

Faulk, Camilla

From: Tom Goldsmith [TTGsmith@TGandA.com]
Sent: Thursday, February 02, 2012 9:25 AM
To: Faulk, Camilla
Cc: AOC DL - Guardian Program
Subject: Suggested New Rule GR 31A Public Disclosure, administrative Court records -As regards the Certified Public Guardianship Board
Attachments: 20120202_GrievanceInfo_ProposedText_TTG-CEN.pdf

Honorable Justice Johnson;

I hope it is not too late for me to reply to Judge James Lawler's recently posted letter of January 11, 2012.

Again, I'll begin by clearly stating I'm a strong believer in Washington State's Certified Professional Guardianship Board (CPGB), a team of dedicated generalists and specialists who consistently work to improve the complex and difficult circumstances in which many elderly and otherwise incapacitated citizens find themselves.

In November of 2011 I wrote an e-mail to you, suggesting that trust in the process overseen by the CPGB is extremely important. Also that problems we hear of indicate, as we might expect, that there are many problems today in the Professional Guardianship world. I suggested that these two points, together with the fact that the CPGB is largely composed of representatives from the "industry" it regulates, special scrutiny, not exclusion, is needed. Especially in regard to a potentially very-useful "barometer" of performance: grievances.

Perhaps in response to my thoughts, CPG related discussions and dialog have continued. Then on January 11, 2012 Judge James Lawler, CPGB Chair, wrote you a letter suggesting a solution.

Let me respectfully say that regardless of where regulatory text might reside (certainly not my area of expertise) I am disturbed by one item in CPGB Administrative Regulation 003. It is **Section 003.3 Other Records** that I see as a problem.

From what I have understood, no such information request has been filed with the CPGB since promulgation of 003.3 as of 14 June 2010. (To me, this is an indication this process is not working). Then too, in a January 9th 2012 a Board meeting vote (disputed in a lengthy discussion) was taken to archive admonition and reprimand disciplinary actions (until now shown permanently on the CPGB web site) after 12 months.

Both these facts seem out of step with active disclosure and trust in government. Yet further, "summaries of dismissed grievances" that in

a June 10th 2010 CPGB meeting were described as “now being created” and “will be available to the public.” are still not at hand.

Thus I respectfully propose replacing the **section 000.3 Other Records** text (wherever it might reside) with text to explicitly require public access to grievance information. Accordingly, I’ve prepared possible text, together with further explanatory notes (attached) which might be used.

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Thank you in advance for your continued consideration of these issues.

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Grievance Processing, Proposed Text

About a searchable data base, including dismissed grievances

The following text might describe the processing of CPGB grievances:

“A searchable database shall be made available to the public containing information about Certified Professional Guardians and must contain the following:

(a) Information, promptly upon receiving every complaint filed against a Certified Professional Guardian with the Certified Professional Guardianship Board, including the date of entry of the complaint, an abstract of the nature of the complaint, and an indication of the relationship of the complainant to the incapacitated person.

(b) Information, upon completion of the processing of each complaint, including disposition of the complaint. If the complaint has been dismissed, there shall be an indication of the reasoning for such action. For complaints resulting in discipline, relevant information shall be made available and not removed from public access.

(c) Any legal proceeding related to a Certified Professional Guardian’s Service as a guardian.

Information deemed no longer relevant or of general public interest may be placed in a separate, but easily reached, area of a public web site. “

Without such information being available to the public or guardians (and in practice to analysts even within government) there is a “black hole” in the ability to measure the performance of the state’s professional guardianship system, as well as the quality of service delivered by each Certified Public Guardian or agency to the most vulnerable in our society.

It is essential that all complaints be made public upon filing, just as in demographic studies, where “births” as well as “deaths” must be considered,

Grievance Processing, Proposed Text

so that analyses can be made and fully-useful conclusions can be reached in a timely manner.

It is similarly important that records of complaints and discipline remain available indefinitely for study and analysis. I see no reason why information cannot be conveyed to the public describing mitigating circumstances, or explanations as to why a particular complaint might be less or more important.

I believe the public has a right to complaint information, regarding the comfort and security of our so-vulnerable incapacitated persons. Also, that our government should trust citizens to use this information, as well as the grievance process itself, responsibly. According to the CPG 2010 Annual Report, 33 grievance were opened that year. This hardly seems an excessive number, given the many professionally-served guardianships in the state. Although the number of grievances is apparently up substantially in 2011, I have not heard reports of significant abuse of this process.

Finally, I expect costs for such a process might be **neutral or even result in savings**, as easily-available information is often the least expensive way to resolve problems. I would expect considerable savings in Court time, together with very real, although perhaps intangible, benefits to the incapacitated persons needing both protection and better care.

Plus, these searchable summaries could serve as a teaching tool to educate the public, Courts, and professional guardians on the problems, complaints, and penalties that can occur. This effort might be one of the most cost effective and “real-world” ways to improve the practice of guardians.