

BQC - 91 – 020

Date: May 10, 1991

To: Nursing Homes

NH 11

From: Larry Tainter, Director  
Bureau of Quality Assurance

Subject: Payment of Court Ordered Guardianship Fees for Nursing Home Residents

The purpose of this memo is to provide new information regarding the method of payment for guardianship fees of nursing home residents who are recipients of Medical Assistance. A recent legal opinion from the Department's legal staff states that court ordered guardianship fees may be disregarded in determining eligibility for Medical Assistance. This means that the county Income Maintenance worker will consider court ordered guardianship fees as a deduction from an individual's income prior to the determination of the individual's liability for nursing home care. This policy applies to both guardianship fees paid under court order and court approved guardian-ad-litem fees.

If the guardianship fees are not court ordered on behalf of the nursing home resident, you can seek assistance to obtain from the court an amended order addressing the court ordered payment of these guardianship fees. Your facility's social services department can contact your local department of social services, department of human services or 51.437 Board for assistance in obtaining this amended order.

The Bureau of Quality Compliance has been working with the Division of Community Services and Division of Economic Support in clarifying this policy. Both Divisions will also be issuing a directive to appropriate county agency personnel involved with guardianship activities advising them of this policy for payment of court ordered guardianship fees.

If you have additional questions regarding the impact of this policy on nursing homes, please contact Sharon Sailor, Social Services Specialist, at 608-266-1718.

LT:SS:bc 6211

cc: -Board on Aging and Long Term Care  
-Wis. Assoc. of Homes and Services for the Aging  
-Wis. Assoc. of Nursing Homes  
-Committee on Aging, Extended Care Facilities and HH Care (SMS)  
-Bureau of Long Term Support  
-Center for Public Representation  
-Jerry Born, Division of Care and Treatment Facilities  
-Wisconsin Counties Association  
-Wis. Medical Records Assoc. Cons. Comm.  
-Service Employees International Union  
-Wis. Assoc. of Medical Directors  
-George F. MacKenzie, DOH Admin.  
-Kevin Piper, BHCF Dir.  
-Jerry Sandlin, HCFA, Chicago  
-Wis. Assoc. of Hosp. SW & Discharge Planners