

Guardianship and Conservatorship Program Regulations Regulation 200 Continuing Education Regulations

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201 Regulation Definitions

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

201.1 "Certified Professional Guardian and Conservator" (Guardian and Conservator, or CPGC) shall mean any person admitted to practice as a Guardian and Conservator 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 Guardianship and Conservatorship 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 Guardian and Conservators, 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 Guardian and Conservators or must include discussion, analysis, interpretation, or application of the Standards of Practice, judicial decisions interpreting the Standards of Practice or guardianship and conservatorship ethics, and /or ethics opinion published by the CPGC Board.

201.11 To qualify for "general credit", a course or subject must encompass training and information pertaining to the business side of a Guardian and Conservator'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:

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, 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 and Conservator should be familiar. It also includes matters that apply generally to guardianship and conservatorship such as the roles of guardian ad litem and court visitors, 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 identified by the Board. The Board will determine for each reporting period which emerging issue(s) should be addressed in guardianship and conservatorship education. Emerging issues shall be identified by the Board at least five months prior to the topic's corresponding reporting period. A CEU Sponsor may choose to include with their CEU application a written request that the Board approve a topic outside of the preapproved Emerging Issues categories as Emerging Issues credit. The request must provide explanation as to how the topic is of important significance to the guardianship and conservatorship profession and that the topic or issue has arisen during the current reporting period. AOC Staff have discretion to approve or deny a request for a topic to be approved as an Emerging Issues credit. Any approval or denial of a topic as Emerging Issues must be ratified by the Education Committee. A credit that is denied as an Emerging Issue may be approved as a General credit)

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202 Continuing Education Requirements

202.1 Each Guardian and Conservator 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. All other credits are categorized as General Credits.

202.2 If an active Guardian and Conservator 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 and Conservator's education requirement for the next reporting period. Ten (10) General and two (2) Ethics 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.

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

Guardianship and Conservatorship Program Regulations

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 and Conservator or an inactive guardian and conservator 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.

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 and Conservator 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 and Conservator teaching. Additionally, an active Guardian and Conservator 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 and conservator 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 and Conservator participating in an approved educational activity shall receive credit on the basis of one credit for each hour actually spent by such Guardian and Conservator participating in such activity. Additionally, an active Guardian and Conservator 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 and conservator may earn credit only once for participating in the same accredited course, regardless of the number of times the course is presented.

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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 and Conservator.

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 or Conservator.

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.

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 All courses must be open to all certified professional guardian and conservators.

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

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

204.9 Continuing Review of Prerecorded Courses

Previously approved prerecorded courses shall be reviewed by the Education Committee prior to the commencement of each reporting period to ensure that each course continues to meet the standards for approval listed in this section and to determine the appropriate course classification. Courses that no longer meet these standards shall be removed from the approved course list prior to the beginning of the next CEU reporting period. Prerecorded courses may only be taken for credit once per reporting period.

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205 Procedure for Approval of Continuing Education Activities

205.1 An active Guardian and Conservator or sponsoring agency desiring approval of a continuing education activity shall submit to the Committee all information called for by the Continuing Education Activity Credit Approval Form at least 30 days prior to the date scheduled for the class, along with a credit approval fee. If filed less than 30 days before the activity, the applicant must pay a late credit approval fee. Applications for retroactive approval will be considered if submitted with all the information required by the Continuing Education Activity Credit Approval Form within 30 days of the continuing education activity and with the late credit approval fee. The credit approval fee may be waived, upon request, for court-sponsored training that is designed specifically for guardian or conservators. All fees shall be published annually by the Certified Professional Guardianship and Conservatorship 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 Guardian and Conservators 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 Guardianship and Conservatorship Certification Board for hours of credit." Sponsors may also delineate as between general, 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 and Conservator course approval form to each Guardian and Conservator 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.

205.6 The Board may, on its own behalf, approve a course or activity for Continuing Education Credit without an application for Continuing Education Credit from an active Guardian and Conservator or sponsoring agency. A continuing education activity approved under this subsection must be granted or denied in accordance with the provisions of Regulation 207. Neither a credit approval fee nor an attendance list will be required for a continuing education activity approved under this subsection 205.6.

205.6.1 A guardian and conservator who chooses to participate in a continuing education activity approved under this subsection must provide the AOC with a certificate of completion, or some other documentation which demonstrates the guardian and conservator's participation in the activity.

205.6.2 A guardian and conservator or other third party must provide an application for approval of continuing education activity in compliance with subsection 205.1 through 205.4 of this section and cannot request the Board approve a continuing education activity on its own behalf in lieu of the third party submitted the required application.

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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.

Guardianship and Conservatorship Program 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 and Conservator 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 and Conservator or sponsoring agency affected of its findings and any action taken.

Guardianship and Conservatorship Program Regulations

208 Submission of Information Reporting of Attendance

208.1 Compliance Report. By January 31 immediately following each reporting period, each Guardian and Conservator shall submit an affidavit to the Committee, at the AOC, setting forth all information required by the Affidavit Reporting CEUs concerning such Guardian and Conservator'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.

208.2 Late Compliance Report. If an active Guardian and Conservator has not submitted the minimum education requirement for the preceding reporting period by January 31, or complied with Regulation 208.1, compliance may still be accomplished by:

208.2.1 Late Compliance Report. Submitting by April 1 the affidavit called for by Regulation 208.1, the Affidavit Reporting CEUs, setting forth therein the extent of the active Guardian and Conservator's compliance with the minimum education requirement. All continuing education activities submitted on the Late Compliance Report must have transpired either (a) during the two-year reporting cycle or (b) by March 31st immediately following the reporting cycle, with the exception of earned carry-forward credits as described in 202.3. Credits reported on the Late Compliance Report form under 208.2.1 (b) may not be used to comply with the minimum education requirement for any other reporting period.

208.2.2 Paying at the time of filing such Late Compliance Report a special service fee. All fees shall be published annually by the Certified Professional Guardianship and Conservatorship Board no later than September 1 of the preceding year.

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

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209 Submission of Information Credit for Teaching or Participating

An active Guardian and Conservator 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.

Guardianship and Conservatorship Program Regulations

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.

Guardianship and Conservatorship Program Regulations

211 Non Compliance Board Procedures

211.1 An active Guardian and Conservator who has not complied with the educational or reporting requirements of GR 23 and these regulations by April 1 of each year, may be decertified by the Board.

211.2 To effect such decertification, the Committee shall send to the non-complying Guardian and Conservator by certified mail, directed to the Guardian and Conservator'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 and Conservator of the pendency of decertification unless within 10 calendar days of receipt of such notice such active Guardian and Conservator 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 and Conservator 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 and Conservator.

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 and Conservator 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 and Conservator 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 and Conservator's petition. If the Board denies the petition, the Board shall decertify the Guardian and Conservator. A copy of the Board's decision shall be transmitted by certified mail to the active Guardian and Conservator 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.

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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.

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213 Exemptions

If a Guardian and Conservator is admitted during the first year of the reporting period, the Guardian and Conservator needs only to complete 12 credits (that must include two Ethics credits and two Emerging Issues credits) as described in Regulation 202.1 by the end of the reporting period. If a Guardian and Conservator is admitted to practice in the second year of the reporting period, the Guardian and Conservator is not required to comply with the minimum continuing education credits for that reporting period.

Guardianship and Conservatorship Program Regulations

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 and Conservator's and the regulation thereof.

Guardianship and Conservatorship Program Regulations

215 Confidentiality

RESERVED SEE ADMINISTRATIVE REGULATIONS