



Rules and Regulations
Regarding Certification and Recertification of
National Master Guardians (NMG)
Board Approved: October 23, 2015



I. ADMINISTRATION

A. Certification Purpose

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

B. Definition of Guardian

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

C. Certification is Voluntary

Certification is individual and voluntary, except where required by state regulations. 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.

D. Non-Discrimination. No individual shall be excluded from the opportunity to participate in the CGC certification or recertification program on the basis of ethnic origin, national origin, color, religion, sex, age, disability, physical ability, marital status or sexual orientation.

E. Confidentiality

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.

CGC is committed to protecting privacy in the certification and recertification process including privacy of examination results. If a person applies or recertifies to be a National Certified Guardian (NCG) or recertifies, CGC will collect personal information including but not limited to name, home and/or business address, email address, phone number, fax number, credit/debit card information, place of employment, and position title. We may also collect or receive the following additional information at registration or in the testing process, as necessary or appropriate: date of birth, employment and education history, and previous CGC examination history. CGC may also collect information about any disability for purposes of providing accommodations under the Americans with Disabilities Act (ADA). For verification and identification purposes, we may collect all or part of a government-issued identification number. When a computer based certification test is administered, we may collect and score test responses and then derive a test score and generate a report about certification test results. Depending upon the test sponsor and/or test security requirements, we may collect signature, photographic image, fingerprint, and/or palm vein image digitally at a test center and may audio and video tape test takers during the examination. When existing demographic information in our database is incorrect or incomplete, that information will be updated.

CGC may statistically aggregate in non-person-specific form test responses and other information collected in the certification process. Such aggregated non-person-specific information may be used for quality control, operations management, security and marketing purposes and to enhance, develop or improve certification, and recertification, testing services, examinations and certification related products and services. By registering for a test through CGC, consent is given to this non-person-specific data aggregation and the use and transmission of this aggregated statistical data as outlined above.



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F. Certification Administration

The certification and recertification of National Master 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:

1. Approval of the application process used in certification and recertification.
2. Approval of training and continuing education courses related to meeting certification or recertification requirements.
3. Establishment of criteria relative to denial, suspension or revocation of certification.
4. Approval of all examination questions.
5. Preparation and administration of certification examinations.
6. Provision of accommodations in accordance with the ADA.
7. Development of the procedure for reviewing any applicant's examination that receives a failing grade.
8. Verification of employment and education background.
9. Attestation of lack of criminal background.
10. Determination as to whether particular applicants have met the minimum eligibility requirements for certification or recertification.
11. Issuance of a certificate via e-mail.
12. Distribution of a new certificate upon satisfactory completion of the recertification process by e-mail.
13. Determination of all requests for reconsideration of denial, suspension or revocation, of certification.
14. Maintenance of all appropriate records relative to certification.

II. NATIONAL MASTER GUARDIAN ELIGIBILITY REQUIREMENTS AND PROCEDURES

A. Minimum Eligibility Requirements for Certification

To qualify for certification the applicant shall pay all required fees, comply with the application procedures, follow the instructions provided in the CGC Examination Handbook, and meet the following minimum eligibility requirements:

1. A National Master Guardian is expected to have comprehensive understanding of issues pertaining to both guardianships of the person and of the estate. The prerequisites for the National Master Guardian certification include current National Certified Guardian (NCG) status from the CGC, professional guardianship experience, submission of a complete application, attestation to complying with the NGA Model Code of Ethics and the NGA Standards of Practice, and a passing score on a qualifying examination, as defined below.
 - a) National Certified Guardian in good standing at time of submission of application. (An NCG in good standing is defined as an individual who currently holds the NCG certification and has met the minimum eligibility requirements for certification, as defined in Section II A of the NCG Rules and Regulations.)
 - b) Graduate degree from an accredited college or university with:
 - i. three (3) years of full-time professional guardianship experience OR
 - ii. Bachelor's degree (to include a Registered Nurse) from an accredited college or university with five (5) years of full-time professional guardianship experience OR
 - iii. twelve (12) years full-time experience in the field of guardianship as defined below.
 - c) Professional guardianship experience is defined to include all of the following:
 - i. Serving in a position of making decisions
 - (a) as a court-appointed guardian,
 - (b) as agent for a court-appointed guardian, or
 - (c) in a supervisory capacity over a court-appointed guardian.
 - ii. Serving two or more wards unrelated to each other;



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- iii. Spending an average of at least 16 hours per week making decisions as set forth in (c)(i) during at least three (3) of the last five (5) years including the most recent year.
- iv. Demonstrating experience in at least six of following, including #1, through a written narrative:
 1. High degree of competence in managing complex issues.
 2. Manage significant financial estates.
 3. Conduct or arrange for comprehensive assessment of ward's needs.
 4. Provide consultation on a wide range of guardianship issues.
 5. Provide supervision and case oversight to less experienced guardians or staff in a guardianship program.
 6. Plan, implement, control, direct, fund a professional guardianship program.
 7. Have experience with more than one disability group.
 8. Provide training and mentoring to less experienced guardians.
 9. Provide educational opportunities by presenting topics related to guardianship.
 10. Provide consultation regarding medical procedures including use of psychotropic medications and evaluation of behavioral programs.
 11. Advance the profession through policy development, legislative action, advocacy or community outreach.
 12. Provide consultation or make decisions on end of life issues and other complex or controversial issues.
 13. Actively advocate for limited guardianship, alternatives to guardianship and restoration of wards.

B. Certification Examination

The applicant shall make a satisfactory showing of competency in guardianship by successfully passing an examination administered by the CGC. Notification of examination results shall be emailed to the applicant within sixty (60) days.

C. Application Procedure

Detailed information on the application procedures required can be found in the CGC Examination Handbook which is incorporated by reference into the NMG Rules and Regulations and is available on the CGC website at www.guardianshipcert.org. Applicants are encouraged to download the Handbook for step-by-step instructions.

1. Fees.

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

a. Application Fee.

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

b. Examination Fee.

Each applicant shall pay an examination fee before taking the certification examination. The fee shall be submitted with the initial application to the CGC. If the required verification process identifies that the applicant is not eligible for certification, this fee will be refunded to the applicant.

c. Test Center Cancellation Fee.

If a candidate fails to appear for a scheduled examination or cancels an appointment less than three (3) business days in advance of the scheduled appointment, CGC will assess a cancellation fee.

d. Retest Fee.

CGC requires applicants who fail the exam to submit a retest fee along with a new application to retake the examination.



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2. Application Protocol.

- a. Applications for certification shall be made on forms provided by the CGC and available at www.guardianshipcert.org.
- b. Upon receipt of the initial application, the CGC will send a Confidential Statement of Recommendation form to each of the four individuals provided on the application. The parties completing the Confidential Statements of Recommendation must send the forms directly to CGC.
- c. The applicant is responsible to obtain affidavits from employers, or in the case of self-employment from professionals in the community, who can affirm the applicant's relevant guardianship experience. The affiants must send any Affidavits of Employment or Affidavits of Experience directly to CGC.
- d. The applicant must submit a narrative of experience as set forth in Section II A.1.C.iv. The National Master Guardian Committee will review the narrative to determine that the applicant meets the minimum experience requirement.
- e. A completed application includes:
 1. Initial application
 2. Four positive recommendations
 3. Requisite Affidavits of Employment or Affidavits of Experience
 4. Successful verification of education
 5. Approved narrative of experience
 6. Payment of all fees
- f. Upon successful completion of the application, the applicant will be notified of his or her eligibility to sit for the examination. CGC requires forty-five (45) business days to process an application before an applicant is approved to sit for an examination.

3. Examination Scheduling

Applicants are required to make an appointment to take the certification examination at an approved testing site provided by CGC. Upon CGC notification of eligibility to sit for the examination, the applicant has sixty (60) business days to schedule an appointment and take the examination.

4. Examination Failure

In the event the applicant does not pass the certification examination, the applicant may retake that portion of the exam (multiple choice or essay) that was failed twice each year in the two years after the date of the first exam.

Submission of an additional examination fee and a new examination registration form for each examination date is required. If the applicant does not pass the examination by the second anniversary of the date of the first exam failure, 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.

5. Discretion to Request Additional Information

If after reviewing the information submitted by the applicant the CGC determines that the applicant does not meet the requirements 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 based on the information it receives.

6. Denial and Disciplinary Criteria

The CGC may deny, suspend or revoke a certification, or impose other disciplinary action on a National Master 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:



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- 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 Eligibility Requirements for Certification established by the CGC as set forth in Sections II.A above.
- d. Failed to notify CGC of a violation as set forth in Section II. A.
- e. Violated the NGA Model Code of Ethics.
- f. Violated the NGA Standards of Practice.
- f. CGC may also discipline a National Master Guardian, including by suspension or revocation of certification if: (1) the certificate was granted contrary to CGC Rules and Regulations; or (2) 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.

III. RECERTIFICATION MINIMUM ELIGIBILITY REQUIREMENTS AND PROCEDURES

The period of certification is three years. Certification shall expire three years after the date it is issued. A National Master Guardian who desires continued certification shall apply for recertification within the time limits prescribed in Section III C. 1. To be eligible for recertification, the certified individual shall meet the following minimum eligibility requirements:

A. Minimum Eligibility Requirements for Recertification

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

1. Must attest to not having been convicted or pled guilty or no contest to a felony, or admit to having a felony on record.
2. 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.
3. 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.
4. Must attest that he or she is bonded or will obtain appropriate bonding insurance after certification in accordance with state statutes and local practice.
5. Must attest that he or she has not been found liable in a subrogation action by an insurance or bonding agent.
6. Must attest that he or she has not been disciplined by a state or national certification or licensing organization in any profession.
7. Must attest to complying with the NGA Model Code of Ethics and the NGA Standards of Practice.

B. Continuing Education Units.

1. The National Master Guardian shall, during the period since certification or most recent recertification, have participated in at least thirty (30) hours of continuing education and guardianship training.
2. The National Master Guardian shall provide a listing of the dates, locations, sponsors, and number of credits earned for all continuing education courses to satisfy this requirement.
3. The National Master Guardian must adhere to the CEU policy requirements.
4. CGC may conduct random audits of attendance or course completion certificates for continuing education approval.

C. Recertification Procedures

1. Recertification Time Line

- a. CGC must receive a properly completed application for recertification and appropriate fees no less than thirty (30) days prior to the date the certification expires.



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- b. Individuals filing recertification applications more than forty-five (45) days after their certification expires shall be denied recertification. In such cases, the individual must begin the certification process again, including sitting for the exam. When the 45 day period has expired, the CGC website will be updated to remove the individual from the listing of certified guardians.

2. Fees

a. Recertification Fee.

Each application for recertification shall be accompanied by a recertification fee, a portion of which will be a nonrefundable processing fee. No recertification application may be processed until the recertification fee has been paid.

3. Application Protocol

a. Application Forms

Application for recertification shall be made on forms provided by the CGC.

b. Upon receipt of a completed application form, the CGC staff shall review the application to determine:

1. the application and all required forms have been properly completed and submitted,
2. the applicant meets the minimum eligibility requirements, and
3. the appropriate fees have been paid.

4. Discretion to Request Additional Information

If after reviewing the information submitted by the applicant the CGC determines that the applicant does not meet the requirements 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 recertification based on the information it receives.

5. Notification of Recertification

Upon meeting the minimum eligibility requirements for recertification, the applicant shall be emailed an approval letter, new certificate, and a recertification CEU form within two weeks of successful completion.

IV. DISCIPLINARY PROCEDURE FOR NATIONAL CERTIFIED GUARDIAN

A. Initiation of Process.

1. Who May Petition

Any person ("Petitioner") may Petition CGC to initiate disciplinary procedures against a National Certified Guardian ("Respondent").

2. 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 Section II C.6. 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.

- a. 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.

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 II C.6.; an adequate factual basis for the allegation(s); and any necessary documentation or other supporting materials or information.



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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 (PRB).

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 and 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; send a form indicating the Respondent's election to request or waive a Hearing; request a listing of participants (legal counsel, witnesses, and others) who will be present at the Hearing, and ask for a written Answer to the Petition. The Answer, Hearing request or waiver, and participant list must be received by CGC within fifteen (15) business days from the date of the letter. Failure to respond in the timeframe noted may be deemed an admission to the allegations in the complaint.

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. Handling of Complaint and Response.

1. Paper 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. If a Hearing is requested, the PRB may hold a preliminary meeting, but no decision will be rendered until such time as the Hearing takes place, unless the decision is to summarily dismiss the Petition.

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 and testimony at any Hearing.

2. Hearing.

The Respondent has the right to request or waive his/her right to a hearing. The hearing may either be by conference call or in-person, at the discretion of the PRB. The PRB will determine the time and date of the hearing as well as the location of any in-person hearing. The Respondent is responsible to bear all costs to participate in the hearing, including, but not limited to, the transcription of the hearing and the cost of witnesses for the Respondent. At this proceeding, the Respondent will be permitted to testify; present



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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 summarily dismiss the Petition. The PRB may establish rules for the conduct of the hearing, though formal rules of evidence will not apply.

H. 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 shall use the preponderance of the evidence standard of proof in all its decisions made pursuant to Section II C.6 herein. Preponderance of the Evidence is defined as "evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not". 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:

1. Non-Disciplinary Action

- a. **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.
- b. **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.

2. Disciplinary Action

- a. **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 Section II C.6. of the Rules and Regulations herein.
- b. **Suspension** means written disciplinary action finding the Respondent has engaged in prohibited conduct and violated one or more disciplinary criteria contained in Section II C.6 of the Rules and Regulations herein, resulting in not permitting the Respondent to exercise the privileges of a National Certified Guardian for the period of time set by the PRB, not to exceed five (5) years. The CGC Executive Committee may suspend a certification pending a decision by the PRB and/or pending the final decision of any appeal. Upon completion of the suspension period, the Respondent must make a written request to CGC to be reinstated as an NCG within 45 days after the end of the suspension period. If the Respondent's recertification period has expired during suspension, the Respondent shall apply for recertification within the 45-day period, pay the applicable fees, and



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comply with continuing education hours and all requirements of the recertification process. Failure to request reinstatement and complete any required recertification requirements within 45 days from the end of the suspension period will require Respondent to complete a new certification application and take the examination to be certified.

- c. **Revocation** means written disciplinary action from the PRB finding the Respondent has engaged in prohibited conduct and violated one or more criteria contained in Section II C.6. of the Rules and Regulations herein, resulting in removal by the PRB of the Respondent's Certification as a National Certified Guardian.

J. Appeal.

Except as otherwise provided in this Section, the 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 Respondent shall include with the notice of appeal a Petition for Appeal that shall state clearly and concisely the reasons upon which the Respondent seeks a dismissal, modification or remand of the decision of the PRB. The allegations of the Petition for Appeal shall be limited to the record before the PRB. There will be no consideration of new evidence or a right to a hearing or testimony of any witnesses in the Appeal. The Appeals Board, consisting of 3 members of the CGC Board of Trustees appointed by the CGC President, will determine the Petition for Appeal. The Appeals Board shall affirm the decision and discipline imposed by the PRB, unless the Respondent establishes that the decision and/or discipline is clearly erroneous. The decision of the Appeals Board may be to affirm the PRB decision, dismiss the Complaint, modify the PRB decision or discipline or remand the case back to the PRB. The Appeals Board shall seek to issue its ruling within ninety (90) days of receipt of the Petition for Appeal. The decision of the Appeals Board shall be final and binding on CGC and the Respondent.

K. 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. Any disciplinary action taken, including censure, suspension or revocation will be published on the CGC website.

L. Correspondence.

All correspondence and notices herein between the petitioner and respondent should be made by e-mail, or certified mail and courier service.

V. 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.

VI. 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."

VII. AMENDMENTS PROCEDURES

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