

## **STUDY OF GUARDIANSHIP SERVICES - INFORMATION REGARDING THE REQUEST FOR PROPOSAL AND PROPOSAL RESPONSES**

### **BACKGROUND INFORMATION**

Section 1 of 2011 House Bill No. 1199 provides that the Legislative Management is to contract with a consultant to study guardianship services for vulnerable adults in the state. The study must include an analysis of the need for guardianship services in the state; the establishment of guardianships; petitioning costs and other costs associated with providing guardianship services; the entities responsible for guardianship costs; and the interaction between the courts, counties, state agencies, and guardianship organizations regarding guardianship services. The consultant is to provide periodic reports and is to present the final report and recommendations regarding the study before June 1, 2012. The Human Services Committee has been assigned this responsibility for the 2011-12 interim.

The Legislative Management also provided that the Human Services Committee is to study the efficacy of statutes governing public administrator services and methods for the timely and effective delivery of guardianship and public administrator responsibilities and services.

### **REQUEST FOR PROPOSAL**

On August 31, 2011, the Legislative Council issued a request for proposal for consultant services for assistance in a study of guardianship services for vulnerable adults in North Dakota. The specific areas the study is to address are:

1. The need for guardianship services in the state - Review the number of guardians appointed by the courts and identify the unmet need for guardianship services in the state.
2. The establishment of guardianships - Review the services available for assistance with the establishment of guardianships and the process for the establishment of guardianships and recommend proposed changes.

3. Petitioning and other costs - Identify petitioning and other costs associated with providing guardianship and public administrator services and financial assistance available.
4. The entities responsible for guardianship and public administrator costs - Identify the entities currently responsible for guardianship and public administrator costs.
5. The interaction between the courts, counties, state agencies, and guardianship organizations regarding guardianship services - Review the duties and responsibilities of these entities and the cooperation/collaboration and interaction between and among the entities associated with guardianship and public administrator services and recommend proposed changes.
6. The efficacy of statutes governing guardianship and public administrator services - Review the statutes governing guardianship and public administrator services, evaluate the effectiveness of the statutes, and recommend proposed changes.
7. Methods for the timely and effective delivery of guardianship and public administrator responsibilities and services - Determine the appropriate duties and responsibilities for entities involved in guardianship services, financial responsibilities, and the appropriate role for public administrators in providing guardianship services. Provide estimated costs for guardianship services for the 2013-15 biennium by recommended entity responsible for these costs.

Proposals were due to the Legislative Council office on Friday, September 30, 2011.

## SUMMARY OF REQUEST FOR PROPOSAL RESPONSES

| Summary Proposal Information | Winsor C. Schmidt, J.D., LL.M.<br>University of Louisville School of Medicine   | North Dakota Center for Persons with Disabilities   |
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| Consultant profile           | Mr. Winsor C. Schmidt holds faculty appointments as the Endowed Chair/Distinguished Scholar in Urban Health Policy, Professor of Psychiatry and Behavioral Sciences, Professor of Family and Geriatric Medicine, University of Louisville School of Medicine, and Professor of Health Management and Systems Sciences, School of Public Health and Information Sciences. He is one of the four principal faculty in the Division of Medical Humanism and Ethics.                        | The North Dakota Center for Persons with Disabilities was established in 1990 as a division of Minot State University. The North Dakota Center for Persons with Disabilities is a center of excellence on developmental disabilities, education, research, and services.  |
| Lead contact                 | Mr. Schmidt   | Dr. Lori Garnes, Associate Director of Development  |
| Other team members           | N/A   | Ms. Mary Mercer, Community Training Coordinator, a consultant from the Protection and Advocacy Project will also be hired to address the legal issues related to guardianship.  |
| Expertise and experience     | Mr. Schmidt has 33 years of experience reviewing services to assist with establishment of guardians, the process for establishment of guardianships, and successful recommendations for changes. The reviewing experience includes three books, 26 book chapters and journal articles, 11 final reports, and nine funded studies of guardianship in the 50 states and the District of Columbia, as well as numerous related presentations, consultations, and service responsibilities. | <p>The North Dakota Center for Persons with Disabilities has demonstrated its ability to support state agencies, organizations, policymakers, and other decisionmakers in assessing current conditions and defining future directions. Recent projects related to needs assessment, strategic planning, evaluation, and policy development, include:</p> <ul style="list-style-type: none"> <li>• Money Follows the Person housing program - Assisted the state in identifying and researching solutions to alleviate the housing shortage to make transitions possible in support of the Money Follows the Person grant.</li> <li>• Medicaid infrastructure grant - Conducted a strategic planning process to develop a comprehensive employment system to assist individuals with disabilities to seek and maintain employment.</li> <li>• Client assistance program - Solicited public comment on the potential redesignation of the North Dakota client assistance program.</li> <li>• North Dakota disability health project - Analyzed and distributed data related to health disparities and work with state and local agencies to improve the health and wellness status of people with disabilities.</li> <li>• North Dakota Think College Initiative - Developed a strategic plan for implementing an inclusive postsecondary initiative for individuals with disabilities.</li> <li>• Transition partnership grants - Collected and evaluated data on transition systems and impact on youth with disabilities.</li> <li>• Maternal health needs assessment - Developed a comprehensive report on young adults' health issues, concerns, and perceptions.</li> <li>• Real Choice rebalance grant - Developed a new system for providing a funding rebalancing and a single point of entry for the elderly and people with disabilities who are considering long-term home and community-based services and institutional care services.</li> </ul> |

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|                              |   | <ul style="list-style-type: none"> <li>• Anne Carlsen Center for Children strategic initiative research needs assessment - Recommended a future strategic direction for the Anne Carlsen Center for Children.</li> <li>• Online individualized education plans (IEPs) research - Conducted a feasibility study of online IEPs for the Department of Public Instruction.</li> <li>• Alternative education feasibility study - Researched the cost-effectiveness of operating an alternative education program in south central North Dakota.</li> <li>• Job Corps disability training and technical assistance - Conducted a national needs assessment of Job Corps teachers and administrators regarding needs for disability-related training.</li> <li>• North Dakota infant toddler enrichment program - Compiled and analyzed data, developed instrumentation and methodology, and implemented activities to evaluate the impact of training and consultation methods used as part of the infant toddler program.</li> </ul>  |
| Project plan                 | <ul style="list-style-type: none"> <li>• Review the number of guardians appointed by the courts in North Dakota and identify the unmet need for guardianship services in the state</li> <li>• Review the services available for assistance with establishment of guardianships and the process for the establishment of guardianships and recommend proposed changes based on comparison with the 2010 Model Public Guardianship Act and other national standards</li> <li>• Identify petitioning and other costs associated with providing guardianship and public administrator services and financial assistance available, including costs per public guardianship client, and costs incurred by not providing timely and appropriate guardianship services</li> <li>• Identify the entities responsible for guardianship and public administrator costs in North Dakota</li> <li>• Address and assess the interaction between the courts, counties, state agencies, and guardianship organizations regarding guardianship services, including a review of the duties and responsibilities of these entities and the cooperation, collaboration, and interaction between and among the entities associated with guardianship and public administrator services, and recommend proposed changes based on established models, standards, and best practices</li> <li>• Review the North Dakota statutes governing guardianship and public administrator services, evaluate the effectiveness of the statutes compared to other states and compared to national models, and make recommendations about proposed changes, including, where</li> </ul> | <p>Phase 1 - Analysis of existing systems - Deadline January 31, 2012</p> <ul style="list-style-type: none"> <li>• Identify the number of people with guardians and the number of requests for guardianship services</li> <li>• Review of the current services available for assistance with the establishment of guardianships through the use of surveys and interviews with consumers, the Department of Human Services, the North Dakota Long Term Care Association, the State Bar Association of North Dakota, the Protection and Advocacy Project, the State Hospital, and guardianship service provider organizations</li> <li>• Review current systems to identify satisfaction, costs, and efficacy of the systems</li> </ul> <p>Phase 2 - Analysis, support, recommendations, and final report - Deadline June 30, 2012</p> <ul style="list-style-type: none"> <li>• Review the duties and responsibilities of state courts, counties, state agencies, and guardianship organizations and recommend proposed changes</li> <li>• Evaluate the efficacy of statutes governing guardianship and public administrator services and recommend proposed changes</li> <li>• Prepare a final report that will delineate appropriate duties and responsibilities for entities involved in guardianship services, financial responsibilities, costs, and the appropriate role for public administrators in providing guardianship services</li> </ul> |

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|                                     | <p>appropriate or desired, alternative recommendations from which to select</p> <ul style="list-style-type: none"> <li>Identify appropriate alternative duties and responsibilities for entities involved in guardianship services, financial responsibilities, and the role for public administrators in providing guardianship services, and provide estimated costs for the 2013-15 biennium by recommended entity responsible for the costs</li> </ul> |  |
| Proposal cost                       | \$50,000   | \$29,151   |