

FEE POLICY
PROFESSIONAL GUARDIANS/CONSERVATORS
WITH CASES UNDER THE JURISDICTION OF THE FOURTH JUDICIAL DISTRICT COURT
PROBATE/MENTAL HEALTH DIVISION

HENNEPIN COUNTY
HUMAN SERVICES AND PUBLIC HEALTH DEPARTMENT
(Revised Fee Policy – Effective 01/01/2018)

INTRODUCTION

This fee policy covers the payment rate and billing process for court appointed professional guardians/conservators. To become a professional guardian/conservator, a petitioner must file a petition with the Fourth Judicial District Court. If a ward is considered low income, an In Forma Pauperis (IFP) may be filed to waive the court fees. After the court approves the petition, professional guardians/conservators may use this fee policy to request compensation from Hennepin County Human Services and Public Health Department (HSPHD).

POLICY

In accordance with Minnesota Statute § 524.5-502, professional guardians and conservators may request compensation for necessary services rendered under the following billing policy and procedure:

1. Eligible Representatives

A court appointed professional guardian/conservator in an In Forma Pauperis case (or when a finding of indigence is made) that Letters have been issued to.

2. Payment Rate

The current rate of pay is \$30.00 per hour for professional guardian/conservator services and \$18.00 per hour for allowable travel time for In Forma Pauperis/Indigent cases. There is also a three-tiered hourly cap of up to 24, 36, 48 hours per year based on the following living situation of the ward/protected person as set by the Hennepin County Board of Commissioners:

Tier 1	Ward/protected person lives in a nursing home, hospital, absent without leave/awol, or in community without residence (example: staying w/friends)	Up to 24 hours per year for maximum reimbursement of \$720 at \$30/hour.
Tier 2	Ward/protected person lives in an assisted living, group home or foster/parents' home	Up to 36 hours per year for maximum reimbursement of \$1080 at \$30/hour.
Tier 3	Ward/protected person lives independently	Up to 48 hours per year for maximum reimbursement of \$1440 at \$30/hour.

Hennepin County will only pay the tier rate up to the annual allotment. Guardians are responsible for managing their time to work within the allowed annual allotment, and billing as appropriate for hours used.

Hennepin County does not pay relatives of the ward/protected person for services provided as an appointed guardian/conservator.

All persons providing services for which payment is being sought must have signed consents filed with and background checks done by/provided to the court and updated as required by the court.

3. Payment Policy

- A. After reading this Fee Policy, in order to be paid, guardian/conservators must complete the Acknowledgement at the end of this document and send it to the Hennepin County Human Services and Public Health Department (HSPHD) billing address below (3.F.) The original signed form will be kept on file at HSPHD and verifies receipt and agreement to the Fee Policy. You should also make a copy for your file and reference. Payments cannot be made unless there is a signed Acknowledgement on file for the current Fee Policy.
- B. The guardian/conservator in cases designated In Forma Pauperis/Indigent can be paid for attending the initial hearing (up to 1 hour) if their appointment becomes confirmed and the Letters issue.
- C. The guardian/conservator In Forma Pauperis/Indigent billings may commence from the date of the issuance of Letters (the date is the court file stamped date).
- D. Court appointed guardian/conservators representing ward/protected person on an In Forma Pauperis/Indigent case **must** submit an initial invoice within 60 days of the Letter issuance. All subsequent billings should be submitted within 30 days of the services rendered. **Any subsequent billing not submitted within 60 days of the service rendered shall not be paid.**
- E. Payment will be made within 35 days.
- F. All invoices must be sent to:

Hennepin County Human Services and Public Health Department
Attn: Victoria Abraham
300 South Sixth Street, Mail code 150
Minneapolis, MN 55487

- G. All invoices must be submitted in a manner and format acceptable to Hennepin County.
- H. A legible monthly Visit Log shall be completed each month and then submitted with the billing invoices (printed in a legible fashion and in font not less than 12 points) and an itemized statement if services exceed the visit time. All in person visits are to be recorded on the visit log and will have:

- i. date of visit,
- ii. length of visit (start and stop times),
- iii. ward/protected person name,
- iv. case number,
- v. location of visit,
- vi. signature and phone number of ward/protected person, nurse, social worker, or provider in the facility, group home, nursing home, or hospital where the visit takes place.

All in person visits reported on the Personal Well Being Reports shall be documented on a completed and signed visit log.

A Visit Log can be used for multiple wards/protected persons for the same guardian/conservator or their employee doing the visits, but each guardian/conservator or employee must have separate visit logs.

All employees of appointed guardian/conservator providing any services for the ward/protected person must have a signed consent and background check filed with the court.

Visit Log **must** be completed and signed for reimbursement. (*see online form*)

- I. An itemized listing of service (printed in a legible fashion and in a font not less than 12 points) shall be submitted with each invoice. The itemized listing will have:
 - i. ward/protected person name and court case number,
 - ii. person who provided the service,
 - iii. date of service,
 - iv. explanation of the service,
 - v. length of time for each service, rounded to the nearest minute,
 - vi. contact person with phone number for all telephone calls,
 - vii. one grand total, rounded to the nearest 10th of an hour, for all the services on the invoice.
- I. Double billing is not permitted.
 - i. When providing services for a ward/protected person you shall not bill another ward/protected person for services within the same time period.
 - ii. When on paid time by another employer, you shall not have any charges forward/protected persons.
 - iii. If providing a group visit with several In Forma Pauperis/Indigent ward/protected persons, the complete time shall be divided equally among all ward/protected persons billings.
- J. If the reports required by the court are “past due”, guardianship/conservatorship payments will not be made for services until the reports “are filed”. You will need to re-bill for the ward/protected persons whose court reports are filed within the 60 days if you

were not paid. No payment will be made and payment will be considered forfeited if outstanding reports are not filed with the court within 60 days of the date of service.

- K. If the ward/protected person is on medical assistance, a guardian or conservator may be allowed to retain a portion of the ward/protected persons' monthly income. A guardian/conservator is required to apply to the MA financial case worker to see what MA rules allow. The amount, if allowable, shall be shown on the invoice when billing Hennepin County. This amount shall then be deducted from the fee indicated above. If the amount obtained from income exceeds the fees, there will be no payment by Hennepin County. This also applies for any fees collected for being Rep Payee forward.
- L. The guardian/conservator shall reimburse fees previously paid by Hennepin County:
 - i. If an In Forma Pauperis is revoked.
 - ii. If a ward/protected person receives an inheritance, or otherwise acquires or liquidates assets (except if there is a Special Needs Trust or Supplemental Needs Trust of which the ward/protected person is a beneficiary. The assets in such a trust shall not be considered for purposes of repayment.
 - iii. If there is a Medical Assistance spend down, after the necessary needs of the ward/protected person have been met.

The guardian/conservator shall reimburse Hennepin County for past payments before the guardian/conservator may submit new billings for subsequent time periods to either the County or the other source(s) of payment.

4. Non-Reimbursable Activities and Expenses:

- A. Hennepin County will not pay for clerical/secretarial time, internal tickler noticing, more than one (1) staff member per service, phone messaging, and billing inquiry and/or time. Note that "phone messaging" refers to leaving of call back information only (e.g., name and number). Electronic communication, such as voice mail exchanges of relevant information are not considered "phone messaging."
- B. Mileage, as it is considered to be included in the hourly fee.
- C. Travel time within one (1) hour of normal one-way travel time considered from the Hennepin County Government Center is not reimbursable.
- D. Office and business expenses such as parking, postage, telephone expenses, photocopies, and training/consultation of/with in-house personnel.

5. Billing Adjustment and Appeals

The County may reduce or deny payment without notice on non-compliant or excessive items. If the guardian/conservator wishes to file a challenge for any billing reduction or denial, that challenge should be sent by written request to:

Human Services and Public Health Department
Financial Analysis and Accounting
Attn: Accounts Payable Manager
300 South Sixth Street, Mail code 150
Minneapolis MN 55487-0134.

7. Right to Audit

All invoices and supporting documentation (visit log and itemized statements) are subject to random audit of fees and billing practices for seven (7) years after services. Acceptance of payment from Hennepin County indicates your willingness to comply with all audits.

8. Compliance with Policy

Hennepin County reserves the right to request that the Court not appoint a guardian/conservator on future cases or to remove a Guardian/Conservator who is non-compliant with the policy, including the audit provisions, or for any reason that is deemed in a ward's/protected person's best interests.

FEE PAYMENT PROCEDURE
PROFESSIONAL GUARDIAN/CONSERVATORS
WITH CASES UNDER THE JURISDICTION OF THE FOURTH JUDICIAL DISTRICT COURT
PROBATE/MENTAL HEALTH DIVISION

HENNEPIN COUNTY
HUMAN SERVICES AND PUBLIC HEALTH DEPARTMENT
(Revised Fee Procedure – Effective 9/29/2016)

In accordance with Minnesota Statute § 524.5-502, professional guardians and conservators may request compensation for necessary services rendered under the following billing procedure:

PROCEDURE

In order to effectively implement these policies, Hennepin County requires that the below procedure be followed by all guardian/conservators appointed by the court to represent the ward/protected person in an In Forma Pauperis case (or when a finding of indigence is made) seeking payment from Hennepin County.

1. A valid signed **Acknowledgment** of the **Fee Policy and Procedure** must be on file. Every year a new acknowledgement should be signed, or any time there are changes made to the policy. Payments cannot be made unless there is a signed Acknowledgement on file.
2. One (1) Hennepin County Guardian/Conservator Invoice must be submitted for each ward/protected person served in a format consistent with the invoice form suggested by HSPHD and found online at <https://www.hennepin.us/guardians>.
3. Invoices and cover sheets should not be submitted more than once. If you have a question about receipt of an invoice and/or cover sheet, please contact HSPHD as indicated in #14 below.
4. All Hennepin County Guardian/Conservator Invoices must contain the original signature of the Guardian/Conservator appointed to provide services as well as their printed name. No signature stamps, mechanical recreations, photocopied or copied signatures will be accepted.
5. The invoice must include either the date the In Forma Pauperis was signed or provide a court order finding that the ward/protected person is indigent as required under Minn. Stat. §524.5-502.
6. An itemized listing of services must accompany all invoices that exceed the visit time on the Visit Log. The itemized listing must include:
 - A. the ward/protected person's name and court case number

- B. name of the person who provided the service
- C. date of service
- D. explanation of the necessary service
- E. actual length of time for each service rounded to the nearest minute
- F. all telephone calls must list the contact person with phone number
- G. one grand total, rounded to the nearest 10th of an hour, for all the services on the bill.

DO NOT STAPLE TO INVOICE

- 7. If you are submitting invoices for multiple wards/protected persons, you must provide a cover sheet that lists all ward/protected person names with court file numbers, amount claimed per ward/protected person and total amount claimed. The cover sheet(s) must have your name, address, and vendor number as a heading on all pages. The cover sheet must be consistent with the HSPHD sample. Hennepin County reserves the right to require you to reformat your cover sheet to a format acceptable to the County. A separate signed letter is NOT necessary and should not be included.
- 8. All invoices are to be filled in legibly and the itemized statements and cover sheets shall be legible (printed in a legible fashion and in a font not less than 12 points).
- 9. All invoices must be filled out completely. If not completely filled out, they will be returned and could jeopardize payment if not filed in compliance with the timelines established in this fee policy.

10. Invoices in excess of established tier rate will be reduced to tier rate except for:

- **Emergency** - An invoice submitted by guardians/conservators **for an emergency (routine services do not constitute an emergency) that required more than** the ward/protected person's established tier rate shall be accompanied by a written memo of explanation of the emergency and necessity of services along with an itemized listing of the date of service, brief and comprehensive description of services, billable time in actual time which for the invoice will be converted into 100ths in decimal form, and if applicable, the amount received from the ward/protected person's income.
- **Pre-approved out of normal travel time visits** - Only the billings for a semi-annual and annual visit to wards/protected persons who reside outside of the one hour normal travel radius of the Hennepin County Government Center are allowed additional time. The billings **shall be pre-approved** by Hennepin County - HSPHD – Financial Analysis and Accounting – Accounts Payable Manager - to qualify for payment. The travel rate is \$18.00 per hour for allowable travel time.

- 11. If a ward/protected person changes their residence and that affects the established tier rate, indicate the change on the invoice or attach a statement explaining the change of

residence. *Note: Any changes in ward/protected person residency should be reported to the Probate Court within 30 days of the change.*

12. Mail all cover sheets and invoices with visit log, and itemized statements to:

Hennepin County
Human Services and Public Health Department
Attn: Victoria Abraham, MC150
300 South Sixth Street
Minneapolis, MN 55487

For your convenience there is also a drop box at the Hennepin County Government Center for HSPHD (street level east side of the building) that you may use.

13. Any reimbursements due to Hennepin County shall be sent to the normal billing address above with checks made out to the Hennepin county Treasurer. Reimbursements owed to Hennepin County and not paid shall be turned over for collections.

14. Policy or procedure questions should be direct to Victoria Abraham, 612-348-5449.

15. Appeals should be sent in writing to:

Human Services and Public Health Department
Financial Analysis and Accounting
Attn: Accounts Payable Manager MC150
300 South Sixth Street,
Minneapolis MN 55487

16. Website address is: <https://www.hennepin.us/guardians>

DEFINITIONS

Conservator: A conservator is appointed to make financial decisions for the protected person ("Conservatee".) The conservator typically has the power to enter into contracts, pay bills, invest assets, and perform other financial functions for the protected person.

Guardian: A guardian is appointed by the court to make the personal decisions for the protected person ("Ward".) The guardian has authority to make decisions on behalf of the protected person about such things as where to live, medical decisions, training, and education, etc. For more information on guardianship and conservatorship, visit: <http://www.mncourts.gov/Help-Topics/Guardianship-and-Conservatorship.aspx>

In Forma Pauperis (IFP): Minnesota Statute 563.01 states that the court may authorize guardianship or conservatorship proceedings to proceed in forma pauperis, which waives payment of court fees for low income individuals. For more fee waiver information, visit: <http://www.mncourts.gov/Help-Topics/Fee-Waiver-IFP.aspx>

Petitioner: The person who brings a petition before the court. For more information on petitioning for appointment of general conservator or guardian, visit: <http://www.mncourts.gov/GetForms.aspx?c=21&f=433>

Professional Guardian or Conservator: A guardian or conservator who (usually) has no prior relationship with the ward or conservatee and charges the ward or conservatee a fee for performance of duties.

Protected persons: Protected persons are those individuals who have had conservators appointed for them because they lack similar capacity and have demonstrated an inability to make decisions regarding their financial affairs or estate.

Ward: Wards are incapacitated adults who have a court appointed guardian, lack sufficient understanding or capacity to make or communicate responsible personal decisions, and who have an inability to meet personal needs for medical care, nutrition, clothing, shelter, or safety.

ACKNOWLEDGEMENT

I acknowledge the receipt of and have read the above Hennepin County Fee Policy and the Procedure for Professional Guardian/Conservators. I accept the terms of this Fee Policy and the Fee Payment Procedure and agree to follow the described policy and procedure.

Signature (original signature no stamps) Date

Print Name

Name: _____

Firm Name: _____

Address: _____

*(provide serviceable
address as well as
PO Box- if that is
used for business
mailings)*

City

State

Zip Code

Business Phone: _____

Mobile Phone: _____