

Adult Public Guardianship Review Board Open (Public) Meeting AGENDA

Howard County Maryland

Meeting date: February 1, 2018

- A. Call to Order for Open Meeting scheduled for 8:30 am.
- B. Roll Call via sign-in sheet, establishment of quorum.
- Voting members present (introduce any new members)
 - Voting members absent-have been notified in advance that Kim McCay and Fred (Chip) Coover will be absent.
 - Vacant positions-none that we are aware of at the time of agenda preparation.
 - Others present (introduce any new attendees, or all attendees if there are any new Voting Members),
- C. Announcements: open to floor.
- D. Review and approval of open and closed meeting minutes from Nov 3, 2017 meeting
- E. OLD BUSINESS:
1. Circulation of reports electronically—GoogleDrive used: open since Feb 2016. Done for the fifth time for DSS reports for this meeting! Plan to generalize to Deptmt of Aging reports also pending legal advice regarding HIPPA applicability to us/HIPPA compliance of GoogleDrive. Compliance Committee waiting for Attorney General feedback on whether we are a state or county entity, which informs who our legal advisor truly is.
 2. New format for Guardian's Report to Board: Compliance Committee reviewed a draft, not ready to present to Board yet.
 3. New format for Board's recommendation to Court following each meeting—also in process by Compliance Committee
 4. Certification form to Board that Guardian notified Ward and Attorney of Hearing Date—Compliance Committee has approved that Guardians can present us one form listing all the Disabled Persons/Attorneys whom they have notified of hearing, rather than a certificate for each Disabled Person.
- F. NEW BUSINESS:
1. Compliance Committee Report:
 - Met January 18.2018.
 - Chip presented a draft of written request for Attorney General Opinion regarding whether we are a state or county entity, as per Board vote at last Board meeting. Committee approved and finalized draft, Chip sent it to Attorney General via email.
 - Steve presented DSS proposed certification form to Board that Guardian notified Ward and Attorney of Hearing Date. Committee approved the format. Need to ensure that Office of Aging can follow same process. Archana will reach out to Ofelia Ross who is in charge of Office of Aging.
 - Committee discussed that Bylaws which had been adopted by Board on Nov 3, 2017 have some small typographical errors. Committee voted to allow Chip to correct these, without need to present again to Board as these are not substantive changes, and do not require formal Amendment of the Bylaws.
 - Committee discussed how it should be handled when Board asks to review a Guardianship case in 3 months, which is earlier than the usual 6 month review. Procedural/logistic/due process factors were considered and following conclusions were reached:
 - a. All such rehearings in 3 months that are requested for the purpose of further evaluation of whether guardianship is really needed or not should be considered a FULL review, regardless of type of hearing that concern is brought up in.
 - b. As such, proper Notice to Person and Attorney of FULL review should occur in a timely manner prior to the rehearing in 3 months.
 - c. If review during which concern is expressed is a FULL review, then Person is either present or Attorney present has waived Person's presence. In that case, the official Notice of Hearing at the requested 3 month mark can be made verbally on the floor at the meeting, without further notification needed and when heard next in 3 months it will remain a FULL review.
 - d. If review during which concern is expressed is a FILE review, then there is no requirement that Person (or attorney?) should have been notified about current meeting (although our current practice is to notify for both full and file hearings, this is not the legal requirement). Therefore, if during a FILE review we decide that we need to hear it again in 3 months, then official Notice of Hearing must be sent prior to that as per requirement for FULL reviews.
 - e. As the rehearing in 3 months throws the Person off the previous schedule for hearings, and may throw off the FULL/FILE rotation, for logistical purposes the Guardian may choose to revert to the previous rotation, as long as there is never an interval longer than 6 months between when the cases are heard, and never an interval longer than 12 months between FULL reviews.
 2. Open to new business from floor.
- G. Seek motion to adjourn open meeting and to move to closed meeting to review Guardianships.
- H. Reminder of next meeting date/time (Thursday May 3 at 8:30 am)



Agenda prepared by Archana Leon-Guerrero, Board Chairperson