

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: HB 634

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Roem

3. Committee: Courts of Justice

4. Title: Guardianship; duties of guardian; visitation requirements

5. Summary: This legislation requires a guardian to visit an incapacitated person at least once every 90 days and make certain observations and assessments during each visit. The bill provides that a guardian may utilize a person who is directly employed and supervised by the guardian, or contract the services of a care manager who is a trained professional who specializes in the field of life-care management, geriatrics, older adults and aging or adults with disabilities and who provides written reports to the guardian regarding any such visits to satisfy the duties imposed upon such a guardian. However, any such person employed or contracted may only visit the incapacitated person up to two times in lieu of such guardian to satisfy the visitation requirement.

6. Budget Amendment Necessary: See Item 8.

7. Fiscal Impact: See Item 8.

8. Fiscal Implications: The proposed legislation stipulates that a guardian may only satisfy visitation requirements with an employee or contractor up to two times. However, this limitation could have an adverse impact on the public guardianship program (PGP). For those individuals served by the PGP, the PGP is named as the guardian of record on the court order. Individuals employed by the PGP perform the guardianship services. Under the restrictions included in this bill, it is assumed that the PGP could only assign an employee as a guardian for two visitations. After two visits the PGP employee could no longer provide services to the individual in need of guardianship and be in compliance with this bill. Therefore, it is currently unclear how the Department of Aging and Rehabilitative Services would implement the requirements of this bill. If public guardians were limited to two visits, the agency may face considerable programmatic issues and a significant fiscal impact is likely. This statement will be revised once additional information becomes available.

9. Specific Agency or Political Subdivisions Affected: None

10. Technical Amendment Necessary: No

11. Other Comments: None