



Certified Professional Guardian Board Meeting

Monday, June 10, 2013 (9:00 a.m. – 1:00 p.m.)
SeaTac Office Center,
18000 International Blvd, Suite 1106
SeaTac, WA

Meeting Minutes

Chair

Judge James Lawler, Chair

Members Present

Commissioner Rachelle Anderson
Ms. Robin Balsam
Mr. Gary Beagle
Ms. Rosslyn Bethmann
Dr. Barbara Cochran
Mr. Bill Jaback
Judge Sally Olsen
Ms. Emily Rogers
Ms. Carol Sloan

Members Absent

Mr. Andrew Heinz
Judge Robert Swisher

Staff

Ms. Shirley Bondon
Ms. Kimberly Bzotte

1. Call to Order

Judge Lawler called the meeting to order at 9:00 a.m.

2. Board Business

Approval of Minutes

Judge Lawler asked for changes or corrections to the May 13, 2013 proposed minutes. There were no changes or corrections.

Motion: *A motion was made and seconded to approve minutes from the May 13, 2013 meeting. The motion passed.*

Chair Report

- Correspondence
The Board received a letter from Claudia Donnelly dated May 13, 2013. Ms. Donnelly attended the CPG Board meeting and reported that she testified before the State Senate Committee on Senate Bill 6740, which is in part about protecting the elderly from abusive behavior by guardians, including isolating the incapacitated person from their family. SB 6740 passed the Senate and the House. Ms. Donnelly stated that she is organizing a stakeholders meeting to be held August 21, 2013, 9:00 a.m. to 4:00 p.m. at the John L. O'Brien (JLOB) building in the first floor briefing room. Board members were invited.
- GR 31.1 Update
Judge Lawler briefly discussed the GR 31.1 Update. He stated that the most important change for guardians was (I) Exemptions (12) (iii).

(iii) A grievance shall be open to public access, along with any response to the grievance submitted by the professional guardian or agency, once the investigation into the grievance has been completed, or once a decision has been made that no investigation will be conducted. The name of the professional guardian or agency shall not be redacted from the grievance.

GR 31.1 was posted for comment period with the comment period ending August 26, 2013. Comments may be found at the link below:

http://www.courts.wa.gov/court_rules/?fa=court_rules.proposed

3. Public Comment Period (Please see attached)

4. UW Certificate Program and Continuing Education

Ms. Malia Morrison, Program Manager, University of Washington Guardianship Certificate program provided an update on the program and a new continuing education course. The continuing education course will satisfy the 24 continuing education credits that all certified professional guardians (CPGs) must complete every two years. The new course will begin January, 2014. In a six week period, it will be possible to complete all 24 credit requirements for the two year reporting period.

Ms. Morrison also provided demographic data for graduates of the certificate program. To view the data provided, please see Attachment A. More information regarding the program may be found at <http://www.pce.uw.edu/certificates/guardianship.html>

5. Education Committee

Bridge Builders, LLC, a certified professional guardianship agency submitted a proposal to provide mandatory training for candidates for guardianship certification. Gary Beagle thanked Ms. Mindi Blanchard, owner of Bridge Builders for the proposal. Mr. Beagle reported that the Education Committee reviewed the proposal and considered the programs sustainability and the ability to provide online services to students. The Committee concluded that the University of Washington program better fit Board requirements, and had been thoroughly vetted since 2008. The Education Committee suggested that Bridge Builders use the curriculum developed to provide a continuing education course. The Committee also praised Ms. Blanchard for her ideas regarding development of a non-profit guardianship institute.

6. Regulations and Standards of Practice

Proposed Revision SOP 404.3 Meaningful Visit

Judge Olsen reported that the Regulations Committee felt the proposed SOP 404.3 provided below provided an acceptable way of delegating performance of visits to guardianship agency employees and independent contractors and guaranteed sufficient protection of incapacitated persons being visited.

404.3 A certified professional guardian or certified professional guardian agency may delegate the responsibility for in-person visits with a client to: (a) a non-certified professional guardian employee of the certified professional guardian or agency, (b) an independent contractor or (c) any individual who has been specifically approved by the court.

In all cases, before the delegation, a certified professional guardian with final decision making authority on the case must document the suitability of the delegation, having considered: (a) the needs of the client, and (b) the education, training and experience of the delegate. The documentation shall be: (a) dated and signed by the certified professional guardian, (b) placed in the guardian's file for that client, and (c) available to the Certified Professional Guardian Board.

After reviewing public comments, and discussing the proposed regulation, Board members revised the regulation as follows:

404.3 A certified professional guardian of the person must personally make the initial in-person visit and then must personally visit every three months, unless otherwise approved by the court. For other meaningful in-person visits, a certified professional guardian or certified professional guardian agency may delegate the responsibility for in-person visits with a client to: (a) a non-certified professional guardian employee of the certified professional guardian or agency, (b) an independent contractor or (c) any individual who has been specifically approved by the court. In all cases, before the delegation, a certified professional guardian with final decision making authority on the case must document the suitability of the delegation, having considered: (a) the needs of the client, and (b) the education, training and experience of the delegate. The documentation shall be: dated and signed by the certified professional guardian and maintained in the guardian's client file.

Motion: *A motion was made and seconded to approve SOP 404.3 as revised during the meeting. The motion passed.*

Further discussion followed.

Proposed SOP 413 Responsibilities of CPGAs

Judge Olsen stated that during the May board meeting, the Board decided that Certified Professional Guardian Agencies should be owned 100 percent by Certified Professional Guardians and the Regulations Committee was asked to revise the proposed Standard of Practice and resubmit to the Board. The Committee revised the regulation and is requesting that it be posted for public comment. Discussion followed regarding Proposed SOP 413.

Motion: *A motion was made and seconded to post for public comment SOP 413. The motion passed.*

Proposed Revision of Disciplinary Regulation 500 (Part 1, Pages 1 – 15)

At Judge Olsen's request, AOC staff walked the Board through the proposed changes of Regulation 500. Staff highlighted the following sections of the proposed revisions:

- Definitions have been added to the Regulation in 501.4. Board members questioned some of the definitions. Definitions were taken from Black's Law dictionary.
- Section 501.4 which is numbered incorrectly and should be 501.5 states that there isn't a statute of limitation for filing a grievance. Similar to the language used in regulations addressing complaints against attorneys, the section states that the passage of time may be considered in determining if any action is warranted.
- Section 502 explains the structure of the Guardian Board, it's responsibilities are the structure and function of the Disciplinary Committee, including disciplinary committee terms of office, etc.
- Section 502.2 Disciplinary Committee (a) through (c) (e) and (f) are all new paragraphs.
- Section 502.3 Conflicts Review Committee has a new sentence in (a) *"All proposed members of a CRC are required to sign a confidentiality agreement prior to serving."* Paragraphs, (f) and (g) are also new.
- Section 502.4 Disciplinary Counsel, the Attorney General's office will serve as disciplinary counsel on all matters identified under these rules, etc.
- Section 502.5 (b)(1) A former AOC staff person shall not represent a respondent CPG in any proceeding under these rules for at least three (3) years after the date of separation from AOC.
- Section 502.5 (c) Restriction on Charging a Fee to Respond to Grievance. A respondent CPG may not seek to charge a grievant or an incapacitated person's estate a fee or recover costs from a grievant or incapacitated person's estate for responding to a grievance.
- Section 502.5 (d) Medical and Psychological Records. A respondent CPG must furnish written releases or authorizations to permit access to medical, psychiatric, or psychological records of the certified professional guardian and the incapacitated person as may be relevant to the investigation or proceeding.
- Section 503 Access and Notice – This section will be deleted as it will likely be covered in GR 31.1.
- Section 504.4 Computation of Time (new).
- Section 504.5 Stipulation to Extension or Reduction of Time (new).

Motion: A motion was made and seconded to post for public comment the proposed revision of Disciplinary Regulation 500 Part 1, Pages 1 – 15. The motion passed.

7. Executive Session (Closed to Public)

8. Reconvene and Vote on Executive Session Discussion (Open to Public)

Applications Committee

Individual Applications

Motion: A motion was made and seconded to conditionally approve Brenda Mooney's application. The motion passed.

Motion: A motion was made and seconded to conditionally approve Laura Ryan's application. The motion passed.

Motion: A motion was made and seconded to approve Susan Skillin's application. The motion passed.

Motion: A motion was made and seconded to conditionally approve Julie Wall's application. The motion passed.

Decertification for Failure to Complete CEU

Motion: A motion was made and seconded to decertify the following certified professional guardians for non-compliance of continuing education requirements. The motion passed.

- Wayne Funk
- Alfreda Golidy
- Donald Lewis
- Esther Mihet
- Joyce Ostby
- Emmy Purainer
- Linda Ryan

9. Adjourned

Meeting was adjourned at 1:45 p.m. Next meeting is scheduled for August 12, 2013.

Telephone conference.

Recap of Motions from June 10th, 2013 Meeting

Motion Summary	Status
Motion: A motion was made and seconded to approve minutes from the May 13, 2013 meeting. The motion passed.	Passed

Motion Summary	Status
Motion: <i>A motion was made and seconded to approve SOP 404.3 as revised. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to post for comment SOP 413. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to post for comment the proposed revision of Disciplinary Regulation 500 Part 1, Pages 1 – 15. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to conditionally approve Brenda Mooney’s application. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to conditionally approve Laura Ryan’s application. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to approve Susan Skillin’s application. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to conditionally approve Julie Wall’s application. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to decertify Wayne Funk. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to decertify Alfred Golidy. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to decertify Donald Lewis. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to decertify Esther Mihet. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to decertify Joyce Ostby. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to decertify Emmy Purainer. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to decertify Linda Ryan. The motion passed.</i>	Passed

Action Item Summary	
<ol style="list-style-type: none">1. Proposed SOP 413 will be posted for public comment.2. Proposed Revision of Disciplinary Regulation 500 Part 1 will be posted for public comment.	Completed

Attachment A

Data on the UW Guardianship Certificate

Prepared on May 24, 2013 by Malia Morrison, Program Manager

1. Between the program's inception in 2008 and June 2012, 192 individuals have started the Guardianship Certificate and 151 have successfully completed the program. This is a 79% retention rate.
2. If we include the students currently enrolled, 228 individuals have started the Guardianship Certificate. As of May 24, there are 26 people still in the program. If we assume they all graduate, that would bring the total number of graduates up to 177.
3. We do not systematically track the reasons why people do not complete the program; however, we often do hear why they are not continuing and most often it is for personal reasons (financial situation, family commitments, health issues, etc.)
4. Of the 151 graduates, 92% are currently CPGs.
5. Of the 36 students who started in the 2012-13 program, 26 already have a conditional CPG license. This signifies that the majority of students intend to complete the certification process.
6. Demographics summary:
 - a. The average age of a program graduate is 53.
 - b. 75% of graduates are women (114)
 - c. 5 students live out of state: 4 in Oregon, 1 in Idaho.
 - d. One-third of all graduates live in King County—the highest concentration for any county. (48)
 - e. The represented counties, in descending order:
 - i. King (48)
 - ii. Pierce (21)
 - iii. Spokane (12)
 - iv. Kitsap (11)
 - v. Clark (10)
 - vi. Snohomish (8)
 - vii. Cowlitz (7)
 - viii. Thurston (6)

The remaining counties had four or fewer representatives. In descending order, they include: Multnomah, Yakima, Clallam, Chelan, Walla Walla, Whatcom, Island, Jefferson, Stevens, Okanagan, Lewis, and Grays Harbor

Public Comment Period

Bruce Buckles with Aging and Adult Care Central Washington, also representing the Washington Association of Area Agencies on Aging (W4A). Mr. Buckles stated that he wanted to address the Board regarding our radically changing healthcare system. In summary, he stated there will be some unintended consequences, but the intent is to enhance healthcare for all Americans. The challenge will be to implement the new system. Mr. Buckles asked the Board to consider that there will be large and dramatic changes in experts and expectations. There is a great duty of guardians to obtain the necessary education as to what these changes are going to be and for the Board to include changes in the education provided to certified professional guardians.

Tom Goldsmith. Please see attached.

Claudia Donnelly. Please see attached articles given to the Board for review.