caseload; and experience and perceptions related to the client-to-staff ratio.

Results

Demographic Information--Guardian Representatives

The VT Research Team found that as of October 1, 2022:

- GRs had been working for their Local PGP for an average of 5.6 years (range 0-20 years);
- A majority of GRs (both full and part-time) had a college degree (65.3%/n=32);
- A majority had previous work experience in a related field (46.9%/23), including work as a provider of direct client services at a licensed skilled nursing facility, group home, sponsored residential home, assisted living facility or day support, or as a social worker

⁵ Notwithstanding the plural reference to “ideal range of client-to-staff ratios” in Code § 51.5-150.B.11, DARS has established a single ideal client-to-staff ratio of 20:1 applicable to all PGP Providers in 22VAC30-70-30.

⁶ Copies of the surveys are available on request.

⁷ DARS considers any staff member assigned to work for a PGP Provider’s private guardianship clients as well as its public guardianship clients to be “part-time” staff of the Local PGP.

(25.5%/n=12);

- Most GRs (41 out of 49; 83.7%) were assigned by their employer to work exclusively for their Local PGP; **among these 41 GRs, 38 were also full-time employees assigned by their employer to work exclusively for the employer’s Local PGP.**
- GRs who reported working full-time for their employer and exclusively for their Local PGP (n=38) reported their employer considered full-time to be an average of 38.2 hours per week (n=35; full-time hours varied with a range of 30-40 hours per week);
- The average gross annual salary for GRs who reported working full-time for their employer and exclusively for their Local PGP was \$44,892 (range \$32,000-\$64,000).

Demographic Information--Program Directors

As of October 1, 2022:

- PDs had been working for their employer’s Local PGP for an average of 10.4 years (range 1-26 years) (Table 1).
- Most respondents (10 out of 12/ 83.33%) were assigned by their employer to work exclusively for their Local PGP; however, among the seven PDs that indicated their employer provides services to private guardianship clients, only three definitively said they were not involved in the services.
- The average gross annual salary for full-time PDs was \$72,546 (range \$48,000-\$150,000).

Table 1. Demographic Information for Guardian Representatives and Program Directors

	Guardian Representatives	Program Directors¹
Average number of years working in the Local PGP ²	4.9 years (n=38)	10.42 8.56 (in current position)
Assigned to work exclusively and FT for their employer’s PGP program	77.50% (n=38)	83.33%
Average gross annual FT salary among those working exclusively for their Local PGP	\$44,892 (n=37)	\$72,546
The employer ³ also provides private guardianship services	64.60% (n=31)	58.30% (n=7)

¹ N=12 unless otherwise specified.

² N=Full-time GRs who work exclusively for the PGP.

³ The “employer” is the legal entity (the PGP Provider) that contracts with DARS to operate a Local PGP. PGP Providers generally operated programs in addition to their Local PGP, which may include the provision of private guardianship services.

Qualifications for Guardian Representatives

The top three qualifications that GRs deemed most important were:

- Previous work experience as a provider of direct client services at a licensed skilled nursing facility, group home, assisted living facility, or day support, or as a licensed provider of sponsored residential services (n=32);
- Previous work experience as a social worker (n=29); and
- A college degree (n=23).

The top ranked qualifications PDs deemed most important for GRs were:

- A college degree; and
- Previous work experience as a social worker.

Tasks of Guardian Representatives and Program Directors

Traveling to and from client visits accounted for the greatest portion of GRs' time per week (11.42 hours), followed by visiting with clients (10.58 hours) (Table 2). On a monthly basis, GRs conducted an average of 9.07 client visits that required the GR to travel 30 minutes or more one way.

The PDs who reported providing GR services to individual clients in addition to their PD duties also indicated that travel to client visits (7.83 hours) and visiting with clients (7.83 hours) accounted for the greatest amount of their time per week, followed by completing DARS-required paperwork (7.67 hours). On a monthly basis, PDs conducted an average of 7.79 client visits that required the PD to travel 30 minutes or more one way.

Table 2. Hours per Week Spent on Tasks

Tasks	Average Number of Hours	
	Guardian Representatives	Program Directors also providing GR Services
Traveling to and from client visits	11.42	7.83
Visiting clients	10.58	7.83
Completing (or gathering) DARS-required paperwork ¹	7.90	7.67
Completing (or gathering) paperwork other than specified in the survey	7.03	6.25
Completing (or gathering) employer specific paperwork	5.71	4.40

Completing (or gathering) paperwork required for public benefits and services ²	5.68	4.17
Contacting facilities to check on a client	6.64	5.00
Accompanying clients to medical appointments (routine or specialist)	6.46	3.83
Attending care plan meetings	6.00	2.83
Arranging crisis services	5.55	1.60
Securing residential placement	4.14	3.00

¹ DARS-required paperwork includes progress notes, Values History Reports, Guardianship Care Plans, and Annual Assessment Instruments

² This includes paperwork related to public benefits and services (e.g., Medicaid, Auxiliary Grant applications)

The employers of over half of GRs (57.1%/n=28) do not provide them with support staff to assist them. GRs who did have support staff (42.9%/n=21) were typically helped by financial staff (e.g., bookkeeper) to pay bills and oversee accounts of individuals receiving conservatorship services or representative payee services through the Local PGP (n=18) and administrative staff (e.g., staff to assist with filing, telephoning, maintenance of client records) (n=17).

In line with the response from GRs concerning support staff, 60% of PDs reported that their Local PGP did not utilize support staff, even on a part-time basis.

Intensity of Work

For the month of October 2022, on average, GRs working full-time in their Local PGP reported working more than the number of hours designated by their employer as full-time during 2.17 weeks during the month.

During the same time-period, on average, GRs working only part-time in their Local PGP worked more than the number of hours designated by their employer for 0.67 weeks during the month.

Based on responses from PDs, during the 12-month period beginning October 1, 2021 and ending September 30, 2022:

- In total, 12 GRs left their position with Local PGPs. PDs were asked to provide the number of GRs who left their position during this time-period. This data is limited however, because only 5 PDs answered the question. Seven PDs did not provide a response.
- In total, 12 GRs were hired during the 12-month period to work for their employer's Local PGP. PDs were asked to provide the number of hires during this time-period. This data is limited however, because only 8 PD answered the question. Four PDs did not provide a response.

- Among the 12 new hires, the lowest gross annual starting salary was \$32,500, and the highest gross annual starting salary was \$55,000. The average gross annual starting salary was \$42,569.

For the month of October 2022, full-time PDs worked more than the number of hours designated by their employer as full-time 2.67 weeks during the month.

Program Director Responsibilities

For the month of October 2022, PDs reported time spent completing weekly activities (Table 3). The following two tasks accounted for the most hours:

- On average, PDs spent 13.70 hours (n=10) per week supervising the work of GRs serving public guardian clients.
- On average, PDs spent 13.36 hours (n=11) per week problem solving complex issues related to public guardianship clients served by GRs, including responding to inquiries from family members and third-party service providers.

Table 3. PDs’ Weekly Activities

Activities	Average hours spent each week
Supervising the work of GRs serving public guardian clients	13.70 (n=10)
Problem solving complex issues related to public guardianship clients served by GRs	13.36 (n=11)
Preparing referrals for presentation to the Multidisciplinary Panel (MDP)	3.50 (n=10)
Preparing for the MDP’s annual reviews of active Public Clients	2.50 (n=10)
Engaging in community education about guardianship, which includes both formal presentations and responding to questions about guardianship from the general public	2.27 (n=11)
Formally meeting or interacting with the MDP	1.64 (n=11)
Overseeing the budget for the Local PGP	1.57 (n=7)
Completing and transmitting to DARS the Quarterly Report and Removal Notifications to DARS	1.20 (n=10)
Hiring staff for the Local PGP	0.83 (n=6)

Diagnoses of Clients Served

As of October 1, 2022, GRs indicated that the most prevalent diagnoses for clients on their caseloads aged 65 and older were age-related dementia, acute depressive disorder, and schizophrenia (Table 5). For clients aged 64 and younger, the most prevalent diagnoses were moderate intellectual disability, a developmental disability other than an intellectual disability or autism, and acute depressive disorder. On October 1, 2022, 40% of the Program's clients were aged 65 or older; 60% of the Program's clients were under 65 years of age.

Table 4. Clients' Diagnoses

Diagnosis	Adults 65 Years of Age and Older (Average Number)	Adults 64 Years of Age and Younger (Average Number)
Age-related dementia	3.80	2.00
Acute depressive disorder	3.48	3.65
Schizophrenia	2.74	3.00
Personality disorder other than borderline personality disorder	2.67	2.38
Developmental disability other than ID or Autism	2.21	3.78
Bipolar disorder	2.13	2.69
Moderate intellectual disability	2.06	4.29
Severe intellectual disability	1.86	2.86
Mild intellectual disability	1.74	3.14
Autism disorder	1.50	3.12
Borderline personality disorder	1.50	2.69
Substance abuse disorder	1.23	1.80
Traumatic brain injury	0.73	0.89

Note: Multiple responses to answers were possible. Responses are from the GRs only.

Public Conservatorship and Representative Payee Services Managed by GRs

GRs reported that as of October 1, 2022, an average of 33% (n=43) had clients on their caseload who also were receiving conservatorship services through the Local PGP. There was a wide

range, with some GRs serving no conservatorship clients and others reporting that all of their public guardianship clients were receiving public conservatorship services. Seventy percent (70 %) of PDs and 50% of GRs indicated that they were responsible for paying bills for individuals on their caseload receiving public conservatorship services (or representative payee services), with 36.4% of PDs and 17.4% of GRs reporting that they were responsible for preparing reports to the Commissioners of Accounts for clients receiving public conservatorship services.

Client-To-Staff Ratio

Among GRs who reported working full-time for their employer, the PGP Provider, and exclusively for their Local PGP, 58.8% (n=20) thought that the 20:1 client-to-staff ratio was appropriate; however, 41.2% (n=14) did not, reporting that it is too high (Table 6). Among those who did not support the current ratio, the average recommended ratio was 14:1. Among the 11 PDs who responded to the survey question regarding the appropriateness of the current client-to-staff ratio, 72.7% thought the ratio of 20:1 was appropriate, with only 3 of the 11 indicating the ratio was not appropriate. Most GRs who reported working full-time for their employer and exclusively for their Local PGP (97.1%/ n=33) supported a cap on the number of clients (an average suggested cap of 20; range, 10-25). Among PDs who opined about what an appropriate cap would be (90.0%/n=9), the average suggested cap was 19; range, 15-25.

Table 5. Client-To-Staff Ratio and Caps

	Guardian Representatives	Program Directors
20:1 ratio is appropriate	58.8% (n=20)	72.7 % (n=8)
Support cap on number of clients a GR may serve	97.1% (n=33)	90.0% (n=9)

Comments on Current Caseload

When GRs (those working full-time and exclusively for their Local PGP) were asked which answer best describes their caseload on October 1, 2022, their top three responses were the following:

- My caseload is just right (n=22).
- My caseload is too high and needs to be reduced (n=11).
- My caseload is too low and needs to be increased (n=0).

As of October 1, 2022, the average number of public guardian clients on the caseload of full-time GRs assigned to work exclusively for their Local PGP was 18.24 (n=34) (Table 7). Among the seven PDs with a caseload of public guardian clients, the average number of clients on their caseload was 12.29. Among full-time GRs working exclusively for their Local PGP, 26 had 20 or fewer public guardian clients, and 8 GRs had 21 or more public guardian clients. Only 3 GRs reported having exactly 20 public guardian clients on their caseload. Four of the 8 GRs with a caseload of 21 or more public guardian clients indicated their caseload was too high.

Table 6. Caseload

	Guardian Representatives	Program Directors
Average number of public guardian clients on caseload	18.20 (n=34)	12.29 (n=7) ¹
Confident that all clients on caseload are receiving public guardianship services	94.30% (n=33)	n/a

¹Seven (7) out of ten (10) PDs reported that they personally had a client caseload, in addition to their PD responsibilities.

GRs who indicated that their caseload was too high reported that the top five challenges they face in managing their caseload were these:

- Complexity of the needs of the clients (n=9).
- Amount of paperwork (n=8).
- Securing medical care (n=8).
- Not having enough time to spend with each client (n=7).
- Working with other service professionals and providers (n=7).

A number of GRs commented on the ratio. Representative quotes are added below. For those who thought that the 20:1 ratio was appropriate, several respondents favored a requirement to balance caseloads between high intensity clients and low intensity clients.

20:1 is a basic client/ratio across many programs and disciplines. However, I would advise that if a caseload consists of primarily MH or [includes a number of clients who with] severe Mental illness---those caseloads are difficult to... [manage]--caseloads should be thought out and balanced between low and high intensity as much as possible to make a caseload manageable. If it's not balanced, the ratio should be carefully examined and re-assessed with discussions to reduce by the program director and organization as well as DARS representative.

[A ratio of 20:1] is the cap number. I feel like this should be adjusted based on the difficulty of the clients on said caseload; 18 clients on a case load could take up the same amount of time and resources as 22 or 23 clients based on their need.

[A ratio of] 20:1 is the maximum because the client issues are more difficult and finding housing is almost impossible with clients' behavior and families working against guardian.

Of the roughly 40 percent of GRs who thought the caseload was too high, many cited growing demands for serving clients with increasingly complex needs.

I feel the current ratio is dated and not realistic for the changing times and changing demographic that we serve. When I first started, my caseload was

mainly the elderly, who had no family left and near end of life for the most part, with minimal mental health issues. The demographic is now shifting to the younger generation and people with severe mental health issues. Dealing with one of these cases can take the time of up to three of my old cases. For some of these clients, I have pages of notes for a single month due to their ongoing behaviors and mental health issues. I feel a caseload should range between 12 and 15 at the most.

Fifteen I feel would be appropriate if the client has psychiatric or behavioral diagnoses. These clients are very time-consuming and labor intensive. Facilities and medical staff do not want to deal with the client issues and will constantly rely on the guardians to intervene with the clients. I receive calls on weekends, nights, etc. and will often have to leave home and go out to the facilities or hospitals, etc. when clients have disturbances. As these clients age, the progressive nature of the diseases/illnesses increase and so do issues.

The ratio should be 10 minimum, 15 maximum. There are many different facets, roles, and responsibilities that go into this occupation. Being able to act as a guardian representative for 20 individuals is entirely too much when factoring in all that is done for them on our behalf. From visits, notes, keeping up and attending doctor's appointments, etc. it's very overwhelming and quick to burn guardian representatives out at 20 clients per caseload.

There is just not enough time to serve them all completely. I feel neglectful not having more time to visit with clients on a one-on-one basis. I feel pulled in every direction. I spend hours of my personal time, not during business hours, on the phone, shopping, doing paperwork, etc., and it takes away from my personal life, which isn't fair to myself or my family. I feel like I spend hours on redundant paperwork, which would be better utilized serving the clients.

Travel Requirements

Issues related to distance between staff and clients were among the reasons that a number of GRs stressed that lowering the ratio is necessary.

Due to being short staffed [I] was covering 25 current clients and one pending client, including eight clients located over an hour away.

Although my caseload is spread over different towns/counties, because I am able to work remotely as well as from the agency office, I am able to be near each of my clients/day support/facilities depending on the day of the week and where I am most needed that day.

Support Services

Another justification for a lower client-to-staff ratio by GRs favoring a reduction was the lack of support staff available to Local PGPs. One GR commented,

[We need] Support services for paperwork/filing from our employer. Ability to use home as a base for providing services and traveling to facilities directly from home. Sometimes, just driving to and from the office would save me time to assist clients more. Put in place an easier way of working after hours, weekends and holidays. We are on call 24/7, and most times our employer never realizes our worth. There is little to no room for advancement, even though the demands increase at a rapid pace. We should implement a seniority program among caseworkers with elevated compensation. At least a job title to reflect the hard work and dedication to the job would be nice.

[We need employers to] Provide more training, increase pay, better safer vehicles, provide company cellphones, decrease caseload, work from home option, rotate work from home options.

Summary of Findings

Staff

The survey found that as of October 1, 2022, GRs had been working with their Local PGP for an average of 5.6 years, with most working exclusively for the Local PGP. Most worked full-time and their average gross salary was slightly over \$45,000. Most GRs had a college degree and previous, related work experience (e.g., as a social worker or as a provider of direct client services in a congregate residential facility or day support). On the same date, PDs had been working for the Local PGP for nearly twice as long, and all but two were assigned by the PGP Provider to work exclusively for the Local PGP.

It is highly commendable that most of the staff of the Local PGPs have college degrees and bring related experience to the work of serving as a guardian. These requirements align with the best practices suggested in the national study by Teaster et al. (2010).

Key Takeaway: It is critical to have staff with the appropriate education and experience in order to maximize the likelihood that the GRs and PDs can properly serve clients in the program.

Clients

The survey found that as of October 1, 2022, among public guardian clients aged 65 or older (40% of the Program's clients on that date), GRs reported that the most common diagnoses were age-related dementia, acute depressive disorder, and schizophrenia. Among public guardian clients under the age of 65 (60% of the Program's clients), GRs reported that the most common diagnoses were moderate intellectual disability, developmental disability other than an intellectual disability or autism, and acute depressive disorder. A significant amount of staff time is necessary to meet the needs of clients with multiple complex conditions.

Key Takeaway: Needs of clients of the program are increasing in complexity, and staff should be allocated the time and expertise to attend to them adequately.

Ratio

The survey found that as of October 1, 2022, over half of GR respondents (58.9%) working full-time and exclusively for their Local PGP agreed that the ratio of 20:1 is appropriate, but it is also significant that 41.2% thought it is too high. Of those who favored an overall reduction in the ratio, four respondents suggested to cut the ratio in half (10:1). The average suggested ratio among GRs was 14:1. Responsibilities required to serve clients in the program are vast and 24/7. During the month of October 2022, both full and part time staff worked more than full-time as did the PDs. It is also significant that more than half of the GRs were working without the assistance of support staff, which could somewhat offset the GR workload in serving their clients.

The primary reasons given for why the ratio is too high were based on caseloads involving clients who have severe deficits in functioning, clients with psychiatric or behavioral diagnoses, and clients with complex co-morbid conditions. These problems are reflected in the conditions with which clients present when entering the Programs and require a copious and intense amount of staff time. Clients with multiple and complex conditions and needs are increasing in number in many caseloads across the state, a situation borne out by the Teaster et al. (2010) study of nearly 15 years ago and confirmed in Virginia by the JLARC study (2021, p. 6).

Many respondents remarked that their reporting requirements meant that they spend a significant amount of time completing paperwork. After the time required for travel to visit clients and the time spent visiting with clients, paperwork was the most time-consuming task.

Key Takeaway: While over half of GR respondents who work full-time and exclusively for the Local PGP agreed that the ratio of 20:1 is appropriate, a significant percentage, 41.2%, thought it is too high. Responsibilities required to serve clients in the Program are vast and 24/7. A number of PGP Providers did not provide staff support for completion of necessary guardian representative tasks, making it challenging to meet caseload needs.

Recommendations

DARS recognizes many individuals served through the Program have complex needs and that given the high quality of services provided through the Program, the work of GRs is challenging. DARS does not believe, however, that a reduction in the ideal client-to-staff ratio is appropriate at this time for several reasons including the following:

- The *Code of Virginia* directs that client-to-staff ratios be implemented for Local PGPs, but not caps on the number of clients that may be on placed on the caseload of each GR providing direct services to Program clients. This allows the PGP Providers flexibility to manage caseloads as necessary to meet the needs of clients, staff, and Local PGP operations. For example, new GRs may be assigned to handle less than 20 clients until they become familiar with the work, or an experienced GR may be assigned less than 20

clients with extremely complex or challenging needs. DARS believes that PGP Providers need this operational flexibility.

- The Program's 20:1 client-to-staff ratio for Virginia's Local PGPs is among the lowest in the nation. Few states have adopted a ratio or a caseload cap and among those few states that have, none is lower than Virginia's ratio of 20:1.
- On July 1, 2022, DARS was able to ensure that all PGP Providers were paid at the same rate for client slots with \$987,731 in additional funding provided by the 2022 General Assembly for the purpose of ensuring pay parity among PGP Providers. This resulted in a substantial increase in compensation for PGP Providers who had been serving many years and were paid at a blended rate for some client slots well below the state average. This money may be used by the PGP Providers to increase staffing, raise pay, hire support staff, or undertake other improvements for the Local PGP. The impact of the new funding may not have been reflected in the ratio study conducted only a few months later.
- A significant decrease in the client-to-staff ratio would likely require a concomitant increase in funding because more GRs will need to be hired to handle the existing caseloads. Without additional funding, existing staff would likely experience a reduction in compensation to reflect their reduced workloads.

DARS recommends:

1. Providing training and facilitate the sharing of best practices among PGP Providers on potential opportunities to adopt guidelines to periodically reassess the clients assigned to each guardian representative's caseload to ensure the guardian representative is not overextended and is able to meet client needs and the expectations of the Program. Technical assistance would include ways PGP Providers could:
 - a. Review the needs and acuity of the clients on each guardian representative's caseload to ensure that the number of high needs/high acuity clients is manageable.
 - b. Review the distance the guardian representative is required to travel to see each client to ensure the guardian representative is not having to spend excessive amounts of travel time to and from client visits.
2. Offering technical assistance and facilitate the sharing of best practices among PGP Providers on opportunities to maximize human resources and staffing including the:
 - a. Possibility of implementing flexible work policies such as allowing guardian representatives to work primarily from home or implementing flex-time policies so that guardian representatives are allowed to adjust their schedules if they have had to attend to a client on a weekend or after-hours.
 - b. Potential to hire support staff, such as an administrative assistant, a public benefits specialist, or a bookkeeper, to aid guardian representatives with their work on behalf of Program clients. The role of support staff would be to assist the program directors and guardian representatives providing direct client services; support staff would not be counted toward the client-to-staff ratio.

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