

FACT SHEET: A PUBLIC GUARDIAN FOR MASSACHUSETTS

Sponsors: Sen. Creem (S. 1177) and Rep. Brodeur (H. 3027)

Summary: This bill would establish a Public Guardian for incapacitated adults who are who are vulnerable to abuse and exploitation — indigent, isolated and ineligible for protection under existing agency programs. Two-thirds of the funding for the Public Guardian will come from private, non-governmental sources.

Why is this Bill Necessary?

Massachusetts provides *no protection* for indigent persons with incapacity, unless they have caring family or friends to step in. The need for a guardian, by itself, does not qualify anyone for protection through any existing social service agency. Elder Affairs, DMH and DDS *cannot provide a guardian if the person is not a client*. The agencies all have specific and sometimes narrow eligibility criteria that exclude far too many incapacitated individuals.

What are the Costs of Having No Public Guardian?

- Private hospitals spend an estimated \$10M each year on unnecessary care for incapacitated persons who lack a guardian to plan discharge and sign them out legally.
- Public hospitals incur the same kinds of charges, at an unknown cost to the state.
- Extended time in hospitals may cause incapacitated persons to catch hospital-borne illnesses, causing added costs, unnecessary suffering and even avoidable deaths.
- Courts are overwhelmed with cases that need guardians, where no individual is able (or suitable) to serve, and the person does not qualify as a client of Elder Affairs, DMH or DDS.

How Widespread is the Need?

Research completed in March, 2016¹ estimates that there are *at least 3,000-4,000* people in Massachusetts who need a Public Guardian. Many believe that the number of is much higher. *Massachusetts is in the bottom 10% of states in addressing these guardianship needs.*

Public-Private Partnership

- The bill proposes a small state office to oversee a robust, non-governmental service provider that is entirely self-funded.
- The plan commits \$2 of private funding for every \$1 of public funding. No other function of state government receives anything close to this ratio of private support.
- Private non-profits and health care associations are deeply concerned about the lack of a Public Guardian in Massachusetts.

Other states, such as Florida, have used a Public-Private model successfully for many years.

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MASSACHUSETTS GUARDIANSHIP POLICY INSTITUTE

A Collaboration of:



¹ See Moye, Jennifer, Ph.D., et al, Examining the Need for a Public Guardian in Massachusetts: Phase 1 (Mar. 1, 2016)