CERTIFIED PROFESSIONAL GUARDIAN BOARD

Sound Senior Assistance, CPGA No.10504 **Barbara Hunter, CPG No. 11251**	)	**CPGB No. 2011-001** **AGREEMENT REGARDING DISCIPLINE AND STIPULATED FINDINGS** ***Disciplinary Regulation 514***

The parties, Sound Senior Assistance CPGA No. 10504, a certified professional guardian agency and Barbara Hunter CPG No. 11251, certified professional guardian and the Certified Professional Guardian Board (Board) enter into this Agreement Regarding Discipline and Stipulated Findings (Agreement) pursuant to the Board's Disciplinary Regulations for Certified Professional Guardians. Barbara Hunter has committed violations of the Standards of Practice for Certified Professional Guardians, resulting in this disciplinary proceeding before the Board. This Agreement is a resolution of this disciplinary proceeding and shall become effective after all parties have signed the Agreement. This Agreement will be a part of the professional guardian record of Sound Senior Assistance and Barbara Hunter and will be a public record and subject to public access.

1. JURISDICTION

1.1 At all times relevant herein, Barbara Hunter was a certified professional guardian (CPG) pursuant to General Rule (GR) 23, CPG No. 11251. Barbara Hunter is a member and one of the designated certified professional guardians of Sound Senior Assistance, CPGA No. 10504.

1.2 At all times relevant herein, Sound Senior Assistance was a certified professional guardian agency (CPGA) pursuant to General Rule (GR) 23, CPGA No. 10504.

1.3 The Certified Professional Guardian Board is responsible for reviewing any allegation that a certified professional guardian or certified professional guardianship agency has violated an applicable statute, fiduciary duty, standard of practice, rule, or regulation. Pursuant to its Disciplinary Regulations, the Board may impose discipline, sanctions, costs and other remedies upon a finding of violation, or may recommend that the Washington Supreme Court impose discipline, sanctions and costs, when the recommendation is for suspension or decertification of the certified professional guardian or agency.

2. STATEMENT OF FACTS

2.1 On or about January 10, 2011, the Board opened a grievance, based on the lack of response by the CPG's regarding end of life decision making for J.C. incapacitated person served by the CPG's and CPGA.

2.2 J.C. entered full hospice care as a "full code" on December 21, 2010. The hospice social worker alleges several attempts at contacting the CPG's unsuccessfully for life-sustaining treatment.

2.3 On January 6, 2011, IP passed away. According to family, hospice, and the nursing facility guardians had communicated no funeral plans. Hospice social worker reports no communication attempts were made by the CPG in regards to J.C. care while under hospice or post death.

2.4 Ms. Hunter with Sound Senior Assistance failed to cooperate with this investigation and repeatedly failed to respond to correspondence from AOC, the Snohomish County Superior Court, and the Certified Profession Guardian Board (Board). After, 11 months and several unanswered requests for information the Board sent a suspension letter to Ms. Hunter and they contacted the Snohomish County Superior Court and the Board to resolve this matter.

3. VIOLATIONS OF THE STANDARDS OF PRACTICE

3.1 Based on the facts set forth in paragraphs 2.1, 2.2, 2.3, and 2.4 Barbara Hunter's conduct constitutes grounds for discipline pursuant to Standards of Practice 408.1, 408.3, and 408.5, which provides in pertinent part:

SOP 408.1 The guardian shall provide informed consent on behalf of the incapacitated person for the provision of care, treatment, and services an shall ensure that such care, treatment and services represents the least invasive form of intervention that is appropriate and available.

SOP 408.3 The guardian shall be familiar with the law regarding the withholding or withdrawal of life-sustaining treatment.

SOP 408.5 The guardian shall be available to respond to urgent need for medical decisions. The guardian shall provide instructions regarding treatment or non-treatment to be followed by medical staff in emergencies.

3.2 Based on the facts and violations set forth above, Ms. Hunter's conduct constitutes grounds for discipline pursuant to General Rule (GR) 23(c)(2)(viii) and Disciplinary Regulation (DR) 503, which provide in pertinent part:

> **GR 23 Rule for Certifying Professional Guardians – Certified Professional Guardian Board**
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> . . .
>
> (2) Duties and Powers.
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> . . .

(viii) Grievances and Discipline. The Board shall adopt and implement procedures to review any allegation that a professional guardian has violated an applicable statute, fiduciary duty, standard of practice, rule, or regulation. The Board may impose sanctions upon a finding of violation. Sanctions may include decertification or lesser remedies or actions designed to ensure compliance with duties, standards, and requirements for professional guardians.

DR 503 A professional guardian may be subject to disciplinary action for any of the following:

503.1 Violation of or noncompliance with applicable statues, court orders, court rules, or other authority.

503.3 Failure to perform any duty one is obligated to perform as a professional guardian.

503.4 Violation of the oath, duties, or standards of practice of a professional guardian.

503.13 Failing to cooperate during the course of an investigation as required by the Board's regulations.

4. AGGRAVATING AND MITIGATING FACTORS

Pursuant to DR 515.1.4, the Board may consider the existence of aggravating and mitigating factors in determining the sanctions to be imposed.

4.1 Aggravating Factors. Failure to cooperate during the disciplinary proceedings.

4.2 Mitigating Factors. Absence of a prior disciplinary record.

5. PRIOR RECORD OF DISCIPLINE

Ms. Hunter with Sound Senior Assistance has no prior records of discipline with the Board.

6. DISCIPLINARY SANCTIONS AND REMEDIES

The Board imposes the following disciplinary sanctions and remedies on Ms. Hunter for the conduct described in this Agreement. The Board is issuing a Letter of Admonishment to DR 515.1, any disciplinary sanction or remedy imposed by the Board on a certified guardian is a disciplinary sanction.

7. VIOLATION OF AGREEMENT

7.1 Failure to comply with the terms of this Agreement shall constitute additional grounds for discipline pursuant to DR 514.4. Failure to comply includes, but is not limited to, failure to respond to necessary medical treatment for IP's, failure to have end of life preparations for all IP's, and failure to respond to investigations and correspondence regarding conduct.

7.2 In the event of an alleged breach of this Agreement, the Board will issue a Complaint pursuant to its Disciplinary Regulations, providing notice and an opportunity for a hearing to the certified professional guardian agency and to the certified professional guardian(s) alleged to be in breach of the ARD. If the Board finds that Suspension Pending Disciplinary Proceedings is warranted, it may proceed pursuant to Disciplinary Regulation 519.

7.3 This Agreement is binding as a statement of all known facts relating to the conduct of Ms. Hunter but any additional existing acts may be proven in any subsequent disciplinary proceedings.

8. NOTICE

This Agreement shall be retained by the AOC in Ms. Hunter's disciplinary file. This Agreement shall be open to public access and disclosure. Notice of the discipline imposed shall be sent to all superior courts pursuant to DR 514.3.2.

9. ENTIRE AGREEMENT

This Agreement comprises the entire agreement of the parties with respect to the matters covered herein, and no other agreement, statement, or promise made by any party which is not included herein shall be binding or valid. This Agreement may be modified or amended only by a written amendment signed by all parties.

10. SEVERABILITY

The provisions of this Agreement are intended to be severable. If any term or provision of this Agreement is illegal or invalid for any reason, the remainder of the Agreement will not be affected.

11. LAWS GOVERNING

This Agreement shall be governed by the laws of the State of Washington, and any question arising from the Agreement shall be construed or determined according to such law. This Agreement is a public record and is subject to public disclosure or release.

12. RIGHT TO COUNSEL

Ms. Hunter acknowledges that each has the right to individual counsel for representation in this disciplinary matter, at her expense, as set forth in Disciplinary Regulation 509.1.

13. PRESENTATION OF AGREEMENT TO THE BOARD

Ms. Hunter understands that this Agreement is not binding unless and until it is approved and signed by the Board. If the Board rejects this Agreement, Ms. Hunter waives any objection to the participation in the final determination of this matter of any Board member who heard the Agreement presentation. The SOPC reserves the right to withdraw this offer of settlement at any time prior to the presentation to the Board.

COPY RECEIVED, NOTICE OF PRESENTATION WAIVED:

Barbara P. Hunter 11-5-12
Date
Individually and as Designated CPG of Sound Senior Assistance

_____ _____
Date

Attorney for
WSBA #_____

APPROVED AND ORDERED BY THE CERTIFIED PROFESSIONAL GUARDIAN BOARD THIS

6 **DAY OF** November **, 2012.**

James W. Lawler

Honorable James Lawler
Chair, Certified Professional Guardian Board