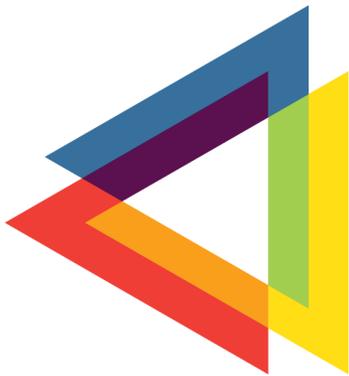


CA PA | PG | PC

# Standards & Certification Process



CALIFORNIA STATE ASSOCIATION OF

PA | PG | PC

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## Table of Contents

<b>CHAPTER 1: NEED STATEMENT FOR CERTIFICATION PROCESS</b>	<b>3</b>
<b>CHAPTER 2: SERVICE DEFINITIONS/JOB DESCRIPTIONS</b>	<b>5</b>
OFFICE OF PUBLIC ADMINISTRATOR SERVICE DEFINITION	5
OFFICE OF PUBLIC GUARDIAN/PUBLIC CONSERVATOR SERVICE DEFINITION	5
<b>CHAPTER 3: ELIGIBILITY &amp; STANDARDS</b>	<b>7</b>
ELIGIBILITY FOR CERTIFICATION BY CA PA PG PC	7
CERTIFICATION CRITERIA	7
CERTIFICATION NON-COMPLIANT PENALTIES	7
HISTORICAL PROVISION ON CERTIFICATION	7
<b>CHAPTER 4: CERTIFICATION AND CONTINUING EDUCATION CURRICULUM</b>	<b>8</b>
CERTIFICATION	8
DEFINITIONS	8
FEES	8
PUBLIC ADMINISTRATOR COURSE REQUIREMENTS	8
PUBLIC GUARDIAN/CONSERVATOR COURSE REQUIREMENTS	9
<b>CHAPTER 5: CODE OF ETHICS</b>	<b>12</b>
<b>CHAPTER 6: ENFORCEMENT PROCEDURES</b>	<b>13</b>
REFERRALS FOR INVESTIGATION	13
INVESTIGATIONS	13
EXECUTIVE BOARD ACTION	13
APPEAL	14

## CHAPTER 1: Need Statement For Certification Process

The need for the certification process was identified in 1983 by the California State Association of Public Administrators, Public Guardians and Public Conservators (“Association”). A “Standards and Certification Committee” was formed, and this evolved into a Standards and Certification Board in 1987. It is now once again referred to as the “Standards and Certification Committee”. The Committee reports to the Executive Board of the Association.

Development of the certification process was the result of three major areas of concern.

First was a concern regarding the need for Public Administrators, Public Guardians and Public Conservators\* to have their own professional identity. Counselors, therapists, social workers, etc. have a long history of having established professional organizations and standards. However, Public Administrators, Public Guardians and Public Conservators have remained “professionally anonymous” in carrying out their myriad of duties. By developing standards leading to certification, the professional roles of the Public Administrators, Public Guardians and Public Conservators are more clearly brought to light and defined in a manner leading to the establishment and growth of an independent profession.

The second area of concern was variability in service delivery standards throughout the state. Such variability is not viewed as healthy for either “the client” or “the profession”. Requiring statewide standards regarding competency and integrity for certification of Public Administrators, Public Guardians, and Public Conservators has a positive impact on the quality control component of service delivery standards.

The third area of concern was in developing a mechanism or process for Public Administrators, Public Guardians, and Public Conservators to receive needed training on a regular basis. This matter is seen as particularly critical given varied backgrounds, lack of uniform training, and growing complexity of cases. Accordingly, the certification process is particularly designed as the means to insure continual training.

While the current Standards and Certification Committee is making positive strides in dealing with the foregoing areas of concern, particularly with regard to training, other problems have come to light.

Legislation has recently been passed which specifies that public guardians shall comply with continuing education requirements established by the Association, as well as increased court supervision of their work and establishment of a program to investigate conservatorship related complaints. The legislation arose from assertions that the rights of the elderly and helpless have been ignored; they have been unnecessarily placed in convalescent hospitals and board and care homes; they have been robbed of their dignity; and estates have been mismanaged and even exploited. Standards must be regularly improved to insure review and quality control in the guardianship and conservatorship process.

There is also a continuing need to insure training, and adherence to a code of ethics leading to certification. The need is omnipresent for the Standards and Certification Committee to take a

strong role in developing standards for quality control. Competence and integrity must be required in all areas of the guardianship/conservatorship process.

\*\*Wherever reference is made to Public Guardians, Public Conservators and/or Public Administrators, it also includes deputies and staff thereof.

## CHAPTER 2: Service Definitions/Job Descriptions

Following is an explanation of the service definitions that may exist within the departments of the Public Administrator and the Public Guardian/Public Conservator. While classifications may vary from county to county, these definitions provide a general description of the duties, which are relevant to the administration of the guardianship/conservatorship and decedent's estate processes.

### OFFICE OF PUBLIC ADMINISTRATOR SERVICE DEFINITION

The Public Administrator, under general supervision, administers and assists in the administration of the estates of decedents pursuant to the Probate Code.

Examples of Services:

1. Thorough on-site searches, correspondence, and interviews, conducts estate investigations to locate and identify relatives and beneficiaries, wills, pre-need funeral arrangements, and all estate assets, including real and personal property.
2. Makes funeral arrangements according to burial instructions, provisions of a will, or department and court policy; notifies relatives and other interested parties.
3. Prepares inventories of deceased person's assets.
4. Assists in marshaling estate assets, including the collection of bank accounts and contents of safe deposit boxes, securing personal property, transferring stocks and bonds to estate control, and application of Social Security, veterans, retirement and insurance benefits.
5. Manages real property including insurance on property, maintenance and security, collection of rents as required, payment of property taxes, collection of notes and payment of mortgages.
6. Assists in disposing of real and personal property through sale, public auction, or disbursement to beneficiaries, as appropriate.
7. Reviews the validity of claims and other liabilities against the estate; authorizes expenditures and payment of claims.
8. Prepares and assists in preparing reports on accounting of assets, payment of fees and disbursement of estate assets.
9. Maintains accurate files and financial records.
10. Arranges for the preparation of personal, fiduciary and estate tax returns.
11. Interviews, advises, and confers with heirs, relatives, attorneys, title companies, banks, appraisers, accountants, other public agencies, County Counsel's office, and others concerning the administration and probate of estates.
12. Testifies in court regarding the probate of wills and other matters regarding estate administration; may represent the estate in small claims court.
13. Confers with other divisions and departments regarding special problems encountered and furnishes information as required.
14. Provides such additional services as changing laws may specify or require.

### OFFICE OF PUBLIC GUARDIAN/PUBLIC CONSERVATOR SERVICE DEFINITION

The Public Guardian/Public Conservator, under general supervision, investigates and administers conservatorships and guardianships of the person and/or estate pursuant to the applicable laws within the Welfare and Institutions Code and the Probate Code.

#### Examples of Services:

1. May investigate the financial, social, and medical background of persons referred for guardianship or conservatorship, including interviewing the proposed ward or conservatee, and his/her family, friends, treatment providers and others.
2. Determines whether guardianship or conservatorship is appropriate under the applicable laws and makes recommendations to the Court.
3. Arranges for appropriate placement of wards and conservatees, for whom the Public Guardian/Public Conservator has been appointed, in the least restrictive and most appropriate type of residence or care facility, and arranges for necessary medical and/or psychiatric treatment.
4. Develops case plans and monitors their implementation.
5. Makes periodic visits to evaluate and monitor the delivery and quality of care given by treatment providers to determine special needs, and performs personal services, such as obtaining clothing or other personal items.
6. Provides legal supervision over wards and conservatees as specified in the Probate Code and Welfare and Institutions Code.
7. Develops and monitors financial resources for treatment, care, and other expenses of wards, and conservatees, including arranging for purchase or disposal of personal and real property, and securing financial assistance, such as social security benefits, veterans' benefits and public assistance.
8. Protects the estates of wards and conservatees from exploitation or loss by locating and taking control of all assets, budgeting expenditures, managing or disposing of real property, and safeguarding or disposing of personal property.
9. Establishes and maintains accurate financial and casework records and files for renewal cases, as well as for court approval of accounting as required by applicable laws.
10. Attends court hearings, including court and jury trials, and testifies regarding recommendations on guardianship or conservatorship.
11. Assists County Counsel in pretrial preparation and during probate trials and Lanterman-Petris-Short conservatorship trials.
12. Assists counsel of record on behalf of wards and conservatees in all criminal and civil hearings outside of conservatorship or guardianship.
13. Makes funeral arrangements and arranges for disposal of assets of deceased wards and conservatees as directed by the Probate Code.
14. Provides such additional services as changing laws may specify or require.

## CHAPTER 3: Eligibility & Standards

### ELIGIBILITY FOR CERTIFICATION BY CA PA | PG | PC

1. Employment in a Public Administrator's, Public Guardian's, or Public Conservator's office in one of the 58 counties in the State of California;
2. Approval of the Principal member of the Association
3. Member in good standing of the Association (payment of County fee as well as current in individual membership dues)
4. Compliance with and upholding of the Code of Ethics of the Association

### CERTIFICATION CRITERIA

1. Forty (40) hours of continuing education every four years
2. The training must be given by a provider, which has been approved by the Association

A "Certificate of Completion" will be issued when a member has obtained 40 credit hours of training anytime within the four-year period and that they meet all eligibility requirements listed above.

Certification is based on a fiscal calendar year from July 1 – June 30. For example, if a member completes 40 hours of certification training by November 1, 2016, their certification date will be June 30, 2017.

### CERTIFICATION NON-COMPLIANT PENALTIES

If a member does not meet the 40 hour requirement in 4 years, they are noted in the system as non-certified and to be in compliance must by the end of the second four-year period meet 40 hours in the 4 years as well as any additional hours not completed in the prior 4-year certification window.

As an example: If a member completes 35 certification hours in a 4-year window, the subsequent 4-year certification window would be the standard 40 hours required as well as the additional 5 hours not completed in the prior certification window. This penalty is cumulative each 4-year cycle.

### HISTORICAL PROVISION ON CERTIFICATION

The State of California Judicial Council designated the Association as the certifying body for all PA|PG|PC in California (Probate Codes §7605, 2923 and 1456.2) in 2008 and 2010. As such, the Association implemented the following to address this new mandate to minimize the fiscal impact to our members

1. Members who had earned 30 or more credits by June 30, 2008 were "grandfathered" in as certified.
2. If a member had less than 30 credit hours of training by June 30, 2008, the member was required to earn 40 credit hours of training for certification within the following 4 year period. Any credit hours accumulated within the previous four-year period would have been applied to the 40 credit hours requirement.

## CHAPTER 4: Certification And Continuing Education Curriculum

The following pages identify certification and recertification requirements and training modules for the functional components of Public Administrator and Public Guardian/Public Conservator.

### CERTIFICATION

For initial certification, the required forty (40) credit hours may be obtained by taking any courses approved by the Association. Completion of a course on ethics and a basic orientation course applicable to the duties performed in an office of a public administrator, public guardian or public conservator and approved by the Association will be required for certification by new members.

No more than twelve (12) credit hours, accumulated in a four-year period, may be obtained from training courses offered online or from other outside sources, as approved by the Association. Credits received from regional trainings or in-house trainings are not limited, provided the Association approves such trainings.

### DEFINITIONS

- An “outside” training is defined as any training, course, workshop or other form of professional training the Association does not present, but which is given by another entity.
- An “in-house” training is defined as any training, course, workshop or other form of professional training that is presented by a Public Administrator, Public Guardian or Public Conservator office for its deputies and staff.
- A “regional” training is defined as any training, course, workshop or other form of professional training that is presented by one of the five Regional Chairpersons of the Association.

Any training, course, workshop or other form of professional training should fall within the list of subject areas of courses set forth this Plan.

### FEES

A fee will be charged for attending certification and recertification training, which is to be applied to Association costs as determined by the Association.

### Public Administrator Course Requirements

Courses or subject areas may be added or deleted as the Association determines or as changing laws may specify or require.

Completion of a course on ethics and a basic orientation course applicable to the duties performed in an office of a Public Administrator, Public Guardian or Public Conservator and approved by the Association, will be required for certification.

Completion Of A Course On Ethics Will Be Required For Recertification.

#### General

- Orientation–Basics

- Ethics

- Duties of a PAPGPC
- Quality Assurance
- Confidentiality

Laws and Codes—PA Function  
 Handling Litigation Matters

Managing Complaints & Lawsuits

Investigations

- Interviewing family members/friends
- Finding heirs/assets
- Initial assessment of estate value-  
 Regular/Summary/Under \$30,000
- Searches

Funeral Arrangements

- Cremations/Burials
- Indigent Burials

Administration and Case Management

- Initiating Probate Petition
- File management
- Record keeping
- Fiscal management
- Trust Administration

Identifying and Marshaling Assets

- Bank Accounts
- Stocks/Bonds
- Investment accounts
- Insurance policies
- Pension Benefits

Benefits

- Social Security death benefits
- Medicare/Medi-Cal
- Annuities
- VA pensions

Inventory and Appraisal

Taxes

- Personal Income
- Fiduciary
- Estate

Property Management/Sale

- Real Property Management & Sales
- Unlawful Detainers
- Personal Property Management &  
 Liquidation
- Business property

Conforming Real Estate Transactions to  
 Probate Law

Creditors Claims

Final Accountings/Distribution

- Regular Probate
- Summary Probate

Wills/Trusts

Power of Attorney/Health Care Directive

### [Public Guardian/Conservator Course Requirements](#)

Courses or subject areas may be added or deleted as the Association determines or as changing laws may specify or require.

Completion of a course on ethics and a basic orientation course applicable to the duties performed in an office of a Public Administrator, Public Guardian or Public Conservator and approved by the Association will be required for certification.

Completion Of A Course On Ethics Will Be Required For Recertification.

General

- Orientation-Basics
- Ethics
- Duties of a PAPGPC

- Quality Assurance
- Confidentiality

#### Inventory and Appraisals

#### Taxes

- Personal Income

#### Laws and Codes - PG/PC Function

#### Investigations

- Client Evaluation
- Initial Assessment of Estate Value
- Interviewing Techniques
- Locating Relatives
- Evaluation of Care
- Cursory Searches
- LPS

#### Funeral Arrangements

- Cremations/Burials
- Indigent Burials

#### Administration and Case Management

- Initiating court proceedings
- File management
- Record keeping
- Fiscal management
- Estate Management

#### Identifying and Marshaling Assets

- Bank Accounts
- Stocks/Bonds
- Investment Accounts
- Insurance policies
- Pension benefits

#### Community Resources

#### Benefits

- Social Security
- Medicare/Medi-Cal
- Medical/Health insurance
- Pensions/Annuities
- VA

#### Property Management/Sale

- Personal Property
- Unlawful Detainers
- Real Property
- Business Property

#### Medical Consents - LPS

#### Murphy Conservatorships

#### Mandatory Reporting Requirements

#### Client Issues

- Care Assessment
- Assessing the Older Adult
- Client Placement Procedures
- Dementia and Alzheimer's disease
- Illness and Medication Management
- Elder Abuse, Neglect, Exploitation

#### Creditors Claims

#### Cultural Competency

#### Court Accountings

- Interim
- Final
- Fees and Costs
- Structure
- Schedules
- Distribution

#### Wills/Trusts

#### Power of Attorney/Health Care Directive

#### Resources for the Elderly and Mentally Ill

#### Special Risk of Elderly

#### Psychotropic Medications

#### Hoarding

#### Mental Health-Diagnostic Info

End of Life Issues

Mental Health Care

Trust Management

## CHAPTER 5: Code Of Ethics

Public Administrators, Public Guardians, and Public Conservators shall:

1. Recognize that care of the client is a prime responsibility and at all times strive to provide quality services consistent with available resources and applicable laws.
2. Provide services with respect for the dignity and uniqueness of the client unrestricted by considerations of social or economic status, race, age, sex, color, creed, national origin, religion, sexual orientation, personal attributes, or the nature of mental or medical problems.
3. Act as advocate in safeguarding the clients' civil and legal rights.
4. Safeguard the clients' right to privacy by judiciously protecting information of a confidential nature.
5. Observe, at all times, existing local, state, and federal laws as a minimum guide for the fulfillment of responsibilities to clients.
6. Maintain an attitude of fairness, honesty, and impartiality in all professional activities and relationships.
7. Manifest personal integrity, and assume responsibility and accountability for individual judgments and actions, and eliminate any possibility of conflict of interest.
8. Protect, at all times and under all circumstances, the position of trust vested in the office of the Public Administrator, Public Guardian, and Public Conservator.
9. Maintain competence in professional skills.
10. Cooperate with other entities engaged in, or supportive of, collateral services to promote quality programs.
11. Participate in activities that contribute to the ongoing development of the profession's body of knowledge.
12. Participate in the Association's efforts to implement and improve the standards of the profession.
13. Enforce, through the Association, the policies established for the welfare of the clients and the continued effectiveness of the profession.

## CHAPTER 6: Enforcement Procedures

The Standards and Certification Committee of the Association (S&C Committee) shall be responsible for the enforcement of all standards set forth by the Association. The S&C Committee shall respond to reports that allege noncompliance with the standards for certification of new members; or noncompliance with the standards for maintaining certification in the Association.

All such reports received by the S&C Committee shall be investigated.

### REFERRALS FOR INVESTIGATION

A referral shall consist of a written report describing the nature of the noncompliance or violation plus any evidence that said noncompliance or violation has taken or is taking place. Referrals may be made directly to the S&C Committee or to any member of the Executive Board. Referrals received by Executive Board members who are not members of the S&C Committee shall be forwarded to the Committee immediately.

### INVESTIGATIONS

Referrals for investigation shall be acted on by the S&C Committee at its next scheduled meeting or earlier. Investigative actions shall be appropriate to the nature of the allegation(s) and shall be documented, along with the Committee's recommended response to the report, in an Investigation Report. The Investigation Report shall be forwarded to the Executive Board, which will make the ultimate determination regarding what action, if any, to take in response to the referral.

The S&C Committee shall be responsible for ensuring that all relevant parties are informed that an investigation is taking place. Such parties would include the individuals about whom the report was made, the head of the employing agency, and the person reporting the noncompliance or violation, but may involve others, at the Committee's discretion.

### EXECUTIVE BOARD ACTION

The Executive Board may respond in a limited number of ways to an S&C Committee recommendation, including:

1. Taking no action when the complaint is deemed unfounded.
2. Issuing a written reprimand to the relevant individual(s).
3. Giving an individual a Conditional or Probationary Certification until standards are met (new members only).
4. Decertifying the individual(s) temporarily or permanently.
5. Expelling the individual(s) from the Association.

In all cases, the Executive Board shall notify the person making the report of the noncompliance or violation of the fact that his/her report was investigated and a response provided thereto. The subject of the report and the subject's Principal member of the Association shall receive written notice of the specific Board action taken and the reasons for the action.

Where the Executive Board has enacted Conditional or Probationary Certification, Decertification, or Expulsion, the Board's written notice of action shall include a description of the means by which the member can be normally certified or readmitted to the Association.

## **APPEAL**

Within fifteen (15) days of the receipt of notice of an Executive Board response to a referral, any of the parties involved in the referral (i.e. the complainant, the subject of the complaint, and the head of the agency whose employee was investigated) may file an Appeal with the Executive Board. An Appeal is a written document explaining why the Board response is deemed inappropriate. Appeals shall be acted on by the Executive Board in face-to-face consultation with the S&C Committee chairperson.

The Executive Board shall issue a response to the Appeal within thirty (30) days. The response shall be in writing and shall be directed to all relevant parties to the Appeal.