

Certified Professional Guardian Board

Meeting Minutes

April 2, 2010

Red Lion Hotel, Spokane, Washington

CHAIR

Judge Kimberley Prochnau

MEMBERS PRESENT

Robin Balsam

Gary Beagle

Ree Ah Bloedow

Nancy Dapper

John Jardine

Chris Neil

Prof. Winsor Schmidt

Judge Robert Swisher

Comm. Joseph Valente

Judge Chris Wickham

MEMBERS ABSENT

Dr. Ruth Craven

Judge James Lawler

VISITORS

Shirley Bondon, Office of Public Guardianship (OPG)

Myra Downing, AOC

Amanda Witthauer, CPG

Jim Spurgetis, CPG

Kelly Moore, CPG

Peggy Bureta, CPG

Peggy McIntire, CPG

Lori Petersen, CPG

STAFF

Deborah Jameson

CALL TO ORDER

Judge Prochnau called the meeting to order and asked the attending guests to introduce themselves.

BOARD BUSINESS

1. Approval of Minutes

A motion was made and seconded to approve the minutes, with one correction, for the Board meeting held on March 8, 2010. The motion passed.¹

2. Chair Report

Judge Prochnau reported on the following topics:

a) The nominating committee has agreed to send a request to the Supreme Court to nominate Emily Rogers to the Board to replace Sharon York. Ms. Rogers works with Arc and is the Self-Advocacy Coordinator and has a background in public health. Ms. Rogers is well-qualified and would bring a valuable perspective to the Board.

The Chair decided to continue her report after hearing from the guardians about practice experiences.

3. CPG Practice Experience. James Spurgetis, a Spokane CPG, spoke about a client who had difficulty accessing funds in a trust and ended up having her home go into foreclosure. The guardian was able to help the client find a new rental home that allowed her to keep her pets. The guardian dealt with collection agencies and helped the client access some of the trust funds.

4. CPG Practice Experience: Business Model. Gary Beagle, John Jardine, and Peggy Bureta, a Spokane area CPG, participated in a panel discussion.

The first question for the panel was whether a guardian could make a living acting only as a guardian or if the guardian needed to do other kinds of work. Peggy Bureta said that her agency had a caseload with about ½ of the clients being people with disabilities or people with mental illness and that on those cases, the agency was often paid less than on DSHS cases. She said that the company had an Adult Family Home and contracted with the State to provide training. She said that they took served people in 11 counties and that she typically visited clients every month.

Gary Beagle said that his agency had a mix of clients—DSHS cases and special needs trust clients. He acknowledged that a guardian cannot maintain a practice with only DSHS cases. He said that he served clients in 4 counties and his clients were visited once a month.

John Jardine said that when he first started, the agency acted primarily as a guardian for a mix of DSHS and general cases, but that has changed because it is not a reliable source of income. Mr. Jardine said that his agency has become more involved in providing less restrictive alternative services—trustee, attorney in fact, and care management. His agency serves clients in 4 counties.

All three panel members were guardians in an agency. They spoke about the benefits of that model—it allows agency guardians and employees to specialize in areas and

¹ Except in the event of a tie vote, the Chair does not vote on any motions before the Board.

can address the issue of geographic diversity. Board members agreed that it was difficult for one person to have the social service skills and financial skills necessary as a guardian.

The panelists and Board talked about some new trends in guardianship, including security issues and the increasingly adversarial nature of guardianships. They also talked about how the community as a whole expects guardians to fix everything—to provide social services (like driving clients to appointments) and make legal decisions. They also talked about guardian fees and that the size of the estate had no relationship to the fees—cases with no assets could require more of a guardian’s time than cases with significant assets. The group talked about the value of standardized forms and education of the judiciary regarding those forms, so that a guardian did not have to become an expert in each local court’s unique form and could serve more counties.

The panelists talked about the diversity of their clients and strategies they employed to be sensitive to the unique cultural issues of their clients. Mr. Jardine talked about the extra effort needed to understand the dynamics of decisions using the substituted judgment standard. He said that friends and family members are often a source of information. Mr. Beagle added that his agency will contact societies of the person’s culture to work with them. He noted that Adult Family Homes often offered familiar settings for clients. Shirley Bondon spoke about the OPG program and said that she would research issues involving diverse clients and that there is a form to fill out in a discussion with the client about values and goals.

There was also discussion about the ratio of guardians to clients and that some of the panelists thought that the OPG’s ratio of 20 clients per certified professional guardian was not realistic in the agency model.

5. Chair Report, cont’d

- b) Judge Prochnau summarized the Board’s proposed response regarding the proposal of Sharon Denney to revise GR 23 and many of the Board’s regulations.
- 1) Ms. Denney suggested changing the composition of the Board and excluding all judicial officers, attorneys, and guardians from the Board. Judge Prochnau noted that the number of guardians serving on the Board was recently changed and that the Board is currently far more restrictive than most other boards and commissions in representation of the regulated group. Having judicial officers and attorneys on the Board is appropriate. Having a diverse board with representatives from different parts of the state and with different skills is important and the Board is committed to increasing the diversity of its membership.
 - 2) Ms. Denney suggested raising the application fees and annual dues of guardian to pay for additional monitoring and suggested changing the way the Board handles grievances. Judge Prochnau noted that the additional monies would not pay for monitoring and adequate funding is necessary. Regarding the handling of grievances, local courts are in the best position to initially investigate grievances and GR 23(a) does not permit the Board to act as an appellate body and does not allow the Board to duplicate the process by which courts supervise guardians.
 - 3) Ms. Denney thought that there should be more clarity about guardian fees and Judge Prochnau agreed that fees have been a difficult area for the courts, guardians, and clients and that the subject of guardian fees deserves further study.

A motion was made and seconded to adopt the recommendations of the Regulations Committee regarding the Board's response and to send the response to the Supreme Court Rules Committee. The motion carried unanimously.

6. Executive Session

The Board adjourned to executive session to consider applications and a disciplinary matter. Comm. Valente, Nancy Dapper, Chris Neil and Judge Swisher (members of the SOPC), recused themselves from participating in Executive Session for deliberation on the disciplinary matter.

7. Open Session

The Board reconvened in open session and took the following action:

A. Action on Applications:

(1) Motion for conditional approval² of each of the following applications for certification passed:

- | | | |
|----|-------------------------|------------|
| a) | Elaine Marie Morgan | CPG #11176 |
| b) | Annette Susanne Coffman | CPG #11192 |
| c) | Stacey Lynne Bollinger | CPG #11177 |
| d) | Larry Russell | CPG #11123 |

B. Action on Disciplinary Matter

A motion was made and seconded to adopt the SOPC recommendation that CPGB No. 2009-012 involved a matter of minor significance that was appropriately resolved by the SOPC and should be dismissed. The motion to adopt the SOPC's recommendation passed.

8. OPG Report

Ms. Bondon informed the Board that OPG had submitted a budget proposal requesting \$250,000 and that it had passed out of the House and was in the Senate. She said that it would allow the program to continue.

Ms. Bondon said that she was also working on a paper for the Conference of State Court Administrators—requesting Federal funding.

Ms. Bondon commented on the discussion about the ratio of clients to guardians and said that the 20 to 1 ratio was a part of the statute and that for a solo guardian, 20 to 1 could be too high. She said that if she could change the statute, she would have public guardians be state employees rather than independent contractors.

The meeting on April 2 adjourned at: 6:30 pm

² Conditional approval is granted pending successful completion of the mandatory training and other requirements and absent any intervening disqualifying events.

Respectfully submitted,

Judge Prochnau
Deborah Jameson

Board Approved: May 10, 2010
