GENERAL MEETING INFO

ROUND TABLE ON GUARDIANSHIP ISSUES

Our March Association Meeting will feature a panel of four Professional Guardians that will discuss general guardianship issues that will be helpful for all.

Lori Clark, a Guardian since June, attended social work at USF. Working for 20 years as a LPN in various settings, she has vast experience with the geriatric population as well as substance abuse and mental health issues, but has a tenderness for those with Dementia. Lori was recently elected to the GAPC Board.

Amber Watkins is a Professional Guardian and owner of Prosper Guardian Services, LLC. She is currently serving as GAPC Vice President and Chair of the Public Relations Committee.

Traci Samuel, GAPC President and Professional Guardian, attended Western Michigan University and Lansing Community College where she studied Respiratory Therapy. She previously worked at HCA of Cardiopulmonary and Neurodiagnostics.

Maria Winer, a graduate of the Professional Guardian Class of 2007 and owner of Maria’s Adult Day Care Center LLC, is a Professional Legal Guardian, bi-lingual interpreter and GAPC member. Previously a project engineer, Maria has a BS in Production Engineering.

Location and General Meeting details are noted below. Be sure to RSVP at the Association’s website link below and join us for lunch. 1 CEU is provided for members in good standing.

ASSOCIATION COMMUNICATIONS CONTACT INFO.
P.O. Box 1826
Pinellas Park, FL 33780
(517) 256-0403
Info@GuardianAssociation.org

MARCH 14, 9:30 A.M. BOARD MEETING
Palms of Largo - REGAL PALMS Bldg., Verandah Room

MARCH 14, 11:30 A.M. ASSOCIATION MEETING
Palms of Largo - CYPRESS PALMS Bldg., 400 Lake Avenue NE, Largo
1 CEU available

MARCH 30, 9:00 A.M. GAPC NETWORKING BREAKFAST
Mease Manor, 700 Mease Plaza, Dunedin

Please RSVP to Association Website
2018 Board of Directors
Officers

President ........................................... Traci Samuel
517-256-0403 Traci.Flguardianship@gmail.com

Vice President ................................. Amber Watkins
727-492-6391 prosperguardianservices@gmail.com

Treasurer ........................................... Irene Rausch
727-641-5270 irausch@tampabay.com

Secretary ................................. Michelle Lowack
727-641-5483 mlowack@homecareassistance.com

Board Members

Lori Clark
727-4479966 lcguardian@yahoo.com

Tina Costa
813-334-3472 Tina.Costa@rescare.com

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Quyen Trujillo
813-409-7446 Qsellhomes@yahoo.com

Maria Winer
727-906-6161 winermaria@yahoo.com

Committees

By-Laws Committee
Ha Dao, Esq., Chair
Steve Hitchcock, Esq., Co-Chair

Finance & Budget Committee
Traci Samuel, Chair

Conference Committee
Irene Rausch, Chair
Tina Costa, Co-Chair

Legislative Committee
Ha Dao, Esq., Chair
Steve Hitchcock, Esq., Co-Chair

Education Committee
Michelle Lowack, Chair
Maria Winer, Co-Chair

Membership Committee
Quyen Trujillo, Chair
David Mennke, Co-Chair

Public Relations Committee
Amber Watkins, Chair
Sheri Gruden, Co-Chair

By-Laws & Legislative Committee
Upcoming meeting is Wednesday, April 4th, 4:00 p.m. at Deeb Elder Law, P.A., 6675 13th Avenue N., Suite 2C, St. Petersburg.

Conference Committee
Meets 3rd Thursday of each month at 10:00 - 11:30 a.m. Meeting location is at Perkins Restaurant, 2626 Gulf to Bay Boulevard, Clearwater. Upcoming meeting is March 15th.

Education Committee
Meets 2nd Tuesday of each month at 4:00 p.m. Meeting location is rotated between Maria's Adult Day Care, Seminole located at 7821 Seminole Blvd, Seminole and Home Care Assistance of Tampa Bay, located at 1530 N McMullen Booth, #D12, Clearwater. Upcoming meeting is March 13th at Maria's Adult Care Day, Seminole.

Membership Committee
Meets 2nd Tuesday of each month at 11:00 a.m., Florida Family Cremations, 5840 Ulmerton Road, Clearwater. Upcoming meeting is March 13th.

Public Relations Committee
Meets immediately following GAPC Monthly Membership Meeting (2nd Wednesday of each month) at 1:15 - 1:45 p.m., Cypress Palms Assisted Living, 400 Lake Avenue, NE, Largo. Upcoming meeting is March 14th.

GAPC Identification Badge Order Form
Identification badges with our logo are available to all members free of charge. Badges will be mailed to your address. For information, contact Traci Samuel at (517) 256-0403.

Name on badge (Title will read Professional Guardian)

Shipping address

City, State, Zip

Email or Phone

Guardian Association of Pinellas County
P.O. Box 1826, Pinellas Park, FL 33780
(517) 256-0403
Info@GuardianAssociation.org
https://facebook.com/GuardianAssociationPinellas
Division of Inspector General
Office of Ken Burke
Clerk of the Circuit Court and Comptroller for Pinellas County, Florida

OFFICE OF PUBLIC AND PROFESSIONAL GUARDIANS (OPPG)
STATEWIDE INVESTIGATION ALLIANCE (SIA)
PINEllAS COUnTY CLERR OF THE CIRCUIT COURT & COMPTROLLER,
DIVISION OF INSPECTOR GENERAL (IG)

Pursuant to Section 744.2001, Florida Statutes, the Office of Public and Professional Guardians (OPPG) has the statutory and oversight responsibilities for professional and public guardians operating in Florida, and is authorized to take administrative action pursuant to Chapter 120, when appropriate.

On October 1, 2017, the Memorandum of Understanding (MOU) between OPPG and the Clerk of Circuit Court and Comptrollers of Pinellas, Palm Beach, Lake, Okaloosa, Lee, and Polk Counties was amended to include the Clerk’s Inspector General for Sarasota County. These seven Clerk IG offices conduct investigations of professional and public guardians that have violated a provision of the Florida Guardianship Law or Florida Criminal Code for all 67 counties in Florida.

Since October 2016, the Pinellas County Clerk of the Circuit Court and Comptroller, Division of Inspector General (IG), has conducted and completed 9 investigations of professional and public guardians, which were referrals from OPPG, with an additional 18 open investigations. Also, IG has referred 1 investigation to OPPG for their review and action.

When a referral is made by OPPG involving a professional and/or public guardian in the Sixth Judicial Circuit, the IG will notify the court of the investigation. When the IG conducts the investigation, the professional and/or public guardian may receive a telephone call from the IG to obtain further information, documentation, and/or an explanation of the allegations. When the IG completes the investigation, a report is prepared and sent to OPPG.

Pinellas County, Clerk of the Circuit Court and Comptroller, Division of Inspector General, has hired an additional auditor/investigator, Corey Atha, Inspector General I, who will be assisting in the audits of professional and public guardians within Pinellas County, as well as investigations of professional and public guardians referred to IG by OPPG. Mr. Atha’s professional career includes working for the Adult Comprehensive Services (ACAPS) where he prepared guardianship documents; the Pinellas County Clerk of the Circuit Court and Comptroller, Probate Division, where he was a probate auditor, and the Pinellas County Economic Development, where he worked as a researcher.

Please note: If there is a topic you would like discussed in any of our upcoming monthly newsletter articles, please email it to:

aDiNatale@pinellascounty.org.

HOW TO CONTACT US:
If we can be of assistance, please call:
Division of Inspector General, PIU ....... 727-464-8371
Division of Inspector General, Fax ........... 727-464-8386
Probate Court Records .................... 727-464-3321
Guardianship Hotline ......... 727-45FRAUD (453-7283)
CONGRATULATIONS TO LOIS MILLER!!
She submitted the winning Annual Conference theme..”Guardianship in a Changing World”.
Sponsorship information will be available soon.
We are seeking Presenter Proposals that address the Conference theme.
The Proposals are due by March 19th.

Save the Date
GAPC Annual Conference

“Guardianship in a Changing World”
Friday, September 28
8am to 4:30pm
St. Petersburg Yacht Club

guardianassociation.org
We often consult with clients who have been told there are no repercussions when making a gift less than the $15,000 annual gift tax exclusion to multiple family members.

When an application is made for Long Term Care (LTC) SMMC Medicaid benefits the question is asked whether you have given away, sold, or transferred any assets or property in the last five years. If the answer is yes, you must provide the Department of Children and Families (DCF) with an explanation of all such gifts or transfers during the last 5 years. Under the Medicaid rules, gifts or other uncompensated transfers are subject to the 5 year look back. Gifts that fall outside of the five year look back are not considered by Medicaid and there is no duty to report.

It is important to understand that it is criminal fraud to not report all gifts or transfers within the look back period to DCF and for failure to report you may be criminally prosecuted. A signed statement is required at the time of application swearing under penalties of criminal fraud that you have provided all required information to the best of your knowledge.

**WHAT IS THE PENALTY FOR GIVING AWAY ASSETS/PROPERTY DURING THE LAST FIVE YEARS?**

If an individual transfers, gifts, or gives away assets to anyone (except a spouse or a disabled child) for the purpose of becoming eligible for LTC Medicaid benefits, Medicaid imposes a penalty of one month of ineligibility for every $8,944 transferred. The DCF states that the average cost of monthly long term care in Florida is $8,944. DCF calculates penalties for impermissible gifts by dividing the amount of the gift by $8,944, thus determining the months of ineligibility. For example, a gift of $89,440 divided by $8,944 = 10 months of ineligibility.

If a gift was given for a purpose other than to qualify for Medicaid, you may rebut the fact that the gift was given to become eligible for Medicaid benefits by providing documentation and/or an affidavit stating the facts. DCF will then determine whether it is a reasonable and acceptable explanation.

**WHEN DOES THE PERIOD OF INELIGIBILITY COMMENCE?**

An important factor in determining the effect of an impermissible gift is the commencement date for the period of ineligibility. The penalty for an impermissible gift does not start running until the donor (the applicant) is otherwise eligible for LTC Medicaid benefits and has filed an application for benefits. Thus, the penalty period can start long after the gift was made and can even extend beyond the expiration of the look back period.

For example, if an applicant made a $178,880 gift on January 1, 2015, and then 36 months later in December, 2017 applied for LTC Medicaid benefits, the applicant would still be within the five year look back period, and would be faced with a 20 month period of ineligibility beginning on the date they were otherwise eligible for Medicaid benefits, applied for benefits and the Medicaid penalty period was invoked by Medicaid.

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Otherwise the applicant is waiting a full five years from the date of the gift to apply for Medicaid benefits (in this example January 1, 2020) without being subject to the look back and penalty. The lesson here is to carefully analyze any past gifts.

**IF YOU HAVE TRANSFERRED/GIVEN AWAY ASSETS/PROPERTY DURING THE LAST FIVE YEARS, IS THERE A WAY TO FIX IT?**

The effect of an impermissible gift can be mitigated by either returning the gift or proving that the gift was later disbursed for the benefit of the applicant. The applicant may be able to claim undue hardship and have the penalty forgiven.

Florida Administrative Code 65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria

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The Guardian Association of Pinellas County encourages all members and/or vendors to utilize PayPal for all transactions with the GAPC.

You do not need to have an account to pay with PayPal.

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The GAPC is collecting items for the indigent seniors in our community. Items needed include, but are not limited to the following:

- Shampoo
- Hairbrush
- Combs
- Soap
- Toothbrush
- Toothpaste
- Incontinence Products
- Body Wash
- Nail Polish
- Nail Polish Remover
- Greeting Cards (with stamp included on envelope)
- Tissues
- Cosmetics (powder, blush, lipstick)
- Costume Jewelry
- Lotion
- Aftershave
- Cotton Balls

Please donate new, unopened items. Bring your donations to our monthly luncheon or monthly networking breakfast.

If you know of a senior in need of Everyday Essentials, please email: eegapc@gmail.com.