

Certified Professional Guardian Board
Meeting Minutes
March 14, 2011
Teleconference

CHAIR

Judge Chris Wickham

MEMBERS PRESENT

Robin Balsam
Dr. Barbara Cochran
William Jaback
Chris Neil
Prof. Winsor Schmidt
Carol Sloan
Comm. Joseph Valente
Judge Kimberley Prochnau
Judge Robert Swisher

MEMBERS ABSENT

Judge James Lawler
Gary Beagle
Nancy Dapper
Emily Rogers

STAFF

Deborah Jameson

VISITORS

Tom Goldsmith

CALL TO ORDER

Judge Wickham called the meeting to order at 8:05 am.

BOARD BUSINESS

1. Approval of Minutes

A motion was made and seconded to approve the minutes as presented for the Board meeting held on February 14, 2011. The motion passed.¹

2. Chair Report

Judge Wickham reported on the following topics:

- a) An SCJA Guardianship and Probate Committee (GPC) meeting was held recently. The GPC reviewed a draft of online lay guardian training which is substantially completed except for some technical details. The GPC reviewed

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

new SCOMIS (the court's case management system) codes. With the new codes, courts will be able to run reports on guardianships, including information about the type of guardian, type of guardianship, due dates of reports, etc. The Chair recommended having a presentation to the Board about the use of the new codes and what it might mean for Board monitoring.

- b) Long Term Planning Meeting. At the last meeting, the choice for the meeting site was between Ft. Worden and Olympia. The majority of the Board preferred Olympia. An exemption request for a long-term planning meeting on June 17-18 in Olympia has been submitted, but has not yet been approved.
- c) Legislative Update: Judge Prochnau reported that SHB 1053 which calls for periodic reports, expiring letters, mandatory lay guardian training, and fees charged for annual accounts has passed out of the House and gone to the Senate. SHB 1104 and SSB 5042 which both expand the definition of vulnerable adult and financial abuse have passed out of the chamber of origin and into the other chamber. ESSB 5740 has passed out of the Senate into the House. The bill would require courts to provide information about guardianship, more notice about the proposed guardian, and have online information. SB 5819 which would expand the duties of a guardian to report on activities related to providing training and education and ensuring the least restrictive residential setting, has passed out of the Senate into the House.

3. COMMITTEE REPORTS

a. SOPC Committee:

The initial audits for timeliness under DR 520 have been completed, and the committee considered whether and what type of audit to conduct. The committee chair reported that compliance with the Errors and Omissions regulations could be audited to verify that CPGs had sufficient insurance. The committee has not yet developed an implementation proposal, and was requesting Board approval for the idea of E&O audits. A motion was made and seconded to approve the concept of auditing CPGs for compliance with the E&O requirements pending development of an implementation proposal that would be reviewed and approved by the Board at a future meeting. The motion passed.

The committee chair also reported that an Agreement Regarding Discipline was being recommended for adoption by the Board to resolve CPGB No. 2010-017. In this case, the guardian filed late reports in 6 cases, requiring multiple settings on the local court's Delinquency Calendar to ensure compliance. The average lateness was about 6 months. There was no record of any prior discipline. The recommended sanction is a letter of reprimand, a re-audit of cases, a period of probation, a demonstrated case tracking system, and a contingency plan.

b. Regulations Committee: The committee chair reported that the Regulations Committee has met regularly and worked through all but one of the revised Standards of Practice.

c. Education Committee

There was a discussion at the committee's last meeting with the Center for Guardianship Certification about testing and developing a test that would be specific for Washington guardians. The committee will discuss this further and bring it to the Board. The committee also discussed how to manage a guardian's carryover credits and will be proposing regulations at a future Board meeting.

The Education Committee is recommending changes to the education regulations. One change would correct an oversight and would allow inactive guardians to earn credit in the year prior to their request for reactivation. Currently, only active guardians may earn credit.

A motion was made and seconded to amend the regulation as follows:

Regulation 203.2 A credit shall be awarded for each hour actually spent by an active Guardian or an inactive guardian who is planning to become active within the next 12 months in attendance at an approved education activity.

Regulation 208.1 Compliance Report. Within 30 days from the end of the preceding reporting period, each Guardian shall submit an affidavit to the Committee, at the AOC, setting forth all information required by the Affidavit Reporting CEUs concerning such active Guardian's completion of approved continuing education during the preceding reporting period. Such affidavit shall also contain a report of "carryover" credits, if any, as delineated in Regulation 202.

There was no discussion. The motion passed.

The second change recommended by the committee is a technical change. The staff has reviewed guardianship forms and has recommended combining all reporting of CEU credits, whether for attendance, teaching, or participation on one form. This requires the removal of the terms Form 2 and Form 3 from the regulations because the forms will be combined and given a name, not a number. Motion made and seconded to adopt technical changes as follows:

Regulation 208.1 Compliance Report. Within 30 days from the end of the preceding reporting period, each Guardian shall submit an affidavit to the Committee, at the AOC, setting forth all information required by ~~Form No. 2, the Affidavit Reporting CEUs~~, concerning such active Guardian's completion of approved continuing education during the preceding reporting period. Such affidavit shall also contain a report of "carryover" credits, if any, as delineated in Regulation 202.

Regulation 208.2.1 Submitting by April 30, the affidavit called for by Regulation 208.1, the Affidavit Reporting Continuing Education Credits (~~Form 2~~) setting forth therein the extent of the active Guardian's compliance with the minimum education requirement.

Regulation 209 An active Guardian who seeks credit for teaching or participating in an approved continuing education activity pursuant to Regulation 203.5, shall submit an affidavit to the Committee, at the AOC setting

Adjourn

Judge Wickham noted the next meeting will be on April 11, 2011 and will be at AOC Seatac and will last until 3:00 pm. Judge Wickham adjourned the meeting at approximately 8:50 am.

Respectfully submitted,

Judge Wickham
Deborah Jameson

Board Approved: April 11, 2011