

WEBVTT

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00:00:00.000 --> 00:00:09.989

Um, it's terrific to see everyone's number showing up as we got. Well, over 170 participants this morning.

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00:00:09.989 --> 00:00:16.048

Um, for those of you that don't know my name is Matt Wagoner on the information specialist, statewide lead.

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00:00:16.048 --> 00:00:19.498

Stacey introduce yourself.

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00:00:19.498 --> 00:00:28.320

All right can you hear me? I am Stacy. Bot I'm an information specialist, and I am located in the Springfield office.

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00:00:28.320 --> 00:00:43.200

We really appreciate everyone participating today. Our webinar, the presentation itself shouldn't take a long time, which will leave us some time to answer questions because I'm sure that there will be lots and lots of questions.

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00:00:43.200 --> 00:00:57.000

So what's changing? So, as of December 1st, 2021, the information specialists officially started providing centralized coordination of the guardianship request process.

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For the division of developmental disabilities, um.

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So, as part of the organizational efficiency process that took place, it started in. Gosh, well, earlier this year.

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00:01:10.829 --> 00:01:16.379

We looked at different functions within the information specialist system.

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And, uh, determined that it might be more conducive.

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To centralize the guardianship coordination process.

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The decision to absorb those duties, uh, was not based upon any issue or problem. The, the process was being done very well in the individuals that were performing. It were doing a great job.

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00:01:41.245 --> 00:01:47.844

It really just came down to the process of centralization and, um, overall supervision.

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00:01:52.319 --> 00:01:59.819

Okay, and this is just a reminder that obviously the division is not involved with every single.

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00:01:59.819 --> 00:02:03.569

Guardianship for all of the clients.

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00:02:03.569 --> 00:02:13.525

Uh, individuals and families often pay for their own guardianship, their legal counsel and then if they cannot afford it, they can always try legal aid.

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00:02:13.675 --> 00:02:21.055

In fact, uh, general counsel has recently been pushing to have them apply through legal aid before.

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00:02:21.360 --> 00:02:32.280

Applying through dmhc, um, and there was a lot of them a couple years ago getting approved illegal aid was assisting, that kind of dropped off for some reason when Kobe hit. But, uh.

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00:02:32.280 --> 00:02:36.419

Hopefully, they'll get back to being able to assist a few more people.

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00:02:36.775 --> 00:02:48.354

And then the division can help with guardianship when there's insufficient resources. So that's 1 of the things that we're going to also need to push back a little bit on.

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00:02:48.354 --> 00:02:55.525

And get a little more proof of is the, um, the, the resources for the individuals that are applying we need to make sure that.

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00:02:56.370 --> 00:03:08.849

They weren't able to get assistance anywhere else and have to show that the need for financial assistance for legal. And basically, this just means that DMA just to be the option of last resort.

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00:03:10.405 --> 00:03:21.264

Right and just a note would typically lean on general counsel to make the final decision on financial need, and let them determine that process.

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00:03:21.264 --> 00:03:28.465

And what that means that's not a decision that we will make as guardianship coordinators. Um.

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00:03:28.830 --> 00:03:33.360

So, the biggest change that we want to talk about this morning, is that.

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Prior to December, 1st, guardianship packets were handled on a regional basis. Um, each regional office typically had its own guardianship coordinator and those were submitted regionally.

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We are transitioning that process away from a regional submission of.

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Guardianship packets and exhibit packets as well as just questions and a request for technical assistance. The new process as of December 1st, is that there is an email.

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Address that we're going to request that all exhibit packets be submitted through and that questions or requests for technical assistance be submitted there as well. Any questions surrounding guardianship.

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00:04:20.399 --> 00:04:34.949

Regarding the division, we're gonna ask that that'd be submitted to DD guardianship at dot dot. Gov. And the way that you see it type there is the way that it needs to be entered into the address bar. Um.

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00:04:34.949 --> 00:04:45.509

So, that would be for submitting guardianship exhibit packets, but also asking questions, requesting, technical assistance anything when, in doubt.

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00:04:45.509 --> 00:04:49.379

Submit an email to the guardianship.

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Dd guardianship.

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00:04:53.309 --> 00:05:01.439

Dot Gov. Once that's those are submitted the inbox, we're going to monitor those.

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Myself, and then some other individuals within the information specialists, so that we have some redundancy in place we'll have access to the email box and those will get assigned out to the information specialists.

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00:05:15.059 --> 00:05:26.908

Across the state, so you may reside in in, in Columbia or for central Missouri, but you may work with Stacy, who is in, um.

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00:05:26.908 --> 00:05:31.259

Springfield, so, as the overall.

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00:05:31.259 --> 00:05:35.009

Division information specialist, um.

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00:05:35.009 --> 00:05:39.988

Handles things on a state wide basis. That's how we're going to handle.

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00:05:39.988 --> 00:05:43.738

Guardianship 1 email box.

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00:05:43.738 --> 00:05:49.798

Submitted and then we'll go from there. It will be then assigned out.

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00:05:49.798 --> 00:05:55.348

To 1 of our information specialists, and now guardianship coordinators who will be in touch.

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00:05:55.348 --> 00:06:00.569

Um, to talk through the process, assist in technical assistance and things like that.

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00:06:02.843 --> 00:06:09.923

Matt, is it, okay if I remind everybody that we're not allowed to give legal advice? I think that that would be great.

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00:06:09.923 --> 00:06:19.463

Stacy please remind people that yeah, I just sometimes I get questions that kind of border on whether, or not it's legal advice.

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00:06:19.463 --> 00:06:31.584

And so I just wanted to remind everybody when submitting questions to the, the email address that we can't give legal advice. We're happy to answer questions that we can and we can look things up and help you out.

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00:06:31.584 --> 00:06:38.874

But as far as legal advice goes, we can't give that I think office of general counsel would appreciate it if we did not, you know.

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00:06:39.653 --> 00:06:46.283

Offer legal advice. We have no legal training. Okay.

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00:06:46.283 --> 00:06:58.584

And this next slide just a quick reminder that guardianship is considered to be the most restrictive alternative, and it does involve taking away an individual's right to choice.

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So it needs to be something that we consider. Very seriously before we do it and that's why it's important to know and consider all of the alternatives to guardianship. 1st.

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00:07:11.278 --> 00:07:14.848

And then on the next slide, we have a few of those alternatives.

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So, let's talk a little bit about, um, alternatives to guardianship. Probably the 1st, 1, that you'll see, is durable power of attorney.

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So, again, this is not this webinar isn't intended to provide you an in depth understanding of all of the alternatives, but to spur some conversation.

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00:07:36.983 --> 00:07:45.144

So, um, power of attorney basically gives, um, a 3rd party, the ability to do business on your behalf.

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However, at the time of Incapacitation, a power of attorney ceases to be, in effect a durable power of attorney remains in effect.

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If an individual becomes incapacitated for whatever reason so durable power of attorney's remain in place. Um, sometimes people seek guardianship, perhaps because of money issues.

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00:08:07.043 --> 00:08:17.754

And technically that's really more of a conservatorship, but sometimes those things can be addressed simply by approaching social security.

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00:08:18.653 --> 00:08:33.413

To become representative Peggy of someone else's of the individual's benefit to help them kind of manage that money. The, the social security benefit would come to the representative on behalf of the individual.

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00:08:33.688 --> 00:08:40.048

Living wills, so sometimes guardianship is sought because.

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00:08:40.048 --> 00:08:43.288

There are medical conditions that are in that are.

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00:08:43.288 --> 00:08:52.524

That are of concern and perhaps, because of a terminal medical condition. So living will do not resuscitate.

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They go by lots of different names, but perhaps something like that could be explored without having to.

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00:08:59.908 --> 00:09:10.943

Um, take that official step of seeking a guardianship, um, a trust, a lot of times trusts have to do with resources and they have to do with assets.

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00:09:11.783 --> 00:09:20.303

So, guardianship may be sought, so that an individual's assets, or someone else's assets do not cause do not affect them.

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00:09:20.303 --> 00:09:20.514
So,

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00:09:20.514 --> 00:09:22.433
a trust would allow homes,

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00:09:22.464 --> 00:09:23.333
vehicles,

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00:09:24.953 --> 00:09:31.494
insurance beneficiaries to be placed in an official legal trust,

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00:09:31.734 --> 00:09:35.364
which would be available to the individual,

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00:09:35.364 --> 00:09:37.403
but they wouldn't be considered an asset.

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00:09:37.403 --> 00:09:47.903
And consequently, the individual might not run the risk of them losing their benefit. Especially Medicaid, which would then could affect their ability to participate in our waiver.

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00:09:49.499 --> 00:10:02.818
Another 1 is community supports, have we explored all of those other community supports community agencies that may be disability specific, or may be available to the general public.

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00:10:02.818 --> 00:10:13.678
To support the individual in some way, without having to fully terminate their rights. And the last 1 is supported decision making and.

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00:10:13.678 --> 00:10:25.379
We're going to spend a little bit more time, just talking specifically about supported decision making because of the initiatives that have taken place recently in the state and that, um.

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00:10:25.379 --> 00:10:28.798
You know, the, the division has the department has.

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00:10:28.798 --> 00:10:41.009

Committed quite a bit of resources towards educating the public as well as the courts and making some revisions to the guardianship.

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00:10:41.009 --> 00:10:46.259

Laws to support.

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00:10:46.259 --> 00:10:51.328

Or, to encourage the exploration of supported decision making so I'm going to.

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00:10:51.328 --> 00:10:56.519

Turn it over to Stacy and let her give us kind of a a brief overview of what that is.

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00:10:58.708 --> 00:11:09.599

Yeah, the governor actually signed a a bill until into 2018 that specifically stated that supported decision making was to be.

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00:11:09.599 --> 00:11:12.688

Considered before guardianship.

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00:11:13.104 --> 00:11:18.323

And it's also in the petition that is sent to the court for every guardianship,

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00:11:18.323 --> 00:11:20.453

there's a sentence in there that says,

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00:11:20.514 --> 00:11:20.753

you know,

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00:11:20.753 --> 00:11:28.614

somewhere that there's no less intrusive alternatives to guardianship available to provide for respondents care and financial needs.

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00:11:28.614 --> 00:11:35.274

So that's kind of why we're explaining supported decision making a little bit more here because of the importance of it.

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But it is an alternative to guardianship if you're not sure exactly.

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What it is a simple way to explain it, is that we all use it.

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00:11:45.173 --> 00:11:59.573

Uh, in my early twenties, I probably used it quite a bit what I call my parents and ask them a 1Billion questions about life and finances and everything else. Uh, so it's not like it's something that we all don't use.

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00:11:59.573 --> 00:12:10.913

So them using it is just the same as anybody else we all do it. Uh, it promotes self determination, control and autonomy. Again, it gives them the ability to keep.

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00:12:11.399 --> 00:12:15.808

Quite a few of their decision making powers in their rights.

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00:12:15.808 --> 00:12:25.918

It fosters independence supporters are selected by the person with the disability. So they get to pick the people that do these things for them.

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00:12:25.918 --> 00:12:31.499

Obviously, we make sure that these people are willing and able to do it, but if they are, then the.

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00:12:31.499 --> 00:12:34.528

The client gets to pick who does this.

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00:12:34.528 --> 00:12:44.129

And then the individuals and supporters execute a support a decision making agreement. So it's something that they would all sit down and agree to everybody would know their role. And what they're doing.

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00:12:44.129 --> 00:12:51.389

And as a viable means to provide people with disabilities the opportunity to keep their decision making rights, like I said.

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00:12:51.389 --> 00:12:54.749

Just a minute ago, it is a way for them to.

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00:12:54.749 --> 00:12:59.548

To stay independent or as independent as possible.

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00:13:02.724 --> 00:13:17.063

Great and there are other resources related to more specific resources related to supported decision making that are out on the website. And, uh, most likely will refer you back to those.

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00:13:17.063 --> 00:13:21.594

Especially if there are questions about it, try and get those resources in people's hands.

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00:13:23.693 --> 00:13:38.063

So, here's the, the basics of, of the change to support a decision making I mean, guardianship within the division basically 1st, and foremost is that we have moved away from a regional.

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00:13:38.399 --> 00:13:43.379

Um, model to a centralized, statewide model. Um.

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00:13:43.379 --> 00:13:50.038

Referrals are going to be sent to the guard, the email address, you see listed below. There'll be, um.

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00:13:50.038 --> 00:13:56.339

Filtered out to the information specialists and guardianship coordinators.

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00:13:56.339 --> 00:14:03.119

Um, and questions for tech, you know, regarding the guardianship process.

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00:14:03.119 --> 00:14:07.139

Um, or technical assistance can all be submitted there.

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00:14:07.139 --> 00:14:15.119

Stacey brought up a good point. Uh, and we talked about it this morning and unfortunately we didn't put it on a slide, but.

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00:14:15.173 --> 00:14:27.203

Any current guardian ships that are in process are going to be handled by the guardianship coordinator you're currently working with. So those may not be handled through the information specialist.

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00:14:27.234 --> 00:14:36.293

It it doesn't make sense to interject ourselves into a process that's already underway and just runs the risk of us.

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00:14:36.509 --> 00:14:46.048

Missing something, and ultimately the individual suffering because of it. So basically by attrition, um, anything new.

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00:14:46.048 --> 00:14:58.589

As of today, we'll come in through the DD guardianship and dot. Gov but if you're currently working with a guardianship coordinator, um, and have already begun the process, then.

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00:14:58.589 --> 00:15:06.839

Then, we'll, we'll continue that process will continue until it's finalized just to avoid any.

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00:15:06.839 --> 00:15:10.589

Mishandling of the situation and.

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00:15:10.589 --> 00:15:15.028

Ultimately, the individual suffering because of it.

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00:15:15.028 --> 00:15:21.058

Can you see anything else that I missed? I see that. We do have quite a few questions.

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00:15:21.058 --> 00:15:32.849

Uh, in the chat box and us just kind of been browsing them. Several of them are asking about if they apply for legal aid and legal aid says that they can't help.

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00:15:32.849 --> 00:15:41.428

Um, what resources do they have if, if they have the need and they apply through legal and legal aid denies for whatever reason.

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00:15:41.428 --> 00:15:50.519

Typically, it's usually here, they don't have the funds right now or something. They will send a denial letter and then you can just.

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00:15:50.519 --> 00:15:59.879

F*** that denial letter in with your packet for your application for the dmhc because obviously, if they have the need and they qualify.

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00:15:59.879 --> 00:16:03.928

And they have a financial need there then.

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00:16:03.928 --> 00:16:10.259

You can apply through DMA and when in doubt ask.

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00:16:11.849 --> 00:16:21.328

What are some other questions I'm trying to pull up chat myself and see if we can answer them.

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00:16:21.328 --> 00:16:28.408

Well, dmhc review less restrictive alternatives with the individual and seek out additional supporting information.

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00:16:28.408 --> 00:16:37.168

So, will we meet with that individual? No, we'll probably ask some questions, especially because they are.

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00:16:37.168 --> 00:16:42.509

Part of the legislation now that covers guardianship we're gonna we're gonna ask you to.

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00:16:42.509 --> 00:16:55.583

Um, kind of give some detail, um, specifically regarding the, the topic of supported decision making, and that all other options have been explored and that this is the only option.

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00:16:55.764 --> 00:17:06.773

Obviously, we understand that there are going to be individuals who require a guardian. Um, so we're not trying to get away from that, but we're just trying to remain congruency.

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00:17:07.078 --> 00:17:07.828

With,

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00:17:07.884 --> 00:17:08.663

um,

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00:17:09.503 --> 00:17:11.604

what's what's already in existence,

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00:17:11.604 --> 00:17:13.794

especially from a legislative standpoint,

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00:17:14.183 --> 00:17:14.634

um,

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00:17:14.663 --> 00:17:15.953
or legal standpoint,

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00:17:16.284 --> 00:17:16.854
um,

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00:17:16.884 --> 00:17:17.903
that we're,

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00:17:17.963 --> 00:17:23.663
we're remaining congruent with with all sides and that we're ensuring
that supported decision,

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00:17:23.663 --> 00:17:24.804
making and other,

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00:17:24.983 --> 00:17:26.753
less restrictive options,

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00:17:26.753 --> 00:17:30.834
have been explored and are really not a feasible option.

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00:17:30.894 --> 00:17:31.973
For this individual.

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00:17:33.328 --> 00:17:46.588
Yeah, I would add to Matt, um, if, if somebody has not had the pleasure
of filling out a guardianship packet yet, um, it is pretty thorough and
between the.

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00:17:46.588 --> 00:17:55.679
Physicians interrogatories in the case manager's statement uh, that's
usually covered in there. I mean, if, if they answer it pretty detailed.

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00:17:55.679 --> 00:18:01.019
And don't just give some quick answers that that's all pretty much
covered in, in those 2 things.

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00:18:01.019 --> 00:18:09.598

Right. And again we're not going to offer legal advice. Okay. We're going to ask, you know, that you.

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00:18:09.598 --> 00:18:14.219

You know, that you respond to those questions in as much detail as you can.

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00:18:14.219 --> 00:18:17.278

And then will allow general counsel.

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00:18:17.278 --> 00:18:22.469

To to, to give us the thumbs up or the.

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00:18:22.523 --> 00:18:23.963

Let's ask more questions,

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00:18:24.534 --> 00:18:25.374

I will say,

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00:18:25.374 --> 00:18:31.134

just as a teaser that after the 1st of the year we will have a secondary webinar,

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00:18:31.463 --> 00:18:37.854

where we're stacy's going to actually present a webinar on how to put the packets together.

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00:18:38.693 --> 00:18:47.513

And how to do each page of that exhibit packet and, um, we feel like That'll be great information. Not that we don't want to answer questions.

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00:18:47.513 --> 00:18:58.943

We do we want to provide as much technical assistance as we can, but it'll have it in in basically webinar form as well. So it'll help with some training. Um.

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00:18:59.249 --> 00:19:05.818

Some training pieces, any other questions that we're seeing.

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00:19:05.818 --> 00:19:16.618

This is not a question, but somebody did put in here that you could possibly try Catholic legal services. Apparently they're helping 1 of their families right now. Okay. So there's another resource.

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00:19:16.618 --> 00:19:26.098

And I'm not sure if so, let me add on to that before another question gets asked I'm not sure if that's a statewide or if that's regionally based.

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00:19:26.098 --> 00:19:31.019

Um, any other questions.

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00:19:31.019 --> 00:19:37.259

Uh, asking about the average turnaround time from when a packet is submitted or a question.

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00:19:37.259 --> 00:19:42.929

To the email address how long it'll take for them to hear back we like in a day or 2.

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00:19:42.929 --> 00:19:47.338

We, we try to have a pretty quick turnaround that at once you refer it.

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00:19:47.338 --> 00:19:52.949

Obviously, if you refer it on a Friday, we're going to look at Monday or Tuesday.

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00:19:52.949 --> 00:19:59.368

Um, but we would, I would like to see pretty, pretty quick turnaround. At least someone saying, hey, I've gotten it.

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00:19:59.368 --> 00:20:03.028

We're taking a look at it and we're.

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00:20:03.028 --> 00:20:09.239

We're in the process, especially if it's a question. Um, I want our folks to.

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00:20:09.239 --> 00:20:14.489

To reach out and say, I'm at least aware of it so that, you know, that we've got it.

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00:20:14.489 --> 00:20:19.919

Okay um, and we'll kind of go from there.

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00:20:22.679 --> 00:20:33.624

And then can we email questions to that email? I think we answered that. Yeah, most definitely sure. And then how understanding that we're not offering legal advice, right? Depending on the question, right?

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00:20:33.624 --> 00:20:40.134

Depending on the question, you can ask any question, but we may say that's a question we might want to refer up the chain. So.

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00:20:41.183 --> 00:20:52.403

And then, how is someone deemed eligible for what income guidelines? So, this is not an eligibility in eligibility. This is just something that the division is able to do.

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00:20:52.913 --> 00:21:00.054

So there isn't an income guideline or a checklist or a, this or that. Um.

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00:21:00.298 --> 00:21:08.278

That's ultimately just the support coordinator and the team indicating this is the need.

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00:21:08.278 --> 00:21:21.568

And, um, you know, we've, we've spoken pretty extensively with Denise Thomas and her team, and they feel comfortable that they can kind of vet those.

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00:21:21.568 --> 00:21:26.669

So present the information, we'll submit it to to them.

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00:21:26.669 --> 00:21:29.999

And ultimately, let them make the final decision.

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00:21:31.199 --> 00:21:36.449

I'm sorry, I can't be more specific.

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00:21:36.449 --> 00:21:40.019

And I think that's about all if we missed any.

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00:21:40.019 --> 00:21:43.709

You're gonna have a few more. Are there a few more.

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00:21:43.709 --> 00:21:58.314

You can just chat and maybe sure can our consumers who can afford to pay for the guardianship process use our lawyers. I have many that cannot find a lawyer. Oh, wait. Okay. That's a great question.

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00:21:58.314 --> 00:21:59.483

And that's something that.

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00:21:59.788 --> 00:22:09.689

I can't answer, but it's something that we'll definitely research and we will answer that on our.

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00:22:09.689 --> 00:22:13.138

Q, and a frequently asked questions, we will respond to that.

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00:22:13.138 --> 00:22:20.699

Stacy oh, that's a great 1. so help me remember that. But we will we will check that out and we will provide.

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00:22:20.699 --> 00:22:28.288

Our response great question.

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00:22:28.288 --> 00:22:31.469

Give me 3rd, I think there's a few more. Okay.

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00:22:31.469 --> 00:22:43.949

Well, we scheduled a lot of time, we knew that the presentation wouldn't go that long because the changes weren't going to be big, but we did want to build in a lot of time to ask questions because when things change, people have questions.

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00:22:56.519 --> 00:22:59.969

While we wait, does anybody want to sing a little song or.

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00:22:59.969 --> 00:23:03.959

Don't tempt me don't them Stacey?

188

00:23:10.949 --> 00:23:15.088

Um, okay, so what proof.

189

00:23:15.088 --> 00:23:24.058

Do we need to provide that other sources have been tried or not appropriate? When asking for DMX to take on the case?

190

00:23:24.058 --> 00:23:34.378

For guardianship, I'm not sure. So I'm going to throw out my thoughts. I'm going to have Stacy throughout her thoughts. Um, I think that the proof would come down to the support coordinator statement.

191

00:23:34.378 --> 00:23:37.528

Detailing out what.

192

00:23:37.528 --> 00:23:44.338

What's been what's been looked at? What's been considered and why? Those things aren't feasible. Stacy what do you think.

193

00:23:44.338 --> 00:23:49.588

Well, typically, we just ask if it doesn't have to be a formal.

194

00:23:49.588 --> 00:23:58.348

Like, we don't need WW two's and pay stubs or anything like that, but we just need to know like, where they work. What if, if it's a family.

195

00:23:58.348 --> 00:24:03.269

That's paying for it. Um, just like their major.

196

00:24:03.269 --> 00:24:07.648

Income and expenses to show the need, um.

197

00:24:08.124 --> 00:24:21.263

And then if you applied somewhere else, then you would get a denial letter from legal aid or they, they usually ask what the quotes were. And from whom the quotes came for local attorneys in the area.

198

00:24:21.263 --> 00:24:25.284

Like, you know, if you live here in Springfield, let's say you called.

199

00:24:25.798 --> 00:24:32.759

He doesn't do it, but Aaron Sachs, everybody knows him. Aaron Sachs said it was going to cost 2500 dollars and.

200

00:24:32.844 --> 00:24:35.003

We don't have that and here's why so,

201

00:24:35.993 --> 00:24:36.354

and,

202
00:24:36.384 --> 00:24:38.544
and I think probably adding onto that,

203
00:24:38.604 --> 00:24:39.354
that we've,

204
00:24:39.384 --> 00:24:48.473
maybe the team has looked at supported decision making they've looked at some other options that just aren't feasible and kind of in a discussion of why they're not feasible.

205
00:24:48.503 --> 00:24:55.913
Why, it's not an option so why there's a financial need and high guardianship is basically being requested overall and what you've looked at.

206
00:24:57.749 --> 00:25:00.838
Is a written contract.

207
00:25:02.459 --> 00:25:08.278
Is is that right?

208
00:25:08.278 --> 00:25:12.659
Yeah, the supportive decision making doesn't need to be in a written contract.

209
00:25:13.739 --> 00:25:20.699
They have a formal there, so some of the materials I think that are out on the Web site do provide and.

210
00:25:20.699 --> 00:25:27.209
Some of the national groups that that talk about supported decision making do have.

211
00:25:27.209 --> 00:25:30.929
A formal agreement, I guess, a contract.

212
00:25:30.929 --> 00:25:34.709
Do you have to have that? I know.

213
00:25:34.709 --> 00:25:40.199

Um, because it's it's a, it's an informal process.

214

00:25:40.199 --> 00:25:43.858

But has formal, um.

215

00:25:43.858 --> 00:25:49.499

You know, outcomes where someone is supporting that individual.

216

00:25:49.499 --> 00:25:55.798

But but there, it doesn't require like both parties enter into a contractual agreement.

217

00:25:57.659 --> 00:26:00.719

They're out there you can look at them. I've, I've seen them.

218

00:26:00.719 --> 00:26:15.689

But they're not mandated. How does HIPPA apply when completing guardianship packet? An individual cannot sign that the release is needed to gather information needed in the packet.

219

00:26:15.689 --> 00:26:20.669

That's a great question and that's going to be something that we're going to have to.

220

00:26:20.669 --> 00:26:25.108

Run up the flagpole and get some information.

221

00:26:25.108 --> 00:26:29.608

And then give it back to you, because I would hate to shoot from the hip and give wrong information today.

222

00:26:29.608 --> 00:26:39.598

But that's a great question. Where is the supporting decision making agreement located?

223

00:26:39.598 --> 00:26:48.118

So, I have seen it on, um, there's a supported decision making website so we will put that in the.

224

00:26:48.118 --> 00:26:58.138

In our Q, and a frequently asked questions, we'll link it to, um, to that Web site. Uh.

225

00:26:59.368 --> 00:27:06.778

But there's a, I don't want to use the wrong term, but there's almost like a national consortium of supported decision making and.

226

00:27:08.338 --> 00:27:12.749

So, we'll get that linked and it, it has examples of.

227

00:27:12.749 --> 00:27:17.159

Agreements, but we'll make sure that we get all of that in the.

228

00:27:17.159 --> 00:27:25.679

And the frequently asked questions, can I ask request services for an individual or provide information?

229

00:27:25.679 --> 00:27:37.588

So, a supported decision maker is what I'm going to assume. So, unless you are, unless they have a durable power of attorney.

230

00:27:38.939 --> 00:27:44.578

Then, according to the division, they could not make decisions on behalf of the individual.

231

00:27:44.578 --> 00:27:51.118

If the individual retains their rights, and they do not have a durable power of attorney in place.

232

00:27:51.118 --> 00:28:01.858

Then, no, they could not and I'm trying not to offer legal advice. So I'm just, I'm basically giving you my understanding from when I worked in intake.

233

00:28:01.858 --> 00:28:09.209

And that was the, the protocol that they could not make, they could not request services and they could not make official decisions unless.

234

00:28:09.743 --> 00:28:10.134

As,

235

00:28:10.134 --> 00:28:12.534

and if the individual was at the age of majority,

236

00:28:12.564 --> 00:28:12.953

okay,

237

00:28:12.953 --> 00:28:14.874
so above 18 or older,

238

00:28:15.473 --> 00:28:16.554
if they retain their rights,

239

00:28:16.554 --> 00:28:18.594
and did not have a durable power of attorney or,

240

00:28:19.284 --> 00:28:19.733
you know,

241

00:28:19.763 --> 00:28:23.483
someone that was like a mom or dad who had a release,

242

00:28:23.513 --> 00:28:24.894
could get information.

243

00:28:25.138 --> 00:28:34.259
But they could not make final decisions. Can you send out the guardianship packet as I know it was updated.

244

00:28:35.729 --> 00:28:46.223
So, yes, we will figure out what we would like to do is is have a place on the website where some of our documents are located. Here's gonna be my caution.

245

00:28:46.253 --> 00:28:58.523
My cautionary statement to the packet is, I think sometimes people want to run and get that packet completed without 1st, talking with a guardianship coordinator, and getting that on the radar.

246

00:28:59.124 --> 00:29:04.193
So, my, my cautionary statement is this. I wouldn't encourage that.

247

00:29:04.193 --> 00:29:14.364
I'd start the process by making a referral reaching out through the email and allowing us to give you the packet, not because it's proprietary or we're trying to conceal anything.

248

00:29:14.604 --> 00:29:19.284

But because once you get that doctor's signature, you have 6 months.

249

00:29:19.588 --> 00:29:22.798

And things get busy.

250

00:29:22.798 --> 00:29:27.568

Okay, and so you may get that going.

251

00:29:27.568 --> 00:29:42.479

And get the doctor, and they sign off, they move on it, but not everything is together and you could have a 2 or 3 month delay that doctor signature starts your clock. And so, by the time it comes to us, maybe you've only got 3 months left.

252

00:29:42.479 --> 00:29:49.048

So, my preference would be to say, reach out to us. Let's talk through the process.

253

00:29:49.048 --> 00:29:54.269

Let let us support you and then move forward with getting you the packet.

254

00:29:54.269 --> 00:29:59.308

Um, so that we don't run the risk of, of running outside of our timelines.

255

00:30:01.769 --> 00:30:10.409

We have someone that says they just want to clarify we send the completed packet to you. Correct? What is the criteria?

256

00:30:10.409 --> 00:30:13.588

For the packet to move forward after you receive it.

257

00:30:13.588 --> 00:30:19.288

So, when Stacy, why don't you talk through that process a little bit cause you've done that.

258

00:30:19.288 --> 00:30:22.499

Yeah, when it's submitted.

259

00:30:22.499 --> 00:30:31.134

I looked through it 1st of all to make sure there's no errors or, you know, if anything's been omitted and we'll communicate back and forth to get it completed properly.

260

00:30:31.134 --> 00:30:33.233
And then once it's it's completed,

261

00:30:33.354 --> 00:30:34.763
I send it on up to,

262

00:30:34.794 --> 00:30:35.243
uh,

263

00:30:35.334 --> 00:30:42.503
assistant general counsel and then it goes through a process where they look at the doctor's interrogatories,

264

00:30:42.534 --> 00:30:43.223
and sort of,

265

00:30:43.253 --> 00:30:43.584
you know,

266

00:30:43.584 --> 00:30:52.013
just kind of look at the medical need to make sure that this person definitely qualifies and needs a guardian or conservative.

267

00:30:52.318 --> 00:31:06.118
And then, basically, that's about the only step that there is after it's submitted to assistant general counsel is just to make sure that there's a need there. And then the financial need is there as well.

268

00:31:08.878 --> 00:31:12.449
You've probably answered this, but I'm gonna go ahead. Um.

269

00:31:12.449 --> 00:31:19.528
Can damage, help a family member, obtain guardianship if they cannot afford it and are denied by legal aid.

270

00:31:19.528 --> 00:31:22.618
So, yeah, always just submit it and we'll.

271

00:31:22.618 --> 00:31:34.979
We'll work through the process. When did they ask.

272

00:31:34.979 --> 00:31:48.568
I'll see a question on here that says this, someone from this email group file with the course or is it the responsibility of the family or case manager? And I think I kind of touched on that just a 2nd ago. When I mentioned that we are the ones that.

273

00:31:48.568 --> 00:31:56.098
Send this to assistant general counsel, and then they draw up the petition and then they send it to the court.

274

00:32:00.058 --> 00:32:07.888
I have only received denial from an intake and referral from legal aid. I have not been provided.

275

00:32:09.179 --> 00:32:13.439
Says no letter for assistance for Guardian Co guardianship.

276

00:32:15.479 --> 00:32:24.929
So, my recommendation would be, because that's not there's there's some questions I have there go ahead and submit that question with a little bit more detail.

277

00:32:24.929 --> 00:32:31.558
To the to the email address, and let's see what we can do to help you on that in an individual basis.

278

00:32:33.209 --> 00:32:36.929
Can you remind us which professionals will fill out the.

279

00:32:38.489 --> 00:32:42.179
So, Stacey, yeah, um.

280

00:32:42.179 --> 00:32:46.259
The important thing to remember, because I think that the most.

281

00:32:46.259 --> 00:32:56.308
That I've gotten have tendency to be nurse practitioners or positions assistance, because doctors are very busy, and they have these people do them things for them. So.

282

00:32:56.308 --> 00:33:09.358

If those come in as a physician assistant or a nurse practitioner, we cannot accept those. It has to be somebody that has a doctorate degree. So it has to be like a psychologist, a psychiatrist a physician.

283

00:33:09.358 --> 00:33:12.868

In neurologist somebody with a doctorate.

284

00:33:12.868 --> 00:33:16.828

That's in that line of work somewhere in there.

285

00:33:16.828 --> 00:33:23.848

And I will say, like, at the 1st of the year, we will plan on having a pretty in depth webinar.

286

00:33:23.848 --> 00:33:29.159

Like, bring a snack and a drink and stacy's going to walk through all the.

287

00:33:29.159 --> 00:33:37.019

The forms, and we may bring in a couple of the, uh, guardianship coordinators to to not have Stacey do all of it by herself.

288

00:33:37.019 --> 00:33:41.009

Oh, yeah, because it's super exciting material too.

289

00:33:41.009 --> 00:33:50.848

We have some that are their own guardians, even though they should not be, what can we do in those situations? These particular.

290

00:33:50.848 --> 00:33:57.929

People also have no family to assume the role nor assist with removal of guardianship suggestion.

291

00:33:57.929 --> 00:34:06.088

So that is something that you could submit to the guardianship and basically we would.

292

00:34:06.088 --> 00:34:14.278

Approach general counsel about it is assistant general counsel that would be us not making giving legal advice.

293

00:34:14.278 --> 00:34:21.088

Um, and making sure that everything is copasetic it, you know.

294

00:34:21.088 --> 00:34:31.409

In in those terms, so instead of providing a, this is how we would handle it in general terms, submit the question in the situation to the email address and we'll.

295

00:34:31.409 --> 00:34:38.548

Submit it to general counsel for their input and then we'll, we'll provide that back to, you.

296

00:34:40.858 --> 00:34:51.059

This question kind of links back to that. If someone has questions regarding package, do they email the new email? Or can they reach out to someone read? Only.

297

00:34:51.059 --> 00:34:55.409

Ok, so if you've already started the process.

298

00:34:55.409 --> 00:35:03.539

On the regional basis, and you've already been working on the package, you're going to continue to work with that individual. If it's a new request.

299

00:35:03.539 --> 00:35:07.139

As of today, then.

300

00:35:07.139 --> 00:35:16.079

Go ahead, and submit questions through the email address. So if you've already started and you're already working on a packet, then.

301

00:35:16.079 --> 00:35:26.489

Stay with that guardianship coordinator. Are you asking that? They send the entire packet to that email?

302

00:35:26.489 --> 00:35:32.699

Yes, when well, what will happen is when you typically get assigned to, um.

303

00:35:32.699 --> 00:35:39.478

To work with an individual through the information specialist garden, some coordinator, you'll work with them directly.

304

00:35:39.478 --> 00:35:47.489

Okay, so so typically, you'll, you'll work very closely with February coordinator, and they can submit.

305

00:35:47.489 --> 00:35:56.969

The pack, you can submit the packet directly to them, but if you have questions, and maybe you don't remember and you want to submit it, you can.

306

00:36:00.358 --> 00:36:03.778

When in doubt, send an email through that.

307

00:36:03.778 --> 00:36:10.438

Through that email address, I would rather be inundated with emails than never get any.

308

00:36:12.119 --> 00:36:21.958

If the family can't afford guardianship with denial from legal aid, how does the fund payment of a lawyer? The process I'm assume I'm presuming.

309

00:36:21.958 --> 00:36:25.018

Now, this does not go through utilization review.

310

00:36:25.018 --> 00:36:33.628

So, if if if the individual is requesting assistance through the general counsel, you would just reach out to us.

311

00:36:33.628 --> 00:36:37.588

And we'll take, we'll, we'll begin the process from there.

312

00:36:37.588 --> 00:36:50.548

But, no, it does not go through utilization review. That's a great question though.

313

00:36:50.548 --> 00:37:03.449

Terrific question. Okay. Should be an individualized for the written or oral.

314

00:37:03.449 --> 00:37:11.579

Internet forms are helpful, but not required. If you are formalizing agreement in writing.

315

00:37:11.579 --> 00:37:20.849

And are you using a form? You should modify the form to suit the individual particular the individual's particular needs and wishes. So it's kind of not a question but a statement.

316

00:37:20.849 --> 00:37:33.539

Okay, well we appreciate whoever put that in.

317

00:37:33.539 --> 00:37:36.568

Does someone from this email group.

318

00:37:36.568 --> 00:37:42.659

File with the courts, or is it the responsibility of the family or case manager?

319

00:37:42.659 --> 00:37:46.018

Okay, so Stacy has already answered this.

320

00:37:46.018 --> 00:37:55.679

The general counsel will file with the courts once everything's in order, and they've given final approval. They will file it with the courts.

321

00:37:55.679 --> 00:38:08.668

Is you able to help families apply for alternatives that are still legally binding like, durable power of attorney living? Well, or is it only for guardianship?

322

00:38:08.668 --> 00:38:23.309

At this point in time, Stacy well, most, uh, things like power of attorney isn't something that has to be filed to the core. If that's just something that you've signed in front of a notary and that becomes a legal document.

323

00:38:23.309 --> 00:38:27.929

So, we didn't have anything to do with that.

324

00:38:30.150 --> 00:38:41.760

If they don't sign the agreement, do we just mentioned in the plan that they are the do we need individual to sign release for the each year?

325

00:38:41.760 --> 00:38:48.239

So, that's really up to the individual and the team.

326

00:38:48.239 --> 00:38:54.869

So, if the individual wants their supported decision maker to have.

327

00:38:54.869 --> 00:39:03.630

Um, information about their plan and participate in their meetings then then yeah, it would be just like any other think of it like an advocate.

328

00:39:03.630 --> 00:39:17.280

That they would have attend their plans and be able to get information. They, they just wouldn't have the ability to make a decision. I think when we put an official name on it, we kind of get nervous about it, but it's basically an advocate or.

329

00:39:17.280 --> 00:39:25.260

A friend someone that's supporting that individual, and we would follow the product protocols and policies that we have for anybody else.

330

00:39:26.309 --> 00:39:32.699

Is there a Pre screening form we could have completed prior to speaking to the guardianship email.

331

00:39:32.699 --> 00:39:37.199

Uh, not right now.

332

00:39:37.199 --> 00:39:43.139

Um, just it would just be something that you could send out send to.

333

00:39:43.139 --> 00:39:52.019

You know, some thoughts and questions, and this is what we're needing, and we're asking for and then work closely with the individual that it would be assigned to.

334

00:39:56.880 --> 00:40:05.039

We have a case manager asking can they get can they get their part filled out before they send it to the doctors?

335

00:40:06.539 --> 00:40:10.650

Stacy, yeah, it doesn't matter what order.

336

00:40:10.650 --> 00:40:18.030

You fill things out, I mean, because we ask that the packet be sent once it's complete. So if you just keep that and.

337

00:40:18.030 --> 00:40:24.269

Get your part filled out while you're waiting on the doctor because sometimes that takes a little bit for them to get those back.

338

00:40:24.269 --> 00:40:30.059

But just hold on to everything until you have it all together and then send it.

339

00:40:30.059 --> 00:40:38.639

As a completed packet, I think it's probably related to, you know, the timeline that's starting in the clock but the clock doesn't start until the doctors signed.

340

00:40:38.639 --> 00:40:42.389

You can fill yours out the case managers.

341

00:40:42.389 --> 00:40:56.545

Portion has to be notarized as well and so they go by the date that's on the motorization. So if you have yours filled out, you can just hold off on having it. Notarized. And then whenever you get your doctor's interrogatories, then you can have yours.

342

00:40:56.545 --> 00:41:00.295

Notarized that way, you know, you have the dates as close as you can.

343

00:41:03.090 --> 00:41:12.900

I have not been aware of a 6 month timeline. Isn't there an outline of all the details of submitting a packet in terms of timelines?

344

00:41:14.940 --> 00:41:19.019

There's going to be.

345

00:41:21.000 --> 00:41:24.750

It's 6 months. Yeah, it's it's always been.

346

00:41:24.750 --> 00:41:35.670

That the dates on that that the interrogatories have been signed has to be within 6 months. If it's older than that, then it gets to court then the court will say that these are tools and.

347

00:41:35.670 --> 00:41:42.929

You know, you'll have to go back to the beginning and get new ones from the doctors and, or the case managers just have it. Notarized again.

348

00:41:43.949 --> 00:41:49.590

How do we utilize the information specialists in our office? In this process?

349

00:41:49.590 --> 00:41:54.869

You don't you send it to the guardianship coordinator email box.

350

00:41:56.460 --> 00:42:04.409

So, the, the information specialists are housed in various re, regional offices, but they serve the entire state.

351

00:42:05.550 --> 00:42:13.170

So, you know, my, my preference would be that if you have a question, send it to the email box.

352

00:42:13.170 --> 00:42:16.920

Okay, because.

353

00:42:16.920 --> 00:42:22.500

What I would like to avoid is someplace that might have a lot of guardian ships.

354

00:42:22.500 --> 00:42:25.769

People are like, well, we're just going to go ask so and so.

355

00:42:25.769 --> 00:42:38.010

Well, and, yeah, they're close and yeah, they're current, but they have other job responsibilities that they're addressing and I don't want them getting burdened down. I want to be able to share the wealth.

356

00:42:38.010 --> 00:42:44.670

Share the burden, so my M, I'm asking you not to do that. I'm asking you to.

357

00:42:44.670 --> 00:42:49.199

Send it through the, the email address.

358

00:42:49.199 --> 00:42:56.070

So that we can make, we know who's working the case and we can make sure that the workload is evenly distributed.

359

00:42:57.389 --> 00:43:02.579

This completion of the guardianship packet of billable targeted case management activity.

360

00:43:05.070 --> 00:43:15.179

I do not believe that it is billable. No and because it is an adverse action ultimately, and Medicaid will not reimburse based upon an adverse action.

361

00:43:17.460 --> 00:43:22.469

How long would you suggest starting the guardianship before? 18 years of age.

362

00:43:24.480 --> 00:43:29.610

I am not going that feels like offering legal advice.

363

00:43:29.610 --> 00:43:33.300

I'll just say, um, started.

364

00:43:33.300 --> 00:43:38.670

You know, I think, what do they say in school start your transition planning as soon as possible.

365

00:43:43.559 --> 00:43:47.219

Another is who is the Department's notary?

366

00:43:49.679 --> 00:43:54.210

So, I don't know that that if how they have done that in the past.

367

00:43:54.210 --> 00:43:59.340

That'll be maybe a question we need to respond to during the.

368

00:43:59.340 --> 00:44:03.269

Question and answer.

369

00:44:05.340 --> 00:44:10.230

Matt, I'm assuming that that question has to do with, uh, the.

370

00:44:11.340 --> 00:44:16.260

The case manager have to develop their part in having it have to be notarized, right?

371

00:44:16.260 --> 00:44:20.639

And some houses are notaries and some aren't.

372

00:44:20.639 --> 00:44:26.070

So, um, that's the last question I see. Perfect.

373

00:44:27.659 --> 00:44:37.559

Well, we want to thank you for participating. It's been a terrific turnout of almost 250 individuals. Um, I hope it's been helpful.

374

00:44:37.559 --> 00:44:42.630

Obviously, if you have questions, send it through the email.

375

00:44:42.630 --> 00:44:47.940

And let us take a look at it and see how we can support you, Stacy any closing thoughts.

376

00:44:47.940 --> 00:44:52.380

Um, no, just thanks to everybody who.

377

00:44:52.380 --> 00:44:57.030

Took the time to come in and see what we had changing.