

# Agenda

## Working Interdisciplinary Network of Guardianship Stakeholders

June 18, 2014  
12:00 to 2:00 p.m.

Administrative Office of the Courts  
Scott M. Matheson Courthouse  
450 South State Street  
Judicial Council Room, Suite N31

Welcome and approval of minutes	Tab 1	Brent Johnson
Paying for the medical evaluation in guardianship proceeding: <ul style="list-style-type: none"> <li>• The 2001 Second National Guardianship Conference (“WINGSPAN”) recommendations, section I (3), page 2. <a href="http://www.stetson.edu/law/lawreview/media/recommendations.pdf">http://www.stetson.edu/law/lawreview/media/recommendations.pdf</a></li> <li>• Writing summary of billing procedure, getting feedback, and distributing among medical and legal professionals</li> </ul>		Mary Jane Ciccarello Norman Foster
Report on the Third World Congress on Adult Guardianship <ul style="list-style-type: none"> <li>• Court Visitor Program panel presentation and update</li> <li>• United Nations Convention on the Rights of Persons with Disabilities, Article 12 Equal recognition before the law</li> </ul>	Tab 2	Mary Jane Ciccarello Karolina Abuzyarova
WINGS public education approach and timeline: <ul style="list-style-type: none"> <li>• First topic: “Planning Ahead: Guardianship Alternatives”</li> <li>• Curriculum development and timeline</li> </ul>		Mary Jane Ciccarello Kent Alderman Karolina Abuzyarova
Scheduling next meeting in 2014 and follow up steps		Brent Johnson

Committee webpage: [www.utcourts.gov/howto/family/GC/wings](http://www.utcourts.gov/howto/family/GC/wings)

Tab 1

## **Working Interdisciplinary Network of Guardianship Stakeholders**

### **May 21, 2014 summary minutes**

The minutes from the March 19, 2014 meeting were approved. Main topic of the discussion was ways to bill for medical evaluation of functional limitations in guardianship cases.

Guests present at the meeting were:

- Julie Ewing, Assistant Director, Bureau of Managed Healthcare, Utah Department of Health
- Caryn Slack, Medicaid Medical Director, Utah Department of Health
- Kerri McDonald, Director, Billing and Operations, University of Utah Medical Billing
- Sue Birkner-Anderson, Inpatient Social Worker, Mental Health Liaison, VA SLC Healthcare System

It was indicated that evaluation of functional limitations is a non-medical activity and hence could not be billed as such. Evaluation could be considered as part of “counseling and care coordination”.

Summary of Medicaid history was provided: set up in 1960s it was meant to provide care for pregnant women and children, it did not cover non-pregnant adult population and billing codes were very limited. Medicaid coverage is means based. In case of undocumented immigrants, only emergency care will be provided under Medicaid.

Discussion further moved to Medicare that is age based and covers 65+ population. Within Medicare, if a third party requests capacity assessment it will not be covered. Within the VA system assessment has to be ordered by a primary physician, and Medicare is billed first to avoid “double dipping” for coverage.

The route that was agreed upon is the following:

1. Person becomes a patient of the medical specialist.
2. Medical professional provides referral for capacity evaluation.
3. As part of the “coordination of care” an assessment of functional limitations is provided.

Committee identified the need in: developing a written document on ways to get medical evaluation paid for, receiving feedback from the medical community and further distributing the document among medical and legal professionals that deal with guardianship cases.

Another topic discussed was continuing legal education (CLE) on medical evidence of incapacity for judges and attorneys. Kent Alderman, Rob Denton and Norman Foster are taking the lead on developing materials for the CLE and organizing it with the Utah State Bar Elder Law Section.

Committee Chair, Tim Shea, has resigned from WINGS, as he took the job of the Appellate Court Administrator, and Brent Johnson, Courts’ General Counsel, assumed the role as the new Chair.

Next WINGS meeting was scheduled on June 18, 2014.

# Tab 2

**Convention on the Rights of People with Disabilities  
Adopted, December 13, 2006, entered into force 2007**

**Article 12 - Equal recognition before the law**

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.
5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.