



# The Crazy World of Guardianship

A White Paper by Americans Against Abusive Probate Guardianship

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From the moment it begins and seemingly forever thereafter the experience of victims in guardianship is the world during confusing illogical and infuriating times. There is a special cognitive dissonance that is almost impossible to process when a normal individual tries to understand what happens to their loved one in guardianship and it makes absolutely no sense to them based on their experience in life.

It's helpful to compare what happens in guardianship to what happens in other facets of the legal and healthcare world.

Let's examine situations in which businesses control the lives of vulnerable individuals. For example hospitals have almost complete control over human beings under their roof and these patients often are transferred to less acute care settings. Competition for patients is fierce and as a result there exists a profession called patient recruiter. This is an individual who has connections with various institutions and is paid by referral to find new customers for these businesses. The referrals paid by these institutions to these recruiters are perfectly legal in Florida and patient recruiting can be a lucrative business.

Once domiciled in such a facility these patients are free to live their lives or even change facilities at their own discretion. When the facility is sold the patient and their families must be informed of the change in ownership. The facility can change hands but the patients cannot. The new owner is not guaranteed that any of the patients in the facility when he bought it are part of the deal. Because the new owner does not own the patients he cannot trade them or sell them.

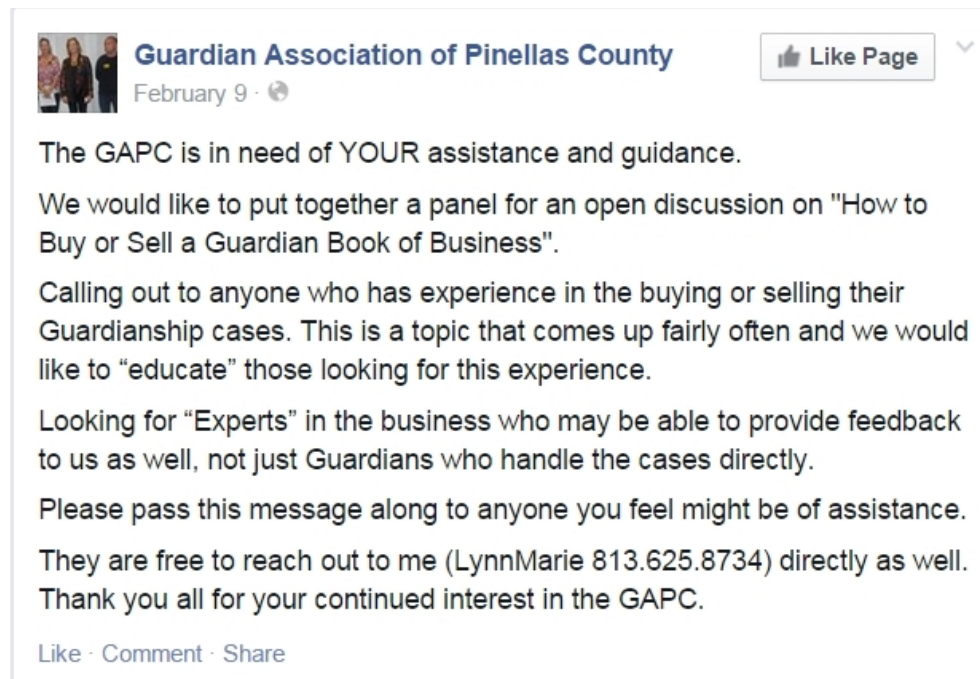
Contrast this to the situation in guardianship where a Guardian literally owns a group of human beings who have been stripped of their civil rights. In guardianship terminology the group of these wards is referred to as the "Guardian's book of business". Should the Guardian have to withdraw from this practice for any reason from retirement to change of residence or moving to a different state, the Guardian apparently has the legal right to sell his book of business. Because the Guardian is the owner of these legally dead living and breathing bodies, the law apparently condones sale of these living and breathing wards as if they were used cars on a lot.

This screenshot is from the Facebook page of the Guardian Association of Pinellas County Florida from February 9, 2015. In this Facebook post this Association of guardians in one major

County in Florida seeks assistance to find the best way to buy or sell a guardian's book of business.

It appears that the Association is seeking best practices and even a seminar to educate its members on the most efficient way to discard and maximize profit from the ownership of their wards. And it appears to be a topic that comes up often.

Unfortunately, this is classic Patient Brokering and it is completely illegal.



The screenshot shows a Facebook post from the Guardian Association of Pinellas County. The post is dated February 9 and includes a "Like Page" button. The text of the post is as follows:

The GAPC is in need of YOUR assistance and guidance.

We would like to put together a panel for an open discussion on "How to Buy or Sell a Guardian Book of Business".

Calling out to anyone who has experience in the buying or selling their Guardianship cases. This is a topic that comes up fairly often and we would like to "educate" those looking for this experience.

Looking for "Experts" in the business who may be able to provide feedback to us as well, not just Guardians who handle the cases directly.

Please pass this message along to anyone you feel might be of assistance.

They are free to reach out to me (LynnMarie 813.625.8734) directly as well.

Thank you all for your continued interest in the GAPC.

Like · Comment · Share

If a facility owner ever dared try this, it's likely that a swat team from the agency for healthcare administration would close his facility instantly and that he would be charged with various felonies within 24 hours.

Another interesting situation arises when guardians do horse trading with patients. Professional guardians theoretically are required to accept a small percentage of low-paying public guardianships in order to be able to be appointed as Guardian for the lucrative wealthy cases. Under normal circumstances you might think that this is an act of generosity on their part and that it is a good thing to be praised.

However it appears that for-profit guardians engage in negotiations with long term care facilities that make these nonpaying cases very lucrative. By bundling guardianships that include both paying and nonpaying (that is lucrative vs. less lucrative) guardians maximize the leverage of their position with the ability to pawn off their public guardianship cases in return for an arrangement that includes their private very profitable paying for-profit clients who often pay full fare rates. According to one Guardian in the Tampa area interviewed by ABC seven action news reporter Adam Walser "that's how we get things done". This is bundling and horse trading allows the Guardian to incrementally increase not only their compensation and possible referral fees as recruiters, but also concentrate their authority in one or two select

locations. This means that the Guardian can control the doctors assigned to given cases (and ultimately the drugs they prescribe), the agencies that receive referrals for care within the facilities and most importantly control access to their wards so that those pesky family members can be prevented from even visiting their loved ones and their condition. This control extends even further to local law enforcement which response to complaints of abuse within facilities and who often develop a bias towards believing whatever Guardian says as opposed to when a family member might be complaining. The Guardian's life is made immeasurably better by concentrating their wards in one place and maintaining utter and complete control of their wards with little or no effort.

If any facility or physician or agency in the state of Florida were to attempt this kind of overt patient brokering , openly exchanging patients to maximize their revenues and reduce their workload and expenses, it would be put out of business. But because guardians own living breathing humans who are legally dead, they can be traded and swapped at the guardian's convenience like so many baseball cards.

Another peculiar aspect of ownership of wards is the ever rising number of wards with feeding tubes. Families have complained that their loved ones, particularly when put into chemical isolation with potent lethal doses of atypical antipsychotics, lose their appetite and cannot or will not or do not eat. Rather than addressing the problem as one of the complications from excessive medication, the knee-jerk response to this situation is to perform a surgical procedure to implant a feeding tube into the stomachs of these individuals. This accomplishes several goals. It prevents the patient from dying too quickly (not good for business!) and allows continued billing by all stakeholders in the industry. It reduces the resources necessary to care for the Ward and us reduces personnel costs. It reduces commotion in the facilities because overdosed semi-vegetative zombies don't scream and cry. Because the Guardian owns the body and property of the Ward and controls all medical aspects of their care, family consent is not even a consideration and many families are shocked to discover that their loved ones have been put into this situation from which there is often no escape.

In any other situation formal medical consent for medical procedures would demand the input family. Second opinions could be obtained and other avenues to address the underlying problem of over medication could be explored. However because of guardians' total control of these living breathing zombies and their ability to completely and thoroughly conceal that all activities these matters by controlling access to the Ward, guardians can get away with this type of slow motion murder for profit.

The underlying issue that creates the cognitive dissonance of guardianship is the absolute court approved control of one human being by another with no effective oversight. The secrecy that can be imposed by guardians because these cases are deemed mental health issues only adds to their ability to leverage their ownership position for maximum profit at the expense of innocent vulnerable elderly and their family.

Today in Florida there is absolutely no accountability, no mechanism by which to discipline guardians, no intervention available to families to save their loved ones. Today only one person,

the Probate Judge that starts the juggernaut, has the ability to act on these egregious situations.

They simply don't.

The need for reform in guardianship is urgent and desperate. The legislature must act now to put teeth into guardianship accountability and sad to say some guardians need to go to prison.

The Supreme Court can no longer stand idly by while these atrocities take place on a daily basis.

Guardians must be held accountable for their felonious acts.

The bizarro, crazy world of guardianship cannot continue as is.

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