

Guardianship and Conservatorship Program Regulations

506 REVIEW BY STANDARDS OF PRACTICE COMMITTEE AND BOARD AFTER SUPERIOR COURT REVIEW; INVESTIGATION; DISPOSITION

506.1 REVIEW OF GRIEVANCE AFTER SUPERIOR COURT DISPOSITION BY STANDARDS OF PRACTICE COMMITTEE AND BOARD

Once the Standards of Practice Committee or subcommittee has received the superior court disposition or referral from the superior court, the Standards of Practice Committee or subcommittee shall review the information and make a recommendation to the Board regarding dismissal or initiation of an investigation. The Board shall make the determination to dismiss or initiate an investigation. The Board must accept as facts any finding of fact contained in the order. The Board must act consistently with any finding of fact issued in that order. If an investigation is authorized, the investigation shall proceed pursuant to Section 506.2 under the oversight of the Standards of Practice Committee.

506.2 BOARD INVESTIGATION OF GRIEVANCES AFTER SUPERIOR COURT REVIEW AND BOARD AUTHORIZATION OF INVESTIGATION

1. Board Investigation of Grievances. The Board shall resolve grievances within a reasonable time. Grievances received by the Board shall be investigated after superior court review (during which time the one hundred and eighty days is tolled) and the resolution determined and in process within one hundred eighty days of receipt.
 - A. The one hundred eighty days is also tolled during any period of time when:
 - i. The Board has provided a CPGC an opportunity to respond to a grievance against them and the Board is awaiting the CPGC's response; or
 - ii. A Board disciplinary hearing has been requested or is in process and during the time of post-hearing Board review of the hearing officer's recommendations through issuance of a final Board order on the matter

2. Review and Investigation. The AOC must review any alleged or apparent misconduct by a CPGC that the Board has determined requires investigation. The investigation shall commence at such time as the Board has received a superior court's entered order with findings or upon the superior court referring a grievance back to the Board. The Board must accept as facts any finding of fact contained in the order. The Board must act consistently with any finding of fact issued in that order. When appropriate the investigation should include the following:
 - i. Provide a copy of the grievance to the respondent certified professional guardian and conservator and request a response pursuant to DR 506.2.5.
 - ii. Provide a copy of the respondent certified professional guardian and conservator's response to the grievant and request a response.
 - iii. Interview persons believed to possess relevant information or documents
 - iv. Request and review relevant documents.
3. Dismissal of Grievance Not Required. None of the following alone requires dismissal of a grievance:
 - i. The unwillingness of a grievant to continue the grievance;
 - ii. The withdrawal of the grievance, a compromise between the grievant and the respondent; or
 - iii. Restitution by the respondent.
4. Extenuating Circumstances.
 - i. An investigation into alleged acts of misconduct by a CPGC may be deferred for extenuating circumstances by the Standards of Practice Committee in consultation with the Chair of the Board, if it appears that the deferral will not endanger the public, provided that the deferral does not permit the Board to exceed the 180 day resolution period, and;
 - i. The allegations are related to pending civil or criminal litigation;
 - ii. The respondent CPGC is physically or mentally unable to respond to the investigation; or
 - iii. For other good cause shown.

5. Duty to Furnish Prompt Response. The respondent CPGC must promptly respond to any inquiry or request made under these rules for information relevant to grievances or matters under investigation. Upon inquiry or request, the respondent CPGC must:
 - i. Furnish in writing, or orally if requested, a full and complete response to inquiries and questions;
 - ii. Permit inspection and copying of the CPGC's business records, files, and accounts that are relevant to the grievance or the proceeding;
 - iii. Furnish copies of requested records, files, and accounts that are relevant to the grievance or the proceeding; and
 - iv. Furnish written releases or authorizations if needed to obtain documents or information from third parties.
6. Failure to Cooperate.
 - i. Interim Suspension. If a CPGC has not complied with any request made under DR 506.2.5 for more than thirty (30) days, the AOC may notify the CPGC that failure to comply within ten (10) days may subject the CPGC to interim suspension under rule 509.5.
 - ii. Grounds for Discipline. A CPGC's failure to cooperate fully and promptly with an investigation as required by DR 506.2.5 is also grounds for discipline.

506.3 DISMISSAL OF GRIEVANCE BY STANDARDS OF PRACTICE COMMITTEE AND BOARD AFTER INVESTIGATION

1. If, after investigation, the Standards of Practice Committee has determined it has sufficient information regarding the allegation, it must either recommend dismissal of the grievance to the Board pursuant to 506.3.2 or proceed under DR 507 or DR 508.
2. Dismissal. The Standards of Practice Committee may recommend that the Board dismiss grievances after investigation. The Board shall approve or deny the dismissal. On dismissal by the Board, , AOC must notify:
 - A. The respondent of the allegations and dismissal of the grievance; and
 - B. The grievant of the outcome.

506.4 RESPONSE TO GRIEVANCE

The certified professional guardian and conservator shall have fifteen (15) days to respond to the allegations and provide any mitigating information. This response and information shall be sent to the AOC. Should the CPGC require more time to adequately respond, the CPGC shall make a request in writing to AOC stating the reasons for such an extension of time. The Standards of Practice Committee Chair shall make a determination regarding whether to grant the request for extension within five (5) days of receiving the request