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|  | Department of Human Services Online Directives Information System | MAN 5800 | PUBLIC GUARDIANSHIP |
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APPENDIX C – DEFINITIONS

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| Abuse | <p>The willful infliction of physical pain, physical injury, mental anguish, unreasonable confinement, or the willful deprivation of essential services to a person; for purposes of this policy manual specifically describing an adult with a disability or older adult.</p> |
| Abuse/Neglect /Exploitation (A/N/E) | <p>A way to state the global category of maltreatment of adults with disabilities or older adults investigated by Adult Protective Services and attempts to impede and which the Older Americans Act (OAA) targets for elder abuse prevention.</p> |
| Activities of Daily Living (ADLs) | <p>Those activities that are fundamental to self-care; such as eating, bathing, toileting, and dressing and that indicate whether a person can care for his/her own physical needs.</p> |
| Arbitration Agreement | <p>An Arbitration Agreement is a contract or a clause in a broader contract in which parties agree to settle disputes out of court. In signing the agreement, the signing parties surrender the right to go to court. These documents are often included in nursing home admissions packets.</p> |
| Caregiver | <p>A caregiver is a person who has the responsibility for the care of a disabled adult or elder person as a result of family relationship, contract, voluntary assumption of that responsibility, or by operation of law.</p> |
| Case Plan | <p>A written plan of action created by the Public Guardianship Office, with the involvement of the person under guardianship, and on behalf of the Department of Human services, that forms the basis for the activities that the case manager, client, family and others follow in order to reduce risk, address safety issues and ensure basic needs are met.</p> |
| Client Assessment | <p>The comprehensive and systematic process of collecting in-depth information about a person’s situation and functioning. It supports the client’s control and responsibility regarding their own health and lifestyle and leads to informed decisions about services provided to the person under guardianship. It includes:</p> <ul style="list-style-type: none"> • Client demographics and domicile • Legal information, current services • Medical information • Education and vocational information • Social and recreational preferences and activities • Religious/spiritual preferences and beliefs • End of life arrangements and documents |
| Conservator | <p>A person given the legal right to be responsible for the assets and finances of a person deemed fully or partially incapable of providing these necessities</p> |

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| | for himself or herself. In Georgia law, "conservator" includes a "guardian of the property" appointed prior to July 1, 2005. |
| Department | The state designated entity that delivers a wide range of human services designed to promote self-sufficiency, safety, and well-being for all Georgians. Formally named the Department of Human Services (DHS) for purposes of this policy. |
| DHS Representative | An individual who has been assigned case management duties and responsibilities for DHS public guardianship when the DHS has been appointed as guardian. |
| Director | The appointed individual tasked with overseeing the mission, values, and core day-to-day functions of the Division of Aging Services (DAS) to include contractual administration, policy and standards, program management, and publications and outreach. |
| Division | The designated state unit in DHS whose primary focus is to serve at-risk adults, individuals who are 65 or older and/or disabled individuals age sixteen or older. Formally named the Division of Aging Services (DAS). |
| Do Not Resuscitate (DNR) Order | A Do Not Resuscitate (DNR) order is a medical order written by a doctor instructing health care providers not to do cardiopulmonary resuscitation (CPR) if a patient's breathing stops or if the patient's heart stops beating. Documents and clauses that serve the same purpose include: A.N.D.s (allow natural death), Do Not Attempt to Resuscitate (DNAR) orders and "No CPR/advanced cardiac life support (ACLS) and "Do not call a code" clauses. |
| Determination of Need – Revised (DON-R) | The validated, standardized screening tool used by DAS programs and the AAA Gateway staff to determine level of impairment and unmet needs. The DON-R defines the factors which help determine a person's functional capacity and their unmet need for assistance in dealing with these impairments. It assesses both impairment in functioning on basic Activities of Daily Living (ADL) and Instrumental Activities of Daily Living (IADL) and the need for assistance in accomplishing such tasks to compensate for having impairments. |
| Elderly Legal Assistance Program (ELAP) | ELAP provides persons 60 years of age and older legal representation, information, and education in civil legal matters. |
| Exploitation | The illegal or improper use of an adult with a disability or older adult or that person's resources through undue influence, coercion, harassment, duress, deception, false representation, false pretense, or other similar means for another's profit or advantage. |
| Guardian | An individual or entity appointed by a probate court to be legally responsible for the care and management of an individual adult who lacks sufficient capacity to make or communicate significant responsible decisions concerning his or her health or safety. Within Georgia law, "guardian" includes a "guardian of the person" appointed prior to July 1, 2005. |
| Guardian <i>ad litem</i> | An individual appointed pursuant to the provisions of O.C.G.A. § 29-9-2. The probate court in its discretion may at any time appoint a guardian <i>ad litem</i> to represent the interests of a minor, a proposed ward, or a ward in proceedings relating to the guardianship or conservatorship of that individual. |

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| | However, the appointment of a guardian ad litem does not supersede any specific requirement that an individual be served by personal service and the guardian <i>ad litem</i> may not waive personal service for that individual. |
| Guardian of Last Resort | A guardian appointed by the probate court when no other person or entity is qualified, suitable, or available to serve. |
| Guardianship | A probate court appointment of guardian to make decisions for an adult who has lost sufficient capacity to make or communicate significant responsible decisions concerning his or her health or safety. The power of a guardian over the person of his or her ward is like that of a parent over his child, but only to the extent necessary for the adult's actual limitations and in the least restrictive manner possible while observing that adult's individual rights and dignity. Refer to Guardianship of Adults, O.C.G.A. §29-4-1, <i>et seq.</i> |
| Guardianship - Permanent | A guardianship appointment by the probate court that is not time limited by law and can only be terminated by restoration of rights, a successor guardianship, or death. Two types of permanent guardianship for which the Department of Human Services (DHS) could be appointed are: <ul style="list-style-type: none"> • Successor • New Refer to O.C.G.A. §§ 29-4-1 (a); 29-4-42; 29-4-51. |
| Guardianship - Temporary | A guardianship appointment by the probate court which is limited in duration by law. Three types of temporary guardianships for which the Department of Human Services (DHS) could be appointed are: <ul style="list-style-type: none"> • Pre-hearing emergency • Emergency • Temporary substitute Refer to O.C.G.A. §§ 29-4-14(b)(4); 29-4-15; 29-4-16; 29-4-60. |
| Health Insurance Portability and Accountability Act (HIPAA) | The Health Insurance Portability and Accountability Act of 1996 (HIPAA) developed regulations protecting the privacy and security of certain health information. Its Privacy Rule, or Standards for Privacy of Individually Identifiable Health Information, establishes national standards for the protection of certain health information and provides technical and non-technical safeguards that organizations called “covered entities” must put in place to secure individuals’ “electronic protected health information” (e-PHI). |
| Healthcare Facility Regulation (HFR) | The Division within the Department of Community Health responsible for healthcare planning, licensing and certification of various healthcare facility and businesses. This office responds to reports of A/N/E in Long-Term Care Facilities. |
| Host Home | Private homes of individuals or families, whether owned or leased, in which life-sharing, residential supports are provided to one or two adults with developmental disabilities, who are not to be related to the occupant owner or lessee by blood or marriage. Must be licensed and regulated by the Department of Community Health and/or the Department of Developmental Disabilities and Behavioral Health to qualify. |
| Incapacitated | An adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such a significant extent that he or she is partially or totally unable to manage his financial resources or to meet essential requirements for his physical health and safety. |

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| Instrumental Activities of Daily Living (IADLs) | Those more complex activities associated with living independently in the community i.e. money management; meal preparation; housework, shopping, laundry, housework, mobility outside the home, managing routine and special health care needs and the ability to be home alone. These indicators, combined with basic Activities of Daily Living (ADLs), are considered in a comprehensive assessment of an adult's functional capacity. |
| Letters of Guardianship | An order of the probate court which vests the appointed guardian with authority to act on the ward's behalf upon the authority defined in the Order or otherwise by applicable Georgia. These letters will specify the type of guardianship as well as the powers and duties of the guardian. |
| Learning Management System (LMS) | The web-based learning infrastructure used by the Department of Human Services (DHS) that offers training administration, skill and competency management and other tracking related to employee certification and training. |
| Long Term Care Facility (LTCF) | A facility that provides rehabilitative, restorative, and/or ongoing skilled nursing care to patients or residents in need of assistance with activities of daily living. It includes any Skilled Nursing Home, Intermediate Care Home, Personal Care Home (PCH), or Community Living Arrangement now or hereafter subject to regulation and licensure by the Department of Community Health (O.C.G.A. §31-8-51). |
| Neglect | The absence or omission of essential services to the degree that it harms or threatens with harm the physical or emotional health of a vulnerable adult. |
| Nursing Home (NH) | Any facility who primarily provides skilled nursing care and related services to residents who require medical or nursing care; rehabilitation services to the injured, disabled, or sick; or on a regular basis, health care and services to individuals who because of their mental or physical condition require care and services (above the level of room and board) which is available to them only through these facilities, and is not primarily for the care and treatment of mental diseases. |
| Person Centered Planning | A process to develop an individualized support plan that is driven by the individual's own preferences, strengths, and personal goals and directed by the individual when possible. |
| Personal Care Home (PCH) | Any dwelling that provides or arranges for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. (Personal services include, but are not limited to, individual assistance with and supervision of self-administered medications and essential activities or daily living such as eating, bathing, grooming, dressing, and toileting.) |
| Personal Status Report (PSR) | Report mandated on the Guardian to be submitted to the probate court to update the court on the physical, emotional, and mental condition of the ward. Generally, to be submitted 60 days after appointment and annually thereafter, however it can be required at an interval ordered by Court. |

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| <p>Preadmission Screening and Resident Review (PASRR)</p> | <p>Preadmission Screening and Resident Review (PASRR) is a federally mandated screening process for individuals with serious mental illness and/or Developmentally Disabled related diagnosis who apply or reside in Medicaid Certified beds in a nursing facility regardless of the source of payment. The federal regulations governing PASRR are found in 42 CFR §§ 483.100 through 483.138.</p> <p>PASRR requirements are found in the State Operations Manual (SOM), Appendix P Survey Protocol for Long-Term Care Facilities and Appendix PP Interpretive Guidance for Long-Term Care Facilities. Centers for Medicare and Medicaid Services (CMS) State Survey Agency Directors guidance regarding PASRR, is dated September 27, 2007.</p> |
| <p>Physician Orders for Life-Sustaining Treatment (POLST)</p> | <p>Physician Orders for Life-Sustaining Treatment (POLST) is a portable medical order for specific medical treatments the patient would want during a medical crisis or upon a specific diagnosis and is actionable throughout the community including outside of an emergency or medical facility. The form documents a conversation between a medical professional and a patient and is intended as a complement to advance directives in that it serves as a translational tool and a continuity of care assurance. POLST orders are also known by other names in some states: Medical Orders for Life-Sustaining Treatment (MOLST), Medical Orders on Scope of Treatment (MOST), Physician's Orders on Scope of Treatment (POST) or Transportable Physician Orders for Patient Preferences (TPOPP).</p> |
| <p>Power of Attorney</p> | <p>A document that grants specific authority for another person (known as the Agent or Attorney in Fact) to act on behalf of the individual (known as the Principal) in certain financial matters. A Georgia Power of Attorney does not authorize the Agent to make healthcare or residential decisions or to make financial decisions against the wishes of the person who is the Principal of the POA. A Georgia Power of Attorney does not remove any rights from the Principal to continue acting under their own authority; it merely shares that authority with another person only authorized to act as directed by and in the best interests of the Principal. An Agent who acts against the wishes of the Principal or acts to enrich themselves has committed a breach of fiduciary duty and it could be a crime.</p> |
| <p>Public Guardian</p> | <p>An individual or private entity, including a nonprofit entity, who meets the qualifications required in O.C.G.A. § 29-10-1, et seq. and has registered with and been duly approved by the probate court to serve as a public guardian. DHS Representatives are not "Public Guardians."</p> |
| <p>Representative Payee</p> | <p>A person or other entity that manages an individual's Social Security benefits and/or Railroad Retirement benefits when an adult is determined unable to manage this function without assistance. (Also called "Payee").</p> |
| <p>Self-Abuse</p> | <p>Harm to oneself, e.g., mutilation or other self-destructive behaviors such as alcohol and drug abuse.</p> |
| <p>Self-Neglect</p> | <p>The result of an adult's inability, due to physical and/or mental impairments or diminished capacity, to perform essential self-care tasks including: providing essential food, clothing, shelter, and medical care; obtaining goods and services necessary to maintain physical health, mental health, emotional well-being and general safety; and/or managing financial affairs.</p> |

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| Serious Injury | Bodily injury to a DHS ward that involves a substantial risk of death, unconsciousness, extreme physical pain, sexual assault, violence, protracted and obvious disfigurement or impairment. |
| Sexual Abuse | The coercion for the purpose of self-gratification by a guardian or other person supervising the welfare or having immediate charge, control, or custody of a disabled adult or elder person to engage in any of the following conduct: <ul style="list-style-type: none"> • Lewd exhibition of genitals or pubic area of any person • Flagellation or torture by or upon a person who is unclothed or partially unclothed • Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is unclothed or partially clothed unless physical restraint is medically indicated • Physical contact in an act of sexual stimulation or gratification with any person’s unclothed genitals, pubic area, or buttocks or with a female’s nude breast • Defecation or urination for the purpose of sexual stimulation of the viewer • Penetration of the vagina or rectum by any object except when done as part of a recognized medical or nursing procedure. |
| State Office | Generally, in the context used herein refers to the Division of Aging Services' physical office location in Atlanta, Georgia. |
| Unbefriended Adults or Elders | Those who do not have capacity to give informed consent, have not executed advance directives, have no legally authorized surrogate and no family, friends or interested persons to help with decision-making. |
| Unexpected Death | A death of a DHS ward that occurs as a result of homicide, suicide, accident or suddenly when in apparent good health. |
| Ward | A person placed under the care and protection of a guardian or conservator. (Referred to within DAS Public Guardianship Office as a person under guardianship) |

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