

# *Public Administrator in San Diego*

## ***SUMMARY***

The 2022/2023 San Diego County Grand Jury (Grand Jury) undertook the study of the Public Administrator's Office based on a citizen complaint. The study also fulfilled the Grand Jury's mandate to investigate and report on at least one function of the County during its term, per Section 925 of the California Penal Code.

The Public Administrator's Office now is a division of Aging and Independence Services (AIS) in the Health and Human Services Agency (HHS). During our investigation, the Grand Jury became aware that the work of the Public Administrator is more closely related to that of the Medical Examiner in the County Public Safety Group than to that of AIS. Accordingly, the Grand Jury is recommending the Public Administrator's Office be transferred from HHS/AIS to the Medical Examiner's Office.

Since the necessary approvals and logistics of such a transfer may take time, the Grand Jury is also recommending, as an interim measure, the Public Administrator expedite the reinstatement of the position of liaison to the Medical Examiner's Office. This position was created in 1989 by a Memorandum of Understanding between HHS and the Medical Examiner. It was renewed in 2013, but the position has been filled since February 27, 2023.

Other recommendations include:

- Improving the availability of appropriate personal protective equipment (PPE) used by Deputy Public Administrators;
- Upgrading the assessment of risk in field settings and training in recommended PPE use; Providing fit-testing for Public Administrator staff who wear N-95 respirators;
- Improving procedures relating to the burial of indigent veterans;
- Improving electronic communication with the Medical Examiner staff; and
- Developing a caseload standard for Deputy Public Administrators, or those in other job series assigned Public Administrator duties.

## ***INTRODUCTION***

For the past several decades, and until October 2022, the offices of Public Administrator, Public Guardian and Public Conservator were consolidated into one division in AIS. The functions of each division, are described in the following paragraphs.

The Public Conservator is responsible for directing the mental health treatment and placement of individuals deemed to be gravely disabled, or unable to care for their own basic needs. In San Diego County, the Public Conservator provides conservatorship services to all gravely disabled persons for whom the Public Conservator has been appointed by court order pursuant to the Lanterman-Petris-Short Act (Welfare and Institutions Code section 5000, et seq.).

On October 11,2022, the Board of Supervisors approved Ordinance 10809 which transferred oversight of the Office of the Public Conservator within HHSA from AIS to Behavioral Health Services (BHS).

The Public Guardian (PG) serves as the legally appointed conservator of persons and/or estates found by the Probate Court to lack capacity to attend to their own care needs and/or effectively manage their assets, and where no other person is able and available to reasonably act on their behalf. Referrals are primarily received from the Probate Court, although anyone in the public may submit a referral for assistance.

Frequently, PG conservatees are frail, isolated, older adults who were previously victims of abuse or neglect and have no one to oversee their care. An internal business process re-engineering study was commissioned for the Office of the Public Administrator/Public Guardian/Public Conservator by the Health and Human Services Agency. The study was completed on 8/16/2022 and recommended that oversight of the Public Guardian be transferred within AIS to the Adult Protective Services Division.

This report will focus on the Office of the Public Administrator (PA). In contrast with the two divisions described above, the PA's work deals with deceased persons. The PA serves as the administrator of decedent estates for those who have died without someone to attend to their final affairs properly and fully. Referrals are received from a variety of sources, including the Superior Court, the Medical Examiner's Office, hospitals, mortuaries, and nursing homes. All work is conducted in accordance with the California Probate Code and, where indicated, the direct authority of the Probate Court. Anyone in the public may request assistance from the PA for probate services, which include:

- Distributing assets according to the decedent's will, trust, or by law;
- Conducting investigations, which may include searching for next of kin and estate planning documents, as well as protecting the estate from waste, loss or misappropriation;
- Administering estates according to the Probate Code;
- Notifying known creditors of the person's death and filing federal and state taxes, as applicable;
- Arranging for disposition of the decedent's remains: and
- Administering the Indigent Disposition Program, providing direct cremation /ashes scattered at sea.

## ***METHODOLOGY***

Members of the Grand Jury conducted ten interviews with representatives from three County departments responsible for adult safety and handling remains.

Members of the Grand Jury Reviewed the following documents:

- Public Administrator/Public Guardian (PA/PG) Policy & Procedure Handbook;
- Recommendations from a Business Process Reengineering study dated 8/16/22;

- Memorandum of Understanding Between the Medical Examiner and Public Administrator (2013);
- Respiratory Protection Plan for Public Administrator/Public Guardian/ Public Conservator dated 3/17/2022 and prepared for the office of the PAPG in conjunction with the County’s employee personal safety program;
- Bloodborne Pathogen Exposure Control Plan for Public Administrator/Public Guardian/ Public Conservator dated 6/13/2022 and prepared for the office of the PAPG in conjunction with the County’s employee personal safety program.

Members of the Grand Jury also reviewed:

- Websites of 58 California counties, with reference to the placement and functions of the Public Administrator;
- Job descriptions of Deputy Public Administrator, Senior Deputy Public Administrator, Aging Program Specialist and Medical Examiner Investigator;
- Report dated 2/26/2020 of an audit of the Public Administrator/Public Guardian/ Public Conservator performed by the San Diego County Office of Audit and Advisory Services;
- Appropriate sections of the California State Probate Code, Military and Veterans Code, and Government Code.

Members of the Grand Jury also toured the Medical Examiner’s Office.

## ***DISCUSSION***

The Grand Jury received a complaint which alleges that:

- Ashes of deceased indigent veterans were being scattered at sea rather than in a national cemetery, as required by the PA/PG Policy & Procedure Handbook;
- Estate fees for deceased residents of the County operated Edgemoor Distinct Part Skilled Nursing Facility were being charged when no Public Administrator case was opened;
- A contract was approved with an auction vendor who charged a fee of 65% of the amount collected;
- Adequate personal protective equipment was not provided, nor was adequate storage for protective equipment or training for its use; and
- Deputy Public Administrators were being asked to transfer into an Aging Program Specialist II title, for which the job description did not reflect their actual duties.

### **Procedures Handbook Updates**

**Veterans:** The California State Military and Veteran’s Code Section 951.5 provides that “The public administrator of the county shall make every reasonable effort to determine if the unclaimed remains of a decedent referred to the public administrator belong to a veteran or the dependent of a veteran. If there is reason to believe that the remains belong to a veteran or the dependent of a veteran, the public administrator shall work with the county veteran service officer, a national veterans cemetery, the United States Social Security Administration, the United States Department of Veterans Affairs, or other applicable entity to determine if the remains belong to a veteran or the dependent of a veteran.” The PAPG Policy & Procedure Handbook, page 7-38, item #4 specifies only that “the remains of a deceased veteran will be

placed at a National Cemetery.” The handbook does not specify how a decedent’s veteran status can be verified nor provide direction on the process for placing the remains at a National Cemetery.

The complaint alleges veteran status of some decedents could not be verified and as a result it was possible that the remains of some veterans, or dependents of veterans, were improperly disposed of by scattering at sea instead of burial at a National Cemetery. The Grand Jury could not determine the truth or falsity of this allegation. We did determine that Deputy Public Administrators and management staff currently have access to a liaison with both the Veterans Administration and the County Office of Military and Veterans Affairs. Such liaisons routinely verify veteran status within a few days.

The Grand Jury believes all veterans, even indigent ones, should be honored in death, as in life, for their service. To that end, we recommend the PAPG Policy & Procedures Handbook be revised to include full information on how to verify veteran status; the names, organizations and contact information of individuals who could provide that verification; and full direction as to how to make appropriate burial arrangements.

**Edgemoor:** Section 7600.5 of the California State Probate Code states “If a person dies in a hospital, convalescent hospital, or board and care facility **without known next of kin**<sup>1</sup>, the person in charge of the hospital or facility shall give immediate notice of that fact to the public administrator of the county in which the hospital or facility is located”. Failure to give notice may result in the facility being liable for burial costs and/or any financial loss to the decedent’s estate.

Edgemoor is San Diego’s County-operated Distinct Part Skilled Nursing Facility that provides 24- hour long term skilled nursing care for individuals having complex medical needs who require specialized interventions from highly trained staff. The vast majority of Edgemoor residents are Medi-Cal recipients whose income predominately consists of government entitlements such as Supplemental Security Income (SSI), Social Security or Veterans’ benefits. They must use all of that income, except for a personal needs allowance of \$35, to pay for their care at Edgemoor.

Referrals from Edgemoor and other unspecified divisions of the Health and Human Services Agency (HHSA) are addressed on page 7-13 of the PAPG Policy & Procedure Handbook. It states that “both HHSA and Edgemoor Hospital [sic] will refer decedent cases to the Public Administrator in situations which they had been as Representative Payee.” The Grand Jury found that cases of deceased residents, even when a next of kin was identified, were referred to the Public Administrator for distribution of personal property and income remaining from the personal needs allowance. Edgemoor’s policy of referring cases where the next of kin was

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<sup>1</sup> Emphasis added by Grand Jury

known is inconsistent with Probate Code 7600.5. The Grand Jury investigation revealed that this resulted in extra work for Public Administrator staff and a delay in releasing funds to the heir(s)<sup>2</sup>

The Grand Jury investigation revealed that the PA and Edgemoor had an agreement that Edgemoor may choose to distribute trust fund balances to known next of kin without the need for a referral to the Public Administrator. Edgemoor would continue to send a Public Administrator referral for any case with no known next of kin.

The Grand Jury was unable to determine whether any fees were inappropriately charged for estate management on Edgemoor referrals where a next of kin was identified.

The Grand Jury investigation revealed that similar referrals where next of kin is known are still being received from privately operated facilities, over which the Grand Jury has no jurisdiction. Accordingly, the Grand Jury is recommending that the PAPG Policy & Procedure Handbook be revised to include the phrase “with no known next of kin” to the section on page 7-13 dealing with referrals from hospitals and long-term care facilities. The Handbook should also assure that, if such referrals are received, no fees are charged and facilities are counseled on the inappropriateness of such referrals.

**Auction Contract:** The process for auctioning off a decedent’s unclaimed personal property is outlined in Chapter 7 pages 10-11 of the PAPG Policy & Procedure Handbook. Reference is made to an auction vendor, who is contracted to conduct the auctions quarterly or as needed. No mention is made in the Handbook as to the appropriateness of the auction vendor’s contracted fee. Witnesses have testified that auction vendors in the past had contracts which allowed them to retain 65% to 75% of the proceeds of a sale.

Section 10167 a) and b) of the California Probate Code reads:

- (a) Subject to subdivision (b), whether or not the auctioneer has a contract with the personal representative, the fees, compensation, and expenses of an auctioneer in connection with a sale of property shall be the amount the court, in its discretion, determines to be a reasonable compensation for the services of the auctioneer to the estate.
- (b) If the auctioneer has a contract with the personal representative, the amount of the compensation of the auctioneer in connection with the sale of property shall not exceed the amount provided for in the contract.

The Grand Jury has reviewed the current contract and determined the current fee being charged is reasonable. This is in accord with credible witness testimony that an auction vendor’s fee should not exceed 33%. But according to section (b) of the statute, a higher amount can be charged if a contract so provides.

The County Department of Purchasing and Contracting drafts and negotiates all County contracts according to specifications required by the requesting departments. Therefore, the Grand Jury

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<sup>2</sup> Reports issued by the Grand Jury do not identify individuals interviewed. California Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

recommends the specifications for all future auction vendor contracts contain a reasonable percentage of sales as a vendor commission. This reasonable compensation amount should be incorporated into the PAPG Policy & Procedure Handbook.

### **Protective Equipment**

Deputy Public Administrators and other field staff may be exposed to hazardous or unpleasant conditions, such as insect and rodent infestation, human bodily fluids, or homes with structural damages. Numerous witnesses have testified that processes regarding personal protective equipment field staff are provided to wear in the performance of their duties are inadequate.

Typical complaints included:

- Inventory problems in maintaining correct sizes of protective suits, resulting in field staff having to choose suits that are too big or too small;
- Lack of formal training in the proper usage and disposal of protective gear;
- Substandard quality of gloves and other equipment;
- Lack of consistent availability of full suit options, resulting in gaps between foot gear and pant legs;
- Lack of fit testing for staff who voluntarily choose to wear N-95 respirators;
- Inadequate storage facilities for protective equipment; and
- Line staff being assigned to provide training to newly assigned staff.

The Grand Jury notes that a Respiratory Protection Plan was completed for the Office of the Public Administrator/ Public Guardian/ Public Conservator on March 17, 2022. The plan was presented in the format developed by the County's Occupational Health Program (OHP), a unit in the Department of Environmental Health and Quality. The plan notes that while all staff are authorized to wear respiratory protection, the decision to wear it and be trained in its use is voluntary for all. While fit testing is required for mandatory users, it is not required but could be provided for voluntary users. For example, the Medical Examiner's Office provides fit-testing for its staff who voluntarily use N-95 masks when going to homes of decedents.

Staff of the Office of the PA/PG/PC are also trained on the County's Bloodborne Pathogen Exposure Control Plan dated 6/13/2022, also in the model format provided by OHP. The management of PA/PG/PC determined that all field staff were at risk of occupational exposure to blood or other potentially infectious material. In the plan, there is a section on personal protective equipment which provides the policies for issuance, use, storage, and disposal of personal protective equipment. These policies are contained in the 6/13/2022 plan and are summarized in Appendix B. The Exposure Control Plan provides that periodic risk assessment be performed, yet witnesses could not provide information on the date of the last risk assessment.

The Grand Jury's investigation revealed that the evaluation of risks to field staff was determined by management staff of the PA/PG/PC and not by trained evaluators, such as those employed in the OHP. Witness testimony and the two plans cited above indicate that OHP is able to provide consultation to County departments, conduct risk exposure investigations, provide fit testing for employees, and provide tailored training in the use of personal protective equipment.

The Grand Jury is recommending that the Office of the Public Administrator/ Public Guardian request the Occupational Health Program perform a specialized risk assessment to include ride-alongs in the field as well as conditions in the warehouse and office. That risk assessment will dictate the need and recommendations for appropriate protective equipment, for which OHP can prepare pertinent training in the use, storage, and disposal. Thereafter, the Office of the Public Administrator/Public Guardian should establish inventory and purchasing priorities to assure that appropriate personal protective equipment is always available to personnel.

### **Caseload and Workload**

The majority of HHS social service and eligibility programs have standards relating to caseload size. These include other AIS programs, such as Adult Protective Services and In-Home Supportive Services, as well as programs in other divisions such as Child Protective Services, Cal Works, Medi-Cal, Rental Assistance and Cal Fresh. The Grand Jury investigation revealed that Deputy Public Administrator caseloads have ranged between 40 and 80 cases, varying with the number of referrals and staff availability. There is no established standard for Deputy Administrator caseloads.

High caseloads are among the reasons why departments do not function as well as they should. The 2022 Business Process Reengineering Study recommends the Office of the Public Administrator/ Public Guardian develop standardized work performance and objectives and implement standardized equitable case assignments. The Grand Jury believes the development of an optimum caseload for which a worker should be responsible should result from those efforts. Therefore, the Grand Jury recommends a workload study be conducted in order to determine what the optimum caseload size should be, taking into account such factors as acuity and complexity.

### **Reinstatement of Liaison**

A 2013 Memorandum of Understanding (MOU) between the San Diego County Health and Human Services' Office Public Administrator and the Public Safety Group's Medical Examiner's Office underscores the relationship between the two departments. This MOU established having a Deputy Public Administrator embedded in the Medical Examiner's Office as liaison between the two departments. The MOU speaks to the "collaboration and partnership surrounding the promotion of decedent services to residents of San Diego County and their legal next of kin or legal responsible party. Services are provided to San Diego County residents who have died in the County and assistance.... In handling final arrangements and estate affairs"

The MOU also delineates some interlocking job responsibilities between the two departments. Among job responsibilities of the Public Administrator staff are:

- Receiving and reviewing Medical Examiner cases to determine necessity of referral for Public Administrator assistance;
- Assisting Medical Examiner Investigators with locating next of kin;
- Providing assistance with mortuary assignments in hospital abandonment cases; and
- Providing assistance in the field with securing property when next of kin cannot be located.

The MOU, and the Medical Examiner Investigator job description, outlines the following responsibilities of Medical Examiner staff which intersect with those of Public Administrator staff:

- Providing access to investigation records to determine whether a case is appropriate for Public Administrator intervention;
- Consulting with and requesting assistance from the Deputy Public Administrator to secure property at risk of loss, waste or misappropriation;
- Locating and notifying next of kin;
- Securing the decedent's property;
- Preparing written authorizations needed for the legal disposition of the decedent's body and property; and
- Preparing preliminary reports for the Public Administrator.

Since June 2022, there has not been a Deputy Public Administrator liaison assigned to work in the Medical Examiner's Office. The result is Medical Examiner Investigators are doing extra work previously done by the Public Administrator's liaison. In addition, there is a delay in the transmitting of referrals from the Medical Examiner to the Public Administrator. The number of referrals varies from five to twenty-five per week.

The liaison formerly handled cases where the Medical Examiner Investigator had not found next of kin, or where there was a dispute about next of kin, and also when there were valuables at risk of theft or destruction in a decedent's residence. The liaison expedited the process for making a disposition of abandoned bodies, which is a Public Administrator function. Another task currently performed by the Medical Examiner staff, due to the absence of the Public Administrator liaison, is making cremation arrangements with funeral homes and signing documents of abandonment and cremation contracts, even when a case does not fall within the Medical Examiner's purview.

The absence of the liaison, coupled with separate data bases, delays the referral process from the Medical Examiner's Office to the Public Administrator. Information regarding a Medical Examiner Investigator's search for a next of kin or data about assets that may need safeguarding does not reach the Public Administrator's Office in a timely manner. According to several witnesses, this often results in a duplication of effort between the two offices.

The computer systems each agency uses are separate.<sup>3</sup> This contributes to some of the delays and duplications of effort mentioned in the previous paragraphs. The Grand Jury realizes that certain types of information are confidential and require security vetting to be accessible. However, there are commonalities of interest for which information can be shared, such as searches for next of kin and other potential heirs, identification and securing of assets, and disposition of remains.

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<sup>3</sup> Reports issued by the Grand Jury do not identify individuals interviewed. California Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury



The Grand Jury learned that a Deputy Public Administrator was assigned the role of liaison to the Medical Examiner on February 24, 2023. The position requires the liaison undergo a background check and the liaison began reporting on site February 27, 2023.

The Grand Jury is recommending that the Public Administrator retain the liaison position to the Medical Examiner and update the Memorandum of Understanding defining the roles of staff in both agencies. The Grand Jury is also recommending the Medical Examiner and the Public Administrator identify those areas of investigation that overlap and provide one another with secure computer access in those areas.

### **Transfer of Office**

In February 2023, the Grand Jury surveyed the websites of all 58 California counties in order to determine the agency in which the Public Administrators Office was placed. The results of that survey are tabulated in Appendix A. The table illustrates that the placement of the Public Administrator's Office varies from county to county. The Public Administrator function doesn't necessarily have to be a component of a county's health or social services agency. The Public Administrator can be an elected official, such as a sheriff or district attorney, as well as an appointed one, such as the director of a county department.

According to the survey, in 24 counties the Public Administrator function is a component of the social service, aging, or health agency. Of the remaining 32 counties (discounting the two counties where information was not available), the second highest concentration was in 12 counties where the Public Administrator's Office was in the sheriff's department as part of the county coroner or medical examiner's office. There are six other entities in which the Public Administrator is placed in the remaining 20 counties.

In San Diego County, the fundamental difference between the Public Administrator and the Public Guardian (and the other divisions of AIS) is that the Public Administrator deals with the burials and estates of dead persons, regardless of age or disability status. The other divisions of AIS provide social services to living seniors and disabled persons. Deputy Public Administrators see themselves as fiduciaries and not as social workers. This judgment is consistent with their job duties as specified in the California Probate Code (Sections 7600-7604).

Many of the referrals to the Public Administrator come from the Medical Examiner and there is some overlap in the functions of Deputy Public Administrator and Medical Examiner Investigator. There is no similarity in the functions of Deputy Public Administrator and Aging Program Specialist. (See Appendix C for a comparison.)

The 2022 Business Process Reengineering study recommended that, in the long term, management should continue evaluating moving the Public Administrator to another County department. It doesn't specify to which department. The Grand Jury recommends transferring the Public Administrator's functions and staff to the Office of the Medical Examiner for the following reasons:

- Overlapping of duties: both agencies search for potential heirs and next of kin and both try to secure a decedents property. Combining both agencies would reduce duplication of effort;
- Referrals: the referral process between agencies would be accelerated; and
- Precedent: in twelve other counties the Public Administrator is affiliated with the coroner or medical examiner.

The Grand Jury makes this recommendation despite the logistical difficulties of such a transfer, such as providing adequate technical, clerical and fiscal support staff to a much smaller office, as compared with a large organization such as AIS. This infrastructure needs to be established to support the transfer of the Public Administrator function. Also, while there is overlap of the duties of Deputy Public Administrators and the Medical Examiner’s investigative staff, there is no similarity between the estate management function of the Public Administrator and the forensic medical duties of the Medical Examiner.

The title of Deputy Public Administrator has been placed in terminal status effective April 7, 2023. This means the title is closed for new employees. Current employees in the title, who meet the minimum requirements can opt to stay in it or transfer to an Aging Program Specialist II position. This reclassification was based on a Business Process Reengineering recommendation.

According to the County Human Resources Department listing of jobs and salaries, the Aging Program Specialist title series is used only for AIS employees. If the recommendation to transfer the Public Administrator out of AIS and into the Medical Examiner’s Office (or another County department) is implemented, the Deputy Public Administrator title should be reinstated to the list of active titles.

### ***FACTS AND FINDINGS***

**Fact:** The California State Military and Veteran’s Code mandates the Public Administrator to make every reasonable effort to determine if the unclaimed remains of a decedent referred to the Public Administrator belong to a veteran.

**Fact:** The PAPG Policy & Procedure Handbook states only that the deceased veteran will be placed at the National Cemetery

**Finding 1:** The PAPG Policy & Procedure Handbook does not provide sufficient detail to enable staff to verify veteran status or to arrange for a suitable interment of remains at a National Cemetery.

**Fact:** The California State Probate Code mandates hospitals and long-term care facilities notify the Public Administrator when a patient dies with no known next of kin.

**Fact:** Edgemoor Distinct Part Skilled Nursing Facility and other facilities had been referring cases of all deaths, whether or not a next of kin was known, to the Public Administrator for a possible disposition of assets.

**Finding 2:** The PAPG Policy & Procedure Handbook does not reflect the provision in the Probate Code that hospitals and nursing homes need to refer in-patient deaths to the Public Administrator only when there is no known next of kin.

**Fact:** Previous estate auction vendors have charged as much as 75% of a sale's proceeds as a fee for their services.

**Finding 3:** The PAPG Policy & Procedure Handbook does not address the subject of auction vendor fees.

**Fact:** Field staff in the Office of the Public Administrator are exposed to a wide variety of potentially hazardous conditions which may require the use of personal protective equipment.

**Fact:** Although N-95 respirators are not mandated by management, some field workers in the Public Administrator's Office wear them voluntarily.

**Fact:** Medical Examiner Investigators are fit-tested for N-95 respirators even though their use is voluntary.

**Fact:** The Occupational Health Program would provide fit testing of N-95 respirators, and training in their use, for all employees who choose to wear them.

**Fact:** The Occupational Health Program, at the request of County departments, can conduct specialized risk assessments, recommend equipment to mitigate risks and assist in training in the use of that equipment.

**Finding 4:** The Office of the Public Administrator has not requested a comprehensive evaluation of the occupational risks faced by its field staff and the protective equipment required to mitigate those risks.

**Finding 5:** The Office of the Public Administrator does not provide fit testing of N-95 respirators for its field staff who choose to wear them.

**Fact:** Most departments in the Health and Human Services Agency which utilize caseloads for their service delivery model have developed an optimum caseload standard for their case-carrying employees.

**Fact:** The 2022 Business Process Reengineering study recommended standardized work performance goals and objectives and standardized equitable case assignments.

**Fact:** There is no optimum caseload standard for Deputy Public Administrators.

**Finding 6:** A workload analysis study would aid in determining an optimum caseload for Deputy Public Administrators.

**Fact:** The Public Administrator had a liaison stationed in the Medical Examiner's Office from 1989 to 2022.

**Fact:** The liaison function was discontinued in April 2022 due to staffing shortages.

**Fact:** Physical proximity facilitates cooperation and efficiency.

**Finding 7:** The absence of the Public Administrator liaison to the Medical Examiner's Office has resulted in increased work for Medical Examiner Investigators and duplication of work and other inefficiencies in the referral process for the Public Administrator's staff.

**Fact:** Some of the duties of a Deputy Public Administrator overlap with those of a Medical Examiner Investigator.

**Fact:** The computer systems in the Offices of the Public Administrator and the Medical Examiner are not linked.

**Finding 8:** The absence of access to each other's computer system often results in duplication of effort in such functions as identifying and locating a decedent's next of kin and other potential heirs.

**Fact:** Administrative placement of the Public Administrator function in California varies from county to county.

**Fact:** Referrals from the Medical Examiner constitute a significant portion of a Deputy Public Administrator's workload.

**Fact:** The Deputy Public Administrator acts as a fiduciary for deceased individuals, regardless of age, as mandated by the California State Probate Code.

**Fact:** Aging and Independence Services workers provide needed services, governed primarily by the State Welfare and Institutions Code, to living elderly and disabled individuals.

**Fact:** Duties of Aging Program Specialists do not currently align with duties of Deputy Public Administrators.

**Finding 9:** The duties of a Deputy Public Administrator are more closely aligned with those of Medical Examiner Investigators than those of Aging Program Specialists.

**Fact:** Consistent with a 2022 Business Process Reengineering recommendation, the Deputy Public Administrator title series has been placed in terminal status.

**Fact:** Existing staff in the Deputy Public Administrator title series have been encouraged to apply for approximately equally paid positions in the Aging Program Specialist title series; new hires performing the work of a Deputy Public Administrator will be hired as Aging Program Specialists.

**Fact:** Aging Program Specialist is a professional social work class series found only in the Health and Human Services Agency (HHS), Aging and Independence Services.

**Fact:** The Business Process Reengineering report also recommends continuing to evaluate moving the Public Administrator to another County department.

**Finding 10:** The Business Process Reengineering recommendation to re-classify Deputy Public Administrators to Aging Program Specialists, which are employed only in Aging and Independence Services, is not consistent with the recommendation to consider transferring the Office of Public Administrator to another County department.

### ***RECOMMENDATIONS***

**The 2022/2023 San Diego County Grand Jury recommends that the Chief Administrative Officer of San Diego County direct the Public Administrator to:**

- 23-40: Encourage revisions to the PAPG Policy & Procedure Handbook to include specific direction on the process for identification of veterans and for arranging the placement of remains at a National Cemetery.**
- 23-41: Encourage revisions to the PAPG Policy & Procedure Handbook to include language consistent with the California State Probate Code, in that hospitals and long-term care facilities should not refer cases to the Public Administrator when a decedent's next of kin is known.**
- 23-42: Encourage revisions to the PAPG Policy & Procedure Handbook to set a reasonable standard for auction vendor commissions to be included in future contract specifications.**
- 23-43: Request the Occupational Health Program of the Department of Environmental Health and Quality to perform a specialized hazard risk assessment study, to include conditions workers face in the field, for the Office of the Public Administrator/Public Guardian.**
- 23-44: Request that the Occupational Health Program provide training consistent with the risks identified in the study cited above to Deputy Public Administrators and other field personnel in the proper use and storage of personal protective equipment.**
- 23-45: Request that the Occupational Health Program provide fit testing of N-95 respirators, when consistent with the risks identified in the study cited in Recommendation 23- DD; and additionally, consider fit testing for staff who voluntarily use N-95 respirators.**
- 23-46: Retain the position within the Public Administrators Office of a Deputy Public Administrator co-located in, and acting as liaison to, the Medical**

**Examiner's Office and update the Memorandum of Understanding differentiating the functions of each agency's staff.**

- 23-47: Identify common areas of investigation with the Medical Examiner and provide secure computer access to Medical Examiner staff for those areas.**
- 23-48: Establish workload standards for the number of cases to be handled by a Deputy Public Administrator.**
- 23-49: Transfer the functions and appropriate staff of the Public Administrator's Office to the Medical Examiner's Office.**
- 23- 50: If recommendation 23-49 is implemented, reinstate the Deputy Public Administrator title series to the active list.**

**The 2022/2023 San Diego County Grand Jury recommends that the Chief Administrative Officer of San Diego County direct the Medical Examiner to:**

- 23-51: Identify common areas of investigation with the Public Administrator and provide secure computer access to Public Administrator staff for those areas.**

### ***REQUIREMENTS AND INSTRUCTIONS***

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors. Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor. (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<b>Responding Agency</b>	<b>Recommendations</b>	<b>Date</b>
<b>County of San Diego Chief Administrative Officer</b>	<b>23-40 through 23-51</b>	<b>8/23/2023</b>

## APPENDIX A

### PLACEMENT OF PUBLIC ADMINISTRATOR IN CALIFORNIA COUNTIES (as of March 20, 2023)

#### Social Services and Health Agencies (24)

1. Alameda County	Social Services Agency, APS
2. Amador County	Dept of Social Services
3. Butte County	Employment and Social Services,
4. Calaveras County	Health & Human Services Agency
5. Contra Costa County	Health Services
6. Glenn County	Health & Human Services
7. Imperial County	Area Agency on Aging
8. Lake County	Social Services, Adult and Aging
9. Mendocino County	Social Services, Adult and Aging
10. Merced County	Behavioral Health & Recovery
11. Monterey County	Health Dept
12. Napa County	HHS- Services for Older Adults
13. Placer County	HHS, Older and Dependent Adults
14. Sacramento County	Dept. of Child, Family and Adult Svs.
15. San Diego County	HHSA, Aging and Independence
16. County of San Francisco	HAS/Disability and Aging Services
17. Santa Clara County	Social Services Agency
18. Santa Cruz County	Social Services Agency
19. Siskiyou County	Health and Human Services
20. Solano County	Health and Social Services
21. Sonoma County	Human Services/ Adult and Aging
22. San Mateo County	Public Health
23. Tuolumne County	Human Services Agency
24. Ventura County	Human Services Agency

#### Sheriff's Department and County Coroner (12)

1. El Dorado County	Sheriff's Dept., Coroner
2. Fresno County	Sheriff's Dept., Coroner
3. Humboldt County	Sheriff's Dept., Coroner
4. Kern County	Sheriff's Dept., Coroner
5. Kings County	Sheriff's Dept., Coroner
6. Mariposa County	Sheriff's Dept., Coroner
7. Nevada County	Sheriff's Dept., Coroner
8. Riverside County	Sheriff's Dept., Coroner
9. San Bernardino County	Sheriff's Department
10. San Joaquin County	Sheriff's Office, Community Programs



- 11. Stanislaus County
- 12. Sutter County

Sheriff's Department  
 Sheriff's Department, Coroner

**Superior Court (6)**

- 1. Lassen County
- 2. Tehama County
- 3. Trinity County
- 4. Tulare County
- 5. Yolo County
- 6. Yuba County

Superior Court, Civil  
 Superior Court, Probate  
 Superior Court, Probate.  
 Superior Court  
 Superior Court  
 Superior Court

**Treasurer/Tax Collector/ Finance (7)**

- 1. Colusa County
- 2. Los Angeles County
- 3. Marin County
- 4. San Benito County
- 5. San Luis Obispo County
- 6. Santa Barbara County
- 7. Shasta County

Treasurer/Tax Collector  
 Treasurer/Tax Collector  
 Finance Dept.  
 Treasurer/Tax Collector  
 Treasurer/Tax Collector  
 Treasurer-Tax Collector.  
 Treasurer/ Tax Collector

**District Attorney's Office (4)**

- 1. Alpine County
- 2. Orange County
- 3. Plumas County
- 4. Sierra County

District Attorney  
 District Attorney  
 District Attorney  
 District Attorney

**Separate County Department (3)**

- 1. Inyo County
- 2. Madera County
- 3. Mono County

Separate Dept – PA/PG  
 Separate Dept – PA/PG  
 Separate County Dept.

**Unable to Verify (2)**

- 1. Modoc County
- 2. Del Norte County

unknown-not listed on website.  
 unknown- not listed on website.

## APPENDIX B

### PUBLIC ADMINISTRATOR PERSONAL PROTECTIVE EQUIPMENT POLICIES

- Personal Protective Equipment (PPE) will be provided at no cost to employees who may be exposed to bloodborne pathogens or any other potentially infectious materials (OPIM).
- PPE will be chosen by the employee based on the anticipated exposure to blood or OPIM and will be considered appropriate only if it does not permit blood or OPIM to pass through or reach the employee's clothing, skin, eyes, mouth, or other mucous membranes.
- PPE available for use by PA/PG/PC employees includes but is not limited to: gloves, masks, coveralls, goggles, lab coats, face shield, shoe covers, in available sizes (S, M, L, XL).
- PA/PG/PC staff may select the PPE during normal business hours, M-F 8:00 AM to 5:00 PM.
- Once the employees have selected the PPE they need, they indicate the type of PPE and number of items on the PA/PG/PC PPE Log located in the small conference room.
- To ensure PPE supplies are maintained and available for employees, inventory is taken monthly.
- If PPE supplies are needed assigned analyst will place an order with the PA/PG/PC Office Assistant. Extra PPE supplies are kept in the File Room, 5560 Overland Ave, Ste 170.
- Employees are required to wear PPE when performing the following procedures:
  - **In office inventory of client's property:** Gloves – Latex for sorting, Sharp proof heavy duty
  - **On-site evaluation of decedents home:** Coveralls, Gloves, shoe covers, mask
  - **Walking through of homes and identifying hazardous materials:** Coveralls, Gloves, shoe covers, mask.
  - **Packaging items and delivering them to the warehouse:** Gloves, shoe covers
  - **Clearing of Infested Areas:** Coveralls, Gloves, shoe covers, mask Gloves shall be worn when it is reasonably anticipated that employees will have hand contact with blood or OPIM, and when handling or touching contaminated items or surfaces.
- Hypoallergenic gloves, glove liners, powder-less gloves, or other similar alternatives must be accessible to those employees who are allergic to the gloves normally provided.
- Disposable gloves are not to be washed or decontaminated for re-use and are to be replaced when they become contaminated, torn or punctured, or when their ability to function as a barrier is compromised.
- Utility gloves will be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.
- Surgical masks, in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin length face shields, are required to be worn whenever it may be reasonably anticipated that splashes, spray, splatter, or droplets of blood or OPIM may contaminate the eye, nose, or mouth area.
- Additional protective clothing (e.g., coveralls, lab coats, gowns, aprons, clinic jackets, or similar outer garments) shall be worn in instances when gross contamination can

reasonably be anticipated (e.g., exposure to hoarder houses, human waste, vermin infestation).

- When PPE is removed, it should be placed in an appropriately designated area or container for storage, decontamination, or disposal.
- All garments which are penetrated by blood should be removed immediately or as soon as feasible.

**The material in Appendix B was adapted and edited from Section K of the County of San Diego Bloodborne Pathogen Exposure Control Plan for Public Administrator/ Public Guardian/ Public Conservator.**

## APPENDIX C

### Job Descriptions: Medical Examiner Investigator, Deputy Public Administrator, Aging Program Specialist

#### Medical Examiner Investigator I (Class No. 005741)

##### Essential Functions:

1. Inquires into the manner, circumstances, and mode of any violent, traumatic, or unusual deaths occurring within the geographic boundaries of the County of San Diego.
2. Conducts visual inspection of the deceased and makes written notes of the bodies' condition (i.e., degree of rigor mortis, lividity, visual bruises or lacerations, temperature, purge, clothing, position).
3. Interviews and solicits statements from relatives and persons last in attendance or present at the time of death.
4. Searches for and impounds physical evidence which may have contributed to the death (i.e., drugs, weapons, suicide notes).
5. Works closely with law enforcement officials to identify the unknown dead.
6. Locates and notifies next of kin.
7. Secures the decedent's property.
8. Prepares written authorizations needed for the legal disposition of the decedent's body and property.
9. Prepares preliminary reports for the Public Administrator.
10. Prepares detailed descriptions of the unknown dead.
11. Answers inquiries regarding information obtained during field investigations and information contained in the Medical Examiner's case files.

#### Deputy Public Administrator - Guardian (Class No. 005600)

##### Essential Functions:

1. Conducts investigations to determine if estate administration is warranted by verifying the existence of estates and amount of assets;
2. Conducts investigations to identify next of kin and other potential heirs;
3. Makes arrangements for the cremation of indigent decedents;
4. Verifies the existence and amount of personal property or assets and the existence of beneficiaries by contacting or visiting various institutions and governmental agencies, meeting with representatives from outside agencies or institutions, and researching, obtaining and reviewing records, files, documents, or other sources of information;
5. Searches and locates assets that belong to deceased persons, determines if such assets have a short-term life or are potentially perishable, and determines whether to maintain or sell such assets;
6. Uses the Panoramic case management computer program to prepare case plans;
7. Reviews bills or other claims against decedents' estates and determines if such claims are legitimate and if deceased persons had any debts;
8. Visits residences of decedents clients or other locations in the field, securing property or possessions found in residences;

9. Lifts and carries items to County vehicles, and transports estate assets or items to the Office of the Public Administrator / Public Guardian;
10. Records and documents assets of decedents and files lists of assets and other investigative findings with the Court;
11. Collects and forwards the tax records of estates to private accountants to prepare tax returns;
12. Prepares reports consisting of findings, recommendations, and justifications for recommended actions pertaining to the administration of estates;
13. Maintains and updates automated and manual files, records, and reports; and
14. Keeps current with new or revised legislation, regulations, policies, and procedures relating to the functions of the Office of the Public Administrator Public Guardian.  
[ The Grand Jury deleted functions that pertained only to Deputy Public Guardians]

**Aging Program Specialist I (Class No. 005203)**

To assist public and private agencies in the development of service programs for healthy and frail senior citizens and the disabled; to assess and monitor the psychological, physical and social needs of frail, at-risk clients; to negotiate, evaluate and monitor service contracts of service provider agencies; and to perform related work as required.

Aging Program Specialist is a professional social work class series found only in the Health and Human Services Agency (HHS), Aging and Independence Services.

This is the entry level class in the Aging Program Specialist series. Under immediate supervision, incumbents are responsible for providing information, performing client screening to determine needs and appropriate program service referrals, or assisting agencies in developing, organizing, and monitoring service programs.

**Essential Functions:**

1. Screens clients to determine needs and appropriate program service referrals.
2. Assists public and private agencies and organizations in finding ways to fill service gaps.
3. Develops and assesses programs.
4. Assists agencies in preparing funding requests and locating funding sources.
5. Assists in establishing and maintaining linkages between agencies and groups that provide service to elderly/disabled adults.
6. Provides information and referrals to the public.
7. Maintains records and prepares reports.

**The material in Appendix C was adapted and edited from the County of San Diego Human Resources Department’s official listing of Job Descriptions and Salaries.**