

The following Proposed Regulation Revision Published for Comment February 13, 2012 has a comment period which expires April 9, 2012.

Within the proposed regulation revision, additions and deletions are indicated by underlining and lining out respectively, except where the entire regulation is new.

Notice to interested persons, in accordance with Regulation 600, Procedure for the Adoption, Amendment, and Repeal of Regulations, Regulation 602.

On April 9, 2012, the Certified Professional Guardian Board will act on Continuing Education Regulations 200. The changes are set out below. The meeting will be held at the SeaTac Airport Center, 18000 International Blvd., Suite 1106, SeaTac, Washington. The meeting starts at 9 a.m.

Purpose: Please see the memo below for information regarding the purpose and background of proposed changes.

Comment Period: All comments should be submitted to the Certified Professional Guardian Board by either U.S. mail or e-mail. Comments should be received no later than **March 19, 2012**. Comments may be sent to the following addresses: Certified Professional Guardian Board, P.O. Box 41170, Olympia, WA 98504, or guardian.program@courts.wa.gov



WASHINGTON COURTS

February 13, 2012

TO: CPG Board

FROM: Education Committee

RE: Proposed Modifications to CPG Continuing Education Regulations 200
(See Appendix A)

At the January 9, 2012 CPG Board meeting, members discussed several approaches to streamline staff support for Board functions, and increase revenue to work towards cost-revenue neutrality. The Board specifically instructed the Education Committee to discuss and draft recommended changes to the Regulations. The Education Committee submits the proposed changes discussed in this memo, and included in the attached document.

I. Restructure of the Continuing Education Credit Categories

Currently CPGs are required to earn a minimum number of continuing education credits in each of four categories: Person, Estate, Ethics and General. The Education Committee recommends replacing these with three categories: (1) General; (2) Ethics; and (3) Emerging Issues.

General credits would cover any educational topics that are currently covered by Person, Estate or General credits. The Ethics category would remain unchanged. Emerging Issues would be topics specifically identified and voted by the Board to ensure that CPGs receive timely education on topics identified as pertinent to current guardianship practice.

The Education Committee does not recommend any changes to the overall number of credits CPGs are required to earn.

These recommendations are reflected in the following drafted edits of the Regulations:

- Elimination of 201.11 (definition of Person credit)
- Elimination of 201.12 (definition of Estate credit)
- Modification of new 201.11 (definition of General credit)
- Creation of new 201.12 (definition of Emerging Issues credit)
- Modification of 202.2 (the number of credits to be earned per category)
- Modification of 202.3 (the number of carry-forward credits per category)
- Modification of 205.3 (identification of credit categories on sponsors' promotional materials)

II. Clean-Up Language, Elimination of Specific Fees in Regulations

Section 205.1 has been edited to accomplish the following goals:

- Change the form name to a more appropriate name.
- Removal of the actual fee to be charged, and instead making reference to the fee. Board-approved fees would instead be published annually on a Fee Chart. This gives the Board more flexibility in changing program fees, and would not require Regulations changes. See Appendix B.

III. Modified Scheduled for Late Reporting of Continuing Education Credits

Overseeing continuing education compliance requires a significant amount of staff time when reports are incomplete, and/or fail to arrive by a deadline. Currently AOC staff must manage three separate continuing education reporting dates, and two different late fees. The Education Committee recommends restructuring this process to reduce the amount of staff time required, and create a stronger incentive for CPGs to fulfill their continuing education requirements in a timely manner.

These recommendations are reflected in the following drafted edits of the Regulations:

- Modification of 208.1 (identification of January 30 as the reporting deadline, and requiring conformity in the reporting documentation)
- Modification of 208.2 (identification of April 1 as the late filing deadline, clarifying that all credits must have been earned in the 2-year cycle, and identifying that a late fee shall be paid)
- Modification of 211.1 (April 30 to April 1)

APPENDIX A

Continuing Education Regulations

Adopted as amended 11-12-01
Renumbered 10-10-05

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200 Continuing Education Regulations

201 Regulation Definitions.

As used in these regulations, the following definitions shall apply:

- 201.1 "Certified Professional Guardian" (Guardian) shall mean any person admitted to practice as a Guardian under Washington Supreme Court Rule GR 23.
- 201.2 An "approved education activity" shall mean an individual seminar, course, or other continuing education activity approved by the Continuing Education Committee of the Certified Professional Guardian Board ("Board" hereinafter).
- 201.3 A "credit hour" equals one clock hour of actual attendance.
- 201.4 The "Committee" shall mean the Continuing Education Committee of the Board.
- 201.5 The "staff" shall mean the staff of the Administrative Office of the Courts (AOC).
- 201.6 "GR 23" shall mean General Rule 23, which is the Supreme Court Rule adopted for certifying Professional Guardians, together with any subsequent amendments thereto, as adopted by the Supreme Court of the state of Washington.
- 201.7 "Teaching" in an approved continuing education activity shall mean and encompass the preparation and/or delivery of a prepared talk, lecture, or address at such activity.
- 201.8 "Participating" in an approved continuing education activity shall mean and encompass: 1) acting as a planning and organizing chair of such activity, or 2) taking part in such activity as a member of a panel discussion, without the preparation of written materials or the delivery of a prepared talk, lecture, or address.
- 201.9 "Reporting period" shall mean a two-year period from January 1 to December 31 the following year.
- 201.10 To qualify for "ethics credit," a course or subject must deal with the ethical issues and ethical conflicts relative to the legal rights, duties, or responsibilities of Guardians.
- ~~201.11 To qualify for "person credit", a course or subject must encompass training and information pertaining to personal care, physical care, residential placement, care management, medical, psychological, social, and family matters and other issues with which a Guardian of the Person should be familiar.~~
- ~~201.12 To qualify for "estate credit", a course or subject must encompass training and information about the marshalling, management and sale of assets; responsibility for maintenance and protection of assets; entitlement to federal, state, and other financial benefits; estate planning, including gifting and transfers of assets; and other financial activities with which a Guardian of the Estate should be familiar.~~
- 201.13-11 To qualify for "general credit", a course or subject must encompass training and information pertaining to the business side of a Guardian's practice, the personal care of Guardian clients, and/or the management of assets, estates and benefits. Topics qualifying for general credit include, but are not limited to the following-including: the use of forms to assist in the practice, tax and civil liability, insurance and bond issues, relationship with counsel and other professionals, fee issues and billing practices, ~~and~~ business development, information pertaining to personal and physical care, residential placement, medical/psychological/social/family matters, marshalling/management/sale of/maintenance of assets, entitlement to state/federal benefits, estate planning, and other issues and activities with which a Guardian should be familiar. It also includes matters that apply

generally to guardianship of person and estate such as the roles of guardians ad litem, petitions for direction, general civil procedure or the role of the court.

201.12 To qualify for "emerging issues credit," a course or subject must encompass training and information pertaining to a topic specifically identify by the Board. The Board will determine for each reporting period which emerging issue should be addressed in guardianship education. Emerging issues shall be identified by the Board at least five months prior to the topic's corresponding reporting period.

202 Continuing Education Requirement

202.2 Each Guardian shall complete a minimum of 24 credit hours of approved education during each reporting period, except as exempted by Regulation 213. Credit hours accrue for classes approved by the Education Committee and shall biennially total no fewer than 24 credit hours that must include four Ethics credits, and four Emerging Issues credits. the following: Ethics—4 hours; Person—6 hours; Estate—6 hours; and General—8 hours. (Amended 3/8/10). All other credits are categorized as General Credits.

202.3 If an active Guardian completes more than 24 credit hours in a given reporting period, the excess credit, up to 12 credits will be carried forward and applied to such Guardian's education requirement for the next reporting period. Four-Ten (410) General, and two (2) Ethics credits, three (3) Person, and three (3) Estate credits will be carried forward to the next reporting period in their original categories. Excess Emerging Issues credits will be carried forward as General Credits.

202.4 Failure to comply with the provisions of this regulation within each reporting period shall subject the Guardian to disciplinary action, including decertification for failure to comply.

203 Credits/Computation

203.1 Continuing education credit may be obtained by attending, teaching, or participating in continuing education activities which have 1) been previously approved by the Committee, or 2) have been afforded retroactive approval by the Committee pursuant to these regulations.

203.2 A credit shall be awarded for each hour actually spent by an active Guardian or an inactive guardian who is planning to become active within the next 12 months in attendance at an approved education activity.

203.3 Credit will not be given for time spent in meal breaks. Credit will not be given for speeches presented at meal functions.

203.4 Excess or "carry-over" credits may be applied to the succeeding reporting period's credit hour requirement. Such credits shall be reported to the Committee on or before January 31 as is required by Regulation 208.1. (Amended 3/8/10).

203.5 Credit toward the continuing education requirements set forth in these regulations may be earned through teaching or participating in an approved continuing education activity on the following basis:

203.5.1 An active Guardian teaching in an approved education activity shall receive credit on the basis of one credit for each hour or part of an hour actually spent by such Guardian teaching. Additionally, an active Guardian teaching in such an activity

may also be awarded further credit for preparation time in the ratio of three (3) hours of preparation time to one hour of teaching time up to a maximum of nine (9) hours. The ratio of two to one will be applied to teaching presentations of less than one hour. An active guardian may earn credit only once for teaching in the same accredited course, regardless of the number of times the course is presented.

203.5.2 An active Guardian participating in an approved educational activity shall receive credit on the basis of one credit for each hour actually spent by such Guardian participating in such activity. Additionally, an active Guardian participating in such an activity may also be awarded further credit on the basis of one credit for each hour actually spent in preparation time as defined in Section 201.8, provided that in no event shall more than five hours of credit be awarded for such preparation time in any one such continuing education activity. An active guardian may earn credit only once for participating in the same accredited course, regardless of the number of times the course is presented.

204 Standards for Approval

The following standards shall be met by any course or activity for which approval is sought:

204.1 The course shall have significant intellectual or practical content and its primary objective shall be to increase the attendee's professional competence as a Guardian.

204.2 The course shall constitute an organized program of learning dealing with matters directly relating to the guardianship practice and/or to the professional responsibility or ethical obligations of a Guardian.

204.3 Each faculty member shall be qualified by practical or academic experience to teach a specific subject.

204.4 Thorough, high quality, readable, and carefully prepared written materials should be distributed to all attendees at or before the time the course is presented. It is recognized that written materials are not suitable or readily available for some types of subjects; the absence of written materials for distribution should, however, be the exception and not the rule. Providing students the materials on a computer disk or flash drive is encouraged. (Amended 3/8/10).

204.5 Courses should be conducted in a setting physically suitable to the educational activity of the program. A suitable writing surface should be provided where feasible.

204.6 No course will be approved which involves solely television viewing in the home or office or correspondence work or self-study. Video, motion picture, sound tape, or online presentations may be approved, provided they include a method of student-teacher interactive involvement.

204.7 All courses must be open to all certified professional guardians.

204.8 No course will be approved unless it has met the requirements of 205.1.

204.9 The course shall satisfy curriculum requirements established by the Board.

205 Procedure for Approval of Continuing Education Activities

205.1 An active Guardian or sponsoring agency desiring approval of a continuing education activity shall submit to the Committee all information called for by ~~Form 4~~the Continuing Education Activity Credit Approval Form at least 30 days prior to the date scheduled for the class, along with a credit approval n-application ~~fee of \$25.00 for each occurrence~~. If filed less than 30 days before the activity, the ~~application applicant must pay a late credit approval fee is \$50 for each occurrence~~. Applications for retroactive approval will be considered if submitted with all the information required by ~~Form 4~~the Continuing Education Activity Credit Approval Form within 30 days of the continuing education activity and with the ~~\$50.00~~late credit approval fee. The ~~application-credit approval~~ fee may be waived, upon request, for court-sponsored training that is designed specifically for guardians. All fees shall be published annually by the Certified Professional Guardian Board no later than September 1 of the preceding year.

205.2 Approval shall be granted or denied in accordance with the provisions of Regulation 207 herein. Upon approval of the activity, a list of Guardians will be provided to the class sponsor if requested in the initial application, along with written acknowledgment of approval.

205.3 As to a course that has been approved, the sponsoring agency may announce, in informational brochures and/or registration materials: "This course has been approved by the Continuing Education Committee of the Professional Guardian Certification Board for hours of credit." Sponsors may also delineate as between general, ~~person, estate, and~~ ethics and emerging issues credits in their promotional materials.

205.4 On the date of the continuing education activity, the sponsoring agency shall give a copy of the Guardian course approval form to each Guardian attending.

205.5 No later than 30 days following the activity, the sponsoring agency must send the attendance list to the AOC, along with a copy of the completed evaluation. Materials distributed at the activity shall be available to the AOC upon request.

206 Delegation

206.1 To facilitate the orderly and prompt administration of GR 23 and these regulations, and to expedite the processes of course approval, teaching and participation credits, and the interpretation of these regulations, the staff of the Administrative Office of the Courts may act on behalf of the Committee under GR 23 and these regulations. Any adverse determinations and all questions of interpretation of these regulations by the staff shall be subject to review by the Committee upon written application by person adversely affected.

206.2 The Committee may organize itself into committees and/or appoint subcommittees for the purpose of considering and deciding matters arising under GR 23 and these regulations.

207 Staff Determinations and Review

207.1 Staff of the AOC shall, in accordance with regulations 204 and 206, respond in writing to all written requests for course approval, teaching and participation credits, and interpretation of the continuing education regulations of GR 23. The staff may seek a determination of the Committee before making such response. At each meeting of the Committee, the staff shall report on all determinations made since the last meeting of the Committee.

207.2 The Committee shall review any adverse determination of the staff. An active Guardian or the sponsoring agency affected may, at the discretion of the Committee Chair, present information to the Committee in writing, in person, or both. If the Committee finds that the staff has incorrectly interpreted the facts, or the provisions of these regulations, it may take such action as may be appropriate. The Committee shall advise the active Guardian or sponsoring agency affected of its findings and any action taken.

208 Submission of Information--Reporting of Attendance

208.1 Compliance Report. ~~Within 30 days from the end of the preceding reporting period~~By January 30 immediately following each reporting period, each Guardian shall submit an affidavit to the Committee, at the AOC, setting forth all information required by the Affidavit Reporting CEUs concerning such Guardian's completion of approved continuing education during the preceding reporting period. The affidavit shall be submitted in conformity with instructions provided by the Administrative Office of the Courts. Such affidavit shall also contain a report of "carryover" credits, if any, as delineated in Regulation 202. (Amended 3/8/10).

208.2 ~~Supplemental Report~~Late Compliance Report. If an active Guardian has not ~~completed~~submitted the minimum education requirement for the preceding reporting period by January 30, or complied with Regulation 208.1, compliance may still be accomplished by:

208.2.1 Submitting by April ~~130~~, the affidavit called for by Regulation 208.1, the Affidavit Reporting CEUs, setting forth therein the extent of the active Guardian's compliance with the minimum education requirement. All continuing education activities must have transpired during the two-year reporting cycle, with the exception of earned carry-forward credits as described in 202.3

208.2.2 Paying at the time of filing such ~~supplemental~~Late Compliance Report affidavit a special ~~\$50~~ service fee. All fees shall be published annually by the Certified Professional Guardian Board no later than September 1 of the preceding year.

208.3 An active Guardian who fails to comply with the provisions of this regulation shall be subject to the procedures and provisions of Regulation 211.

209 Submission of Information--Credit for Teaching or Participating

An active Guardian who seeks credit for teaching or participating in an approved continuing education activity pursuant to Regulation 203.5, shall submit an affidavit to the Committee, at the AOC, setting forth all information required by the appropriate portions of the Affidavit Reporting CEUs, concerning such teaching and/or participating in approved education courses or activities during the preceding reporting period. The affidavit shall be submitted within 30 days of the end of the preceding reporting period. (Amended 3/8/10)

210 Extensions, Waivers, Modifications

The Committee may grant extensions, waivers, or modifications of these regulations in cases of undue hardship, infirmity, or other good cause. Requests for extensions, waivers, or modifications shall be made in writing.

211 Non-compliance--Board Procedures

211.1 An active Guardian who has not complied with the educational or reporting requirements of GR 23 and these regulations by April ~~130~~ of each year, may be decertified by the Board.

- 211.2 To effect such decertification, the Committee shall send to the non-complying Guardian by certified mail, directed to the Guardian's last known address as maintained on the records of the Administrative Office of the Courts, a written notice of non-compliance. The notice shall advise such active Guardian of the pendency of decertification unless within 10 calendar days of receipt of such notice such active Guardian completes and returns to the Committee a petition, to which supportive affidavit(s) showing undue hardship, infirmity, administrative error, or other good cause may be attached for extension of time for, or waiver of, compliance with the requirements of GR 23 and these regulations, or for a ruling by the Committee of substantial compliance with the requirements.
- 211.3 If such petition is not filed, such lack of action shall be deemed acquiescence by the active Guardian in the finding of non-compliance. The Committee shall report such fact to the Board with the Committee's recommendations for decertification. The Board shall decertify the Guardian.
- 211.4 If such petition is filed, the Committee may, at its discretion, approve the same without hearing or may enter into an agreement on terms with such active Guardian as to time and other requirements for achieving compliance with GR 23 and these regulations.
- 211.5 If the Committee does not approve such petition or enter into such agreement, the affected Guardian may request a hearing on the petition by filing a written request with the Board within ten calendar days of notice of the Committee's decision. The Chair of the Board shall appoint a three-member Review Panel to conduct the hearing. The Review Panel shall enter written findings of fact and a recommendation as to whether or not the petition should be granted. The findings and recommendation of the Review Panel shall be reported to the Board as set forth in the Disciplinary Regulations of the Board.
- 211.6 The Board shall review the decision of the Review Panel and the Board shall thereafter enter an order either granting or denying the Guardian's petition. If the Board denies the petition, the Board shall decertify the Guardian. A copy of the Board's decision shall be transmitted by certified mail to the active Guardian affected at the address of such member on file with the AOC. Any such order shall be final. The members of the Review Panel shall not participate in the decision of the Board.

212 Reactivation of Inactive Members

A person whose certification is inactive shall not be required to take continuing education course during the period of inactive status. A person who wishes to reactivate his or her certification shall successfully complete continuing education credits for the year immediately preceding his or her reactivation. A person desiring transfer from inactive to active status must comply with the applicable rules and procedures of the Board pertaining to such change of membership status, including the filing of an application with the Board in such form as is prescribed by the Board. The Board shall determine whether such application shall be granted. Compliance with GR 23, the Regulations adopted by the Board in respect of application and certification, and these regulations is only one factor.

213 Exemptions

If a Guardian is admitted during the first year of the reporting period, the Guardian needs only to complete 12 credits as described in Regulation 202.3 by the end of the reporting period. If a Guardian is admitted to practice in the second year of the reporting period, the Guardian is not

required to comply with the minimum continuing education credits for that reporting period.
(Amended 3/8/10).

214 Rulemaking Authority

The Committee, subject to the approval of the Board, has continuing authority to make or amend regulations consistent with GR 23 in furtherance of the development of continuing education for Guardian's and the regulation thereof.

215 Confidentiality

RESERVED SEE ADMINISTRATIVE REGULATIONS

APPENDIX B



2013 Fee Table for Certified Professional Guardian Board Activities

Continuing Education Fees

Fee Amount	Description	CPG Regulation Reference
\$25.00	Continuing Education Activity Credit Approval Fee	205.1
\$50.00	Continuing Education Activity Late Credit Approval Fee	205.1
\$300.00	Late Compliance Reporting Fee (filed with the AOC by April 1)	208.2