

**Certified Professional Guardian Board
Meeting Minutes
June 17, 2011
Red Lion Hotel, Olympia, WA**

CHAIR

Judge Christopher Wickham

MEMBERS ABSENT

Judge James Lawler

MEMBERS PRESENT

Robin Balsam
Gary Beagle
Dr. Barbara Cochrane
William Jaback
Chris Neil
Emily Rogers
Prof. Winsor Schmidt
Carol Sloan
Comm. Joseph Valente
Judge Kimberley Prochnau
Nancy Dapper
Judge Robert Swisher

STAFF

Deborah Jameson

FACILITATOR

Myra Downing

VISITORS

Shirley Bondon
Tom Goldsmith
Dan Smerken
Michael Johnson
Jim Hardman
Tom O'Brien

CALL TO ORDER

Judge Wickham called the meeting to order at 2:30 pm.

1. APPROVAL OF MINUTES

A motion was made and seconded to approve the minutes as presented for the Board meeting held on May 9, 2011. The motion passed.¹

2. CHAIR REPORT

Judge Wickham reported on the following topics:

- a. Legislative Update: SHB 1053 which calls for periodic reports, expiring letters, mandatory lay guardian training, and fees charged for annual accounts was signed by the governor, and will be effective July 22, 2011. The Governor did not sign the portion of the bill that would have imposed user fees.

Comm. Valente and Shirley Bondon reported on the lay guardian training program which will be a free online program for all new and existing lay guardians. A person registering for the training will be asked to voluntarily provide statistical data to assist with gathering accurate information about guardians and guardianships.

- b. GR 31 has been posted for comment. This rule governs public records requests for the judicial branch. The CPG Board is currently exempted from GR 31 applying to its records.
- c. En Banc: The annual report to the Supreme Court took place on June 8. The court was very interested in the work of the Board and spent a significant amount of time discussing it. Judge Wickham reported to the Court about the new Standards of Practice and the UWEO program. The Court was appreciative of the work done by the Board and by Washington's status as a leader in guardianship matters.

3. CPG PRACTICE EXPERIENCE

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

Jim Hardman talked about his experience as a guardian of clients at Fircrest who were moved to Rainier School without the guardian's consent. He said that of the five clients who were moved, two adjusted well and the other three were later returned to Fircrest. He talked about some of the changes in behavior after the move from Fircrest to Rainier School, including self-injurious acts. After the clients were returned to Fircrest, they returned to their baseline behavior. He stressed the need for assess clients for adaptability before moving them.

4. OPG REPORT

Shirley Bondon reported that the OPG has been funded through June 30, 2012. They will continue to accept cases in six counties and will expand to new counties. They currently have 80 cases. WSIPP's report is due in December and it is expected that the report will show the significant savings of having a public guardian. The OPG is creating a public guardian fee schedule based on information from its cases.

5. SOP COMMITTEE REPORT:

- a. CPGB NO. 2004-004B—as part of this Agreement Regarding Discipline, the guardian agreed to take additional ethics credits. The guardian has complied with the Agreement and the SOPC recommends that the disciplinary action be closed

6. EXECUTIVE SESSION

The Board adjourned to executive session.

7. OPEN SESSION

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

- a. Motion made and seconded to find the guardian in compliance with the terms of the Agreement Regarding Discipline in CPGB No. 2004-004B and close the disciplinary action. Motion passed.
- b. Motion made and seconded to adopt the Recommendation of the Appeal Panel in the Tammy Gallagher Appeal and conditionally approve Ms. Gallagher's application for certification as a professional guardian dependent upon successful completion of the UWEO Guardianship Certificate Program and no intervening disqualifying events. The motion passed. (The appeals panel did not vote).
- c. Motion made and seconded to decertify Sharon Nielson, CPG #10082, for failure to obtain and report continuing education credits. Motion passed with one abstention.
- d. Motion made and seconded to file a disciplinary complaint against Sharon Nielson, CPG # 10082. Motion passed with one abstention.
- e. Motion made and seconded for conditional approval² of the following application for certification. Motion passed with one abstention:
Ellen Dougherty CPG # 11449
- f. Motion made and seconded for conditional approval of the following application for certification. Motion passed:
Sean Williams CPG # 11459

² Conditional approval is granted pending successful completion of the mandatory training, background check, application forms, and absent any intervening disqualifying events.

- g. Motion made and seconded to accept the recommendation of the Applications Committee and deny the approval of the following application for certification based on lack of experience as described in GR 23(d)(1)(iv) and (v). Motion passed.

Marlene Moseler CPG # 11288

- h. Motion made and seconded for approval of the request of the following guardian agency to go inactive. Motion passed:

EthiCare, Inc. CPG # 5133

8. EDUCATION COMMITTEE REPORT

- a. The Education Committee received a request from the Spokane County Guardianship Monitoring Program to approve the mandatory guardian training conducted by the court on a monthly basis for continuing education credits. Spokane County's local practice involves specific information that is not taught in the UWEO program. The Committee plans to approve credits.

Spokane County has also requested that the \$25.00 application fee for each occurrence of a class be waived. The County charges attendees only enough to cover costs of printing materials. The Education Committee discussed the request and decided to recommend a regulation change that would allow waiver of the application fee for court-sponsored training that was for guardians. The proposal is below:

205.1 An active Guardian or sponsoring agency desiring approval of a continuing education activity shall submit to the Committee all information called for by Form 1 at least 30 days prior to the date scheduled for the class, along with an application fee of \$25.00 for each occurrence. If filed less than 30 days before the activity, the application fee is \$50 for each occurrence. Applications for retroactive approval will be considered if submitted with all the information required by Form 1 within 30 days of the continuing education activity and with the \$50.00 fee. The application fee may be waived, upon request, for court-sponsored training that is designed specifically for guardians.

The motion passed with one abstention.

- b. Regulation 202.3. This regulation has been posted for comment and there were no comments. A motion was made and seconded to adopt regulation 202.3 as follows.

202.3 If an active Guardian completes more than 24 credit hours in a given reporting period, the excess credit, up to 12 credits, may will be carried forward and applied to such Guardian's education requirement for the next reporting period. Four (4) General, two (2) Ethics, three (3) Person, and three (3) Estate credits will be carried forward to the next reporting period in their original categories. General and Ethics credits may be carried forward only as General and Ethics credits, respectively. Credits earned in Person or Estate may be carried over in their original category or may be transferred to General Credits.

The motion passed.

- c. One of the goals of the Education Committee has been to look at CPG testing. The Board has strengthened the requirements for new guardians in terms of their qualifications and education level and required the rigorous training through the UWEO. The question is whether the guardians who have been grandfathered in and would not meet current requirements and have not taken the UWEO

class need an evaluation of their skill level. Is that important for the Board? If so, the Committee believes it could be done through mandatory recertification training or testing.

The Education Committee talked to the Center for Guardianship Certification (CGC) about testing. A state specific test could be developed that would be administered by the CGC and would cost a guardian about \$250.00 to take. The Committee also talked generally to the UWEO about testing. The UWEO is willing to consider creating a two day course or blended learning course for current CPGs. The class would include updates to regulations, rules, case law, etc. and practical content relevant to the provision of guardianship services.

The Board discussed the question of whether the current continuing education requirements are adequate for grandfathered guardians and the majority of the Board felt that they were not.

There was a motion made and seconded to pursue a mandatory recertification course through the UWEO for all guardians. After some discussion, the maker of the motion and second of the motion agreed to withdraw the motion until the Board had the opportunity to discuss the idea further.

9. CULTURAL COMPETENCY

Because the courts are focused on eliminating bias and disproportionality, it was important to have a discussion about cultural competency—both in terms of how guardians relate to incapacitated persons and in terms of the Board's diversity. Myra Downing facilitated the discussion. The discussion was very interactive and informative. There were handouts about high context vs. low context societies, self-evaluations of communication style, the path of intercultural learning and many others. The Board's awareness of this issue was deepened by Ms. Downing's excellent presentation.

Adjourn

Judge Wickham adjourned the meeting at approximately 6:15 pm

Respectfully submitted,

Judge Wickham
Deborah Jameson

Board Approved: August 8, 2011