



Rules and Regulations Regarding Certification and Re-Certification of National Certified Guardians

Revised: February 23, 2010



I. GENERAL PRINCIPLES

The purpose of the Center for Guardianship Certification (CGC) National Certified Guardian certification program is to identify those individuals who are involved in guardianship issues and who meet minimum qualifications and have a minimum level of knowledge and experience in guardianship services to be identified to the public as a National Certified Guardian.

National Guardianship Association Standards of Practice define guardian to include: an individual...named by order of the court to exercise any or all powers and rights of the person and/or the estate on an individual. The term includes conservators and private or public fiduciaries.

Certification is individual and voluntary. CGC Certified guardians are expected to act in compliance with the CGC Rules and Regulations in any fiduciary capacity, whether court-appointed, non-court appointed, or any position of trust.

Application with the appropriate fee shall be made to the CGC on the forms it shall supply. Certification is open to all qualified applicants without regard to age, race, religion, color, ethnic background, gender, sexual orientation, or disability.

All applications and other information submitted to the CGC as part of the certification and recertification process shall be privileged and confidential except that the CGC may reveal that an application has been made for the purpose of verifying (a) information submitted by the applicant or (b) whether an individual is a National Certified Guardian.

II. ADMINISTRATION OF CERTIFICATION AND RE-CERTIFICATION

The certification and re-certification of National Certified Guardians shall be administered by the CGC.

The CGC shall certify all individuals in accordance with these rules and regulations.

The CGC shall develop and oversee the following:

- A.** Approval of the application process used for guardian certification and re-certification.
- B.** Determination as to whether particular applicants have met the standards for certification or recertification.
- C.** Approval of training and continuing education courses related to meeting certification or recertification requirements.
- D.** Approval of waivers or modification of specific certification requirements for good cause.
- E.** Oversight of the preparation and administration of certification examinations.
- F.** Approval of all examination questions.
- G.** Development of the procedure for reviewing any applicant's examination that receives a failing grade.
- H.** Establishment of criteria relative to denial, suspension or revocation of certification.
- I.** Determination of all requests for reconsideration of denials, revocations, or suspensions of certification.
- J.** Maintenance of all appropriate records relative to certification.



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K. Provision of accommodations in accordance with the ADA.

L. Upon certification, the registrant will be issued a certificate and card, which will be valid for two years. A new certificate and card will be issued bi-annually upon satisfactory completion of the re-certification process.

III. APPLICATION PROCEDURE

A. Application Forms. Applications for Certification and Re-certification shall be made in writing on forms provided by the CGC. The CGC may require the applicant to submit information in addition to that called for on the application forms.

B. Fees. All fees connected with certification and re-certification shall be set by the CGC and are subject to change at any time.

1. Application Fee. Each applicant shall submit a non-refundable application fee along with the completed application form. No application will be processed until the application fee has been paid.

2. Examination Fee. Each applicant shall pay an examination fee before taking the certification examination. The fee shall be submitted with the completed examination registration form to the CGC at least thirty (30) days before the day on which the applicant wishes to take the certification examination.

3. Re-certification Fee. Each application for re-certification shall be accompanied by a nonrefundable re-certification fee. No re-certification application may be processed until the re-certification fee has been paid.

4. Late Fee. The CGC may impose a late fee for certification and re-certification applications received after the deadline.

C. Application Procedures. Upon receipt of a completed application form, the CGC staff shall review the application to determine that (1) the application form has been completed, (2) the applicant meets the minimum standards and (3) the appropriate fees have been paid. If so, the application shall be accepted.

D. Examination Failure. In the event the applicant does not pass the certification examination, the applicant may retake the examination upon submission of an additional examination fee and a new examination registration form for each examination date. If the applicant does not pass the examination by the second anniversary of the date on which the original certification application was accepted, the application for certification shall be denied. If an applicant whose application is so denied subsequently seeks to become certified, the application process must start again.

E. Application for Re-certification. Certification shall expire two years after the date it is issued. CGC must receive a properly completed application for re-certification not more than 45 days after the certification expires. The re-certification application shall be accompanied by the appropriate fee or it shall be denied. Individuals filing re-certification applications more than 45 days after their certification expires shall be denied re-certification. In such case, the certification process must begin again. At that time, the CGC website will be updated to remove the individual from the listing of certified guardians. An application for re-certification filed less than one month before the certification expires will be subject to a late fee.



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IV. MINIMUM STANDARDS FOR NATIONAL CERTIFIED GUARDIAN CERTIFICATION

A. Minimum Standards for Certification

To qualify for certification the applicant shall pay all required fees, comply with the application procedures herein, and meet the following minimum standards, except as otherwise provided by state certification law:

1. Must be at least 21 years of age.
2. Must be a high school graduate or possess the GED equivalent.
3. Must have one year of relevant work experience related to guardianship or the following educational requirements: (1) a degree in a field related to guardianship, or (2) completion of a course curriculum or specifically related to guardianship approved by the CGC.
4. Must not have been convicted or pled guilty or no contest to a felony?
5. Must attest that he or she has not been civilly liable in an action that involved fraud, misrepresentation, material omission, misappropriation, moral turpitude, theft, or conversion.
6. Must attest that he or she has not been relieved of responsibilities as a guardian by a court, employer, or client for actions involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion.
7. Must attest that he or she is bonded in accordance with state statutes and local practice.
8. Must attest that he or she has not been found liable in a subrogation action by an insurance or bonding agent.

B. Examination.

The applicant shall make a satisfactory showing of competency in guardianship by successfully completing an examination administered by the CGC. Notification of examination results shall be mailed to the applicant within 60 days.

V. MINIMUM STANDARDS FOR RE-CERTIFICATION

The period of certification is two years. A national certified guardian who desires continued certification shall apply for re-certification within the time limits prescribed in section III. To be eligible for re-certification, the certified individual shall pay all required fees and meet the following minimum standards:

A. Reaffirmation.

The National Certified Guardian shall reaffirm items 4 through 8 of IV of the Minimum Standards for National Certified Guardian Certification, IV of these Rules.

B. Continuing Education.

The National Certified Guardian shall, during the period since certification or most recent re-certification, have participated in at least twenty hours of continuing education and guardianship training as approved by the applicant's state guardianship association and/or by the CGC. National Certified Guardian shall list on the application for re-certification the dates, locations, sponsors, and number of credits earned for all continuing education courses to satisfy this requirement. The National Certified Guardian may request on the application for re-certification credit up to ten hours of continuing education credit for teaching courses, speaking at seminars, or authoring books or articles.



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VI. DISCRETION TO REQUEST ADDITIONAL INFORMATION

If after reviewing the information submitted by the applicant the CGC determines that the applicant does not meet the standards established by these rules and regulations, the CGC may conduct further investigation or require additional information from the applicant or other sources. The CGC may deny certification and re-certification based on the information it receives.

VII. DENIAL AND DISCIPLINARY CRITERIA

The CGC may deny, suspend or revoke a certification, or impose other disciplinary action on a National Certified Guardian, who as the guardian of the person or estate, or who in any other court appointed or non-court appointed fiduciary capacity, or position of trust, if it is determined that they have violated any of the following criteria:

- A.** Failed to abide by the Rules and Regulations promulgated by the CGC to govern the certification program;
- B.** Failed to pay any applicable fee established by the CGC;
- C.** Failed to meet the Minimum Standards for Certification established by the CGC;
- D.** Been convicted or pled guilty or no contest to a felony.
- E.** Been found civilly liable in an action that involved fraud, moral turpitude, misrepresentation, material omission, misappropriation, theft, or conversion.
- F.** Been relieved of responsibilities as a guardian or fiduciary by a court, employer, or client for actions involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion.
- G.** Not been bonded in accordance with state statutes and local practice.
- H.** Been found liable in a subrogation action by an insurance or bonding agent.
- I.** Failed to notify CGC of a violation as set forth in IV. A 4-8.
- J.** Violated the NGA Code of Ethics.
- K.** CGC may also discipline a National Certified Guardian, including by suspension or revocation of certification if: (a) the certificate was granted contrary to the Rules and Regulations of the CGC; or (b) the certificate was granted to an individual who is not eligible to acquire a certificate or who has made any false representations or misstatement of material fact to the CGC.

VIII. DISCIPLINARY PROCEDURE FOR NATIONAL CERTIFIED GUARDIAN

A. Initiation of Process.

Any person ("Petitioner") may Petition CGC to initiate disciplinary procedures against a National Certified Guardian ("Respondent"). If information or allegations come to the attention of CGC that a National Certified Guardian has violated one or more of the disciplinary criteria set forth in Paragraph VII herein, and no complaint is forthcoming from any person, then the CGC President may appoint an agent or agents to conduct an inquiry and fact finding to determine whether there is a reasonable basis to file a formal complaint. If the agent or agents file a formal complaint, then this complaint shall be processed in accordance with the disciplinary procedures set forth herein. The person or persons who initiated/participated in the inquiry should not be part of the final appeal decision and would be asked to recuse themselves, if an appeal was made. Those same individuals will also not be asked to serve on the Professional Review Board (PRB) convened for the specific inquiry in which they were involved.



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B. Content of the Petition.

A Petition, which is to be submitted to the CGC Executive Director, must be in writing and must include: the name and pertinent contact information of the Petitioner and the Respondent; an allegation of the existence of one or more of the disciplinary criteria set forth in section VII; an adequate factual basis for the allegation(s); and any necessary documentation or other supporting materials or information.

C. Initial Review of Petition.

The CGC Executive Director, in consultation with the CGC President and CGC General Counsel, will review the Petition to determine if it includes the necessary elements identified in paragraph B herein. If the Executive Director determines that the Petition does not conform to paragraph B herein, then, citing the specific deficiency or deficiencies, the Executive Director shall notify the Petitioner that the Petition will not be considered. The Petitioner may re-file an amended Petition, or may seek a review of the Executive Director's decision by the CGC Executive Committee by so notifying the CGC Executive Director within fifteen (15) days of the date of the rejection letter. In addition, if a complaint includes allegations of criminal conduct by a guardian or conduct that is actionable against a guardian in a court of law, the CGC Executive Director, in consultation with the CGC President and CGC General Counsel, may decline consideration and instead defer to the authority of an appropriate court of law, law enforcement agency, or other governmental investigatory or adjudicatory body. An outcome of such legal proceedings adverse to a guardian may form the basis of a subsequent complaint.

D. Professional Review Board.

Once a Petition is determined to conform to the requirements of paragraph B herein, the Executive Director will notify the CGC President, who will appoint three individuals to a Professional Review Board ("PRB") to address the Petition. At least one appointee shall be a member of the CGC Board of Trustees at the time of appointment. The CGC President shall also designate one of the PRB members to be PRB Chair. The PRB will act by majority vote.

E. Notice; Response.

Concurrent with notification of the President, the Executive Director will also inform the Respondent in writing that a Petition has been submitted; provide the Respondent with a copy of the Petition, including all supporting materials, as well as a copy of these Rules and Regulations; and ask for a written Answer to the Petition to be received by CGC within fifteen (15) business days from the date of the letter.

F. Suspension Pending Decision.

The CGC Executive Committee may, in its discretion, suspend the certification of the Respondent pending the decision of the PRB, and/or pending final disposition of any appeal.

G. Review by PRB.

The PRB Chair will schedule at least one meeting, in person or via conference call, to review the Petition and Answer, if any. Additional meetings may be held as deemed necessary by the PRB. While the PRB may seek additional information in its discretion; it has no obligation to do so; the PRB is not an investigatory body, and will generally render its decision based on the submissions of the Petitioner and Respondent.



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H. Hearing.

The PRB shall offer the Respondent the opportunity for a hearing. The date and location of the hearing will be determined by the PRB. The respondent is responsible to bear all costs to attend the hearing including the cost of witnesses for the respondent and all other costs for respondent to prepare for the hearing. At this proceeding, the Respondent will be permitted to testify; present evidence; respond to questions from the PRB; and examine and cross-examine witnesses who are also present. The Respondent may be represented by legal counsel at the hearing. No hearing need be held if the PRB decides to dismiss the Petition. The PRB may establish rules for the conduct of the hearing, though formal rules of evidence will not apply.

I. Decision of PRB.

The PRB shall strive to render a decision on the Petition within ninety (90) days of the submission of all documents by the Petitioner and Respondent or any hearing herein, and shall notify the Petitioner and Respondent in writing of that decision. The written notification shall include an explanation of the basis for the decision. In most cases a decision of the PRB will be one of the following: the Respondent has engaged in prohibited conduct; the Respondent has not engaged in prohibited conduct; or there is insufficient evidence to determine whether or not the Respondent has engaged in prohibited conduct. A finding of a prohibited conduct must include the PRB's decision as to any disciplinary action to be imposed including, but not limited to censure, suspension, and revocation. The PRB may issue an Advisory Letter or Letter of Concern to the Respondent even though there is no finding of prohibited conduct.

J. Definitions:

The following represent definitions of terms associated with the decision herein of the PRB:

Non-Disciplinary Action

1. Advisory Letter means written communication from the PRB notifying the Respondent that the conduct, while not warranting discipline or a finding of prohibited conduct, may result in future disciplinary action if not modified or eliminated. An Advisory Letter is not disciplinary action and there is no appeal of an Advisory Letter by the Respondent. The Advisory Letter will be placed in the permanent file of the Respondent. The Respondent may respond in writing to the Advisory Letter. Any such correspondence will be included in the permanent file.
2. Letter of Concern means written communication from the PRB notifying the Respondent that, while there is insufficient evidence to support disciplinary action, the PRB believes the Respondent should modify or eliminate certain practices that led to the Complaint. A Letter of Concern is not a disciplinary action and there is no appeal of a Letter of Concern by the Respondent. The Letter of Concern will be placed in the permanent file of the Respondent. The Respondent may respond in writing to the Letter of Concern. Any such correspondence will be included in the permanent file.

Disciplinary Action

3. Censure means written disciplinary action from the PRB finding the Respondent has engaged in prohibited conduct and violated one or more disciplinary criteria contained in Paragraph VII of the Rules and Regulations herein.
4. Suspension means written disciplinary action finding the Respondent has engaged in prohibited conduct and violated one or more disciplinary criteria contained in Paragraph VII of the Rules and Regulations herein, resulting in not permitting the Respondent to exercise the privileges of a



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National Certified Guardian for a set period of time. The CGC Executive Committee may suspend a certification pending a decision by the PRB.

5. Revocation means written disciplinary action from the PRB finding the Respondent has engaged in prohibited conduct and violated one or more criteria contained in Paragraph VII of the Rules and Regulations herein, resulting in removal by the PRB of the Respondent's Certification as a National Certified Guardian.

K. Appeal.

Except as otherwise provided in this Section VIII, a Petitioner or Respondent may appeal the decision of the PRB to the CGC Board of Trustees by submitting a written notice with the CGC Executive Director within thirty (30) days of the date of the PRB's decision. Either the PRB or the CGC Board of Trustees may postpone implementation of the disciplinary action, if any, imposed by the PRB until after disposition of the appeal. The CGC Board of Trustees shall seek to issue its ruling within sixty (60) days of receipt of the appeals notice. There shall be no right to a hearing. The decision of the CGC Board shall be final.

L. Publication.

CGC may publicize the nature, existence, or preliminary or final result of any disciplinary proceeding or action, at any stage, if deemed by CGC to be in the interests of CGC, the Certification Program, or any segment of the general public.

M. Correspondence.

All correspondence and notices herein between the petitioner and respondent should be made by certified mail and courier service

IX. THE OFFICIAL ADDRESS FOR ALL CORRESPONDENCE

The official address for all correspondence to the Center for Guardianship Certification is PO Box 5704, Harrisburg, PA 17110.

X. OFFICIAL LANGUAGE

Except as restricted by applicable law, an individual holding a current certification from CGC shall use the following language to disclose the certification in written communications: "certified as a National Certified Guardian" and/or the designation of "NCG."

XI. AMENDMENTS PROCEDURES

These rules and regulations may be amended as provided in the Bylaws of the Center for Guardianship Certification.