

Working Interdisciplinary Network of Guardianship Stakeholders

June 18, 2014 summary minutes

Correction was made to the May 21, 2014 meeting minutes and they were approved.

First item on the agenda was how to follow up on the discussion of billing for the medical evaluation of incapacity. Mary Jane Ciccarello brought up WINSPAN (2001 Second National Guardianship Conference) recommendation stating that "Medicare and Medicaid laws be amended to cover cost of respondent's functional assessment". From conversation with Erica Wood, Assistant Director of the Commission on Law and Aging of the American Bar Association, it became clear that no other state is known to pick up this recommendation and it is a groundbreaking effort.

Committee decided to write a summary of a billing procedure and Dr. Foster volunteered to prepare the document. This summary document will be forwarded to Julie Ewing, Assistant Director, Bureau of Managed Healthcare of the Utah Department of Health who attended WINGS meeting in May 2014.

Rather than conducting medical evaluation that is resulting from guardianship petition, the process should be the other way around with the functional assessment preceding the petition. Within the current Utah law only a judge adjudicates rights, and the law doesn't provision involvement of doctors.

As current practice goes, no real examination is conducted, petitioner or attorney for the petitioner contact a doctor that they know and ask for a general letter to be presented at the court. In this regard, the Court Visitor Program is a first step forward that has independent visitors go out, interview parties, gather facts and report them to the judge who makes a better more informed decision. The overall goal of the medical assessment is to use it to find alternate solutions, not necessarily petition for guardianship.

Mary Jane and Karolina provided an update on the Third World Congress on Adult Guardianship. Mary Jane described implications of the Article 12 the UN Convention on the Rights of Persons with Disabilities "Equal recognition before the law".

Education subcommittee will meet before the next general WINGS meeting and start working on developing curriculum and methods of delivery of public education program on "Planning ahead: guardianship alternatives".

Next WINGS meeting was scheduled for August 20, 2014.