

2019

Certified Professional Guardianship Board



Annual Report

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CERTIFIED PROFESSIONAL GUARDIANSHIP BOARD

ANNUAL REPORT 2019

INTRODUCTION

We are pleased to present the 2019 Certified Professional Guardianship Board Annual Report. We make this report publicly available with the goal of increasing awareness of the work of the Certified Professional Guardianship Board and the Administrative Office of the Court's Office of Guardianship and Elder Services.

The Washington State Supreme Court has authority over guardianship practice in the state, as professional guardians are officers of the court. The Supreme Court established a certification, regulation and discipline framework for professional guardians and related agencies by promulgating General Rule (GR) 23. GR 23 created the Certified Professional Guardianship Board (Board) to implement a process to certify, regulate and discipline individuals who choose to become professional guardians. GR 23(a) cites the purpose of the rule as:

This rule establishes the standards and criteria for the certification of professional guardians as defined by RCW 11.88.008 and prescribes the conditions of and limitations upon their activities. This rule does not duplicate the statutory process by which the courts supervise guardians nor is it a mechanism to appeal a court decision regarding the appointment or conduct of a guardian.

The Supreme Court, however, retains primary jurisdiction over the Board and its functions, including:

- The Supreme Courts retains jurisdiction over all professional guardians who practice in the state of Washington. GR 23(b).
- The Supreme Court appoints all members to the Board. GR 23(c)(1)(i).
- The Supreme Court designates the Chair of the Board. GR 23(c)(1)(iii).
- The Supreme Court enters the order certifying an individual as a certified professional guardian. GR 23(c)(2)(v).
- The Board may seek Supreme Court enforcement of an order or subpoena that it issued. GR 23(c)(2)(x)(c).
- The Supreme Court approves the Board's expense budget. GR 23(c)(3).
- The Supreme Court, pursuant to its statutory authority to direct the Administrative Office of the Courts, instructs the Administrative Office of the Courts (AOC) to provide administrative support to the Board and authorizes AOC to contract with other agencies or organizations on behalf of the Board. GR 23(c)(8).
- The Supreme Court extends quasi-judicial immunity to the Board where the Supreme Court would have immunity in performing the same functions. GR 23(c)(5).

The Board is charged with all substantive duties of certification including:

- Processing applications,
- Implementing standards of practice,
- Establishing a training program,
- Adopting regulations for continuing education,
- Approving or denying certification,
- Investigating grievances and issuing disciplinary sanctions.

In order to facilitate the discharge of the duties delegated by the Supreme Court, the Board, through its bylaws and regulations, has created several Committees charged with overseeing specific Board duties and providing input and expertise to the Board on these areas. During 2019 the following four Board Committees were active:

- Applications Committee
- Education Committee
- Regulations Committee
- Standards of Practice Committee

The Office of Guardianship and Elder Services, within the Administrative Office of the Courts, is directed by the Supreme Court, to provide administrative staff support to the Board and its Committees.

WASHINGTON LEGISLATIVE CHANGES IMPACTING GUARDIANSHIP

Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act

The Washington Legislature adopted the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (the “Act”), RCW chapter 11.130, in the 2019 session. This new chapter in Title 11 represents a complete overhaul of the existing statutory framework regarding guardianships in the state of Washington, as it repeals RCW chapter 11.88 and RCW chapter 11.92. Despite several provisions from existing Washington law included as modifications, this uniform law represents a significant departure from current law on a variety of issues.

The new legislation becomes effective on January 1, 2021. The Act revises much of the nomenclature in current law. The Act seeks to employ person-centered language, replacing “incapacitated person” and “alleged incapacitated” with “individual subject to guardianship” and “individual subject to conservatorship” and “respondent”. The Act also substitutes “guardian” and “conservator” for the former “guardian of the person” and “guardian of the estate” appellations. The Act substantially redefines the powers associated with these roles, including with respect to key areas such as residential placement and sale of real property, and effectively dissolves the existing distinction of the guardian of the person (or hence, guardian) as having no financial powers. Numerous other roles, such as standby guardians and guardian ad litem, are redefined under the Act, and new roles such as visitor are introduced.

The Act alters some of the basic procedural rights of individuals. For example, the Act does not incorporate Washington law regarding the right to a jury trial on the issues (plural) of the specific rights and freedoms that are subject to limitation by the proceedings, instead requiring only that a respondent may demand a jury trial in a proceeding on the issue (singular) of whether a basis exists for appointment of a guardian or conservator. The standard for appointing a guardian or conservator is also redefined to refer to lack of ability to meet essential requirements due to being unable to receive and evaluate information or make or communicate decisions.

The Act contains novel provisions in Washington such as emergency guardianships and conservatorships. These sections of the Act permit temporary appointment of a guardian or conservator with reduced procedural requirements, including without notice to the individual for up to forty-eight (48) hours.

The Act incorporates the requirement to consider less restrictive alternatives to guardianship and conservatorship, as does existing Washington law. Upon the same findings regarding an individual’s ability to meet essential requirement due to being unable to receive and evaluate information or make and communicate decisions, the Act also requires courts to order other protective arrangements in lieu of guardianships and conservatorships unless the court finds by clear and convincing evidence that the individual’s needs can’t be met by such arrangements. Pursuant to the Act, this may include ordering a particular medical treatment, residential placement, sale of real estate, or invalidation of a will or trust. The right to a jury trial does not apply to the findings predicate to ordering other protective arrangements. Details regarding the mechanisms for execution of court orders for other protective arrangements are not provided in the Act.

With the passage of the Act, the legislature also repealed RCW 26.10 governing non-parental custody actions. Article 2 of the Act addresses minor guardianships. The Act specifically grants custody of the minor to a guardian unless inconsistent with a recognized court order. With the repeal of the non-parental custody law, the frequency of minor guardianships is likely to greatly

expand. (Washington has not adopted the Uniform Non-parental Custody Act.) Parents and minors 12 and older have rights to court appointed attorneys in the proceedings under specified circumstances.

Further, the Act contains a provision that is non-conforming to the Uniform Law Commission's uniform act, Article 7. This provision mandates all grievances filed with the Board be forwarded to the superior court for the guardianship or conservatorship if the grievance is complete, state facts alleging a violation of a standard of practice, and relates to the conduct of a professional guardian and/or conservator.

In sum, the passage of the Act brings significant change to guardianship law in Washington.

Health Care Consent – Incapacitated Persons

The Washington Legislature passed House Bill 1175 affecting health care consent for incapacitated persons, amending sections of RCW 7.70.065 and RCW 70.122.030. This legislation substantially expands the list of persons authorized to provide health care informed consent for patients who do not have capacity. For patients who are considered “incompetent” per statutory definition in RCW 11.88.010(1)(e), the authorized persons may include adult grandchildren, nieces and nephews, and aunts and uncles, if familiar with the person. Consent may also be obtained from other adults who have demonstrated care and concern and familiarity with the incapacitated person, subject to providing a declaration. The amendment specifically dictates that a person authorized to provide informed consent under the law is prohibited from exercising any rights a patient might otherwise have under 70.245 RCW, Washington's death with dignity act. The law also expanded the list of methods for executing a health care directive pursuant to statute, such as a notary public or other individual authorized by law. RCW 70.122.030 was also amended to allow a health care directive to be acknowledged by a notary public or other individual authorized by law to take acknowledgments, in addition to the existing option of two unrelated witnesses. The effective date of the law is July 28, 2019.

Trust Institutions – Various Provisions

The Washington Legislature passed Senate Bill 5107 amending multiple sections of RCW Chapter 30B and several other statutes. The law provides state trust companies with equivalent powers and authority as federally chartered trust companies. The statute also clarifies the business activities under a certificate of authority to a state trust company. Trust business under the title is defined in the amended RCW 30B.08.080 to include acting pursuant to court order as executor, administrator, guardian or conservator of an estate, vs. the previous statutory language of simply executor, administrator, guardian or conservator. The statute contains additional requirements applicable to the board of directors of a state trust company. The law became effective on July 28, 2019.

APPLICATIONS COMMITTEE 2019 AT A GLANCE

GR 23 establishes the standards and criteria for the certification of professional guardians.¹ Every individual, or agency, desiring to be certified as a CPG must submit an on-line application to the Certified Professional Guardianship Board (CPGB) and must satisfy all requirements set out in the CPGB Application Regulations.

Individual CPG Requirements¹

GR 23 and CPGB certification requirements for individual certification include having a degree from an accredited educational institution; possessing a requisite number of years of experience transferable to the work of a guardian, including decision-making for the benefit of others; passing background checks and demonstrating financial responsibility. Additionally, applicants must also meet the qualifications set out in RCW 11.88.020.²

Education

Applicants are required to have a degree from an accredited institution. The level of the degree determines the minimum number of full years of experience, transferable to providing guardianship services, required for certification: AA four years, BA/BS two years, Masters, J.D. Ph.D. or equivalent, one year.³

Transferable Experience

In addition to possessing the requisite number of full years of experience (work or volunteer) transferable to providing guardianship services, a component of the experience must include decision-making for the benefit of others in the area of legal, financial, social services, healthcare or other disciplines pertinent to the provision of guardianship services.

Background Checks

After requesting and receiving an applicant's consent, four background checks are conducted: Adult Protective Services, Child Protective Services, Washington State Patrol and FBI. In reviewing the background checks, the Certified Professional Guardianship Board has discretion to consider an applicant's explanation concerning circumstances related to negative reporting in the background checks.

Financial Responsibility

Applicants are required to demonstrate financial responsibility based on a FICO credit score and a credit report. FICO scores of 700 or higher are deemed to meet the financial responsibility requirement. Scores below 650 are deemed not to meet the requirement.

¹ CPG Agency certification is not included in this summary because the regulations direct that AOC Staff approves CPG Agency applications. Information regarding CPG Agency certification requirements can be found in GR 23 (d)(2) and CPGB Regulation 100

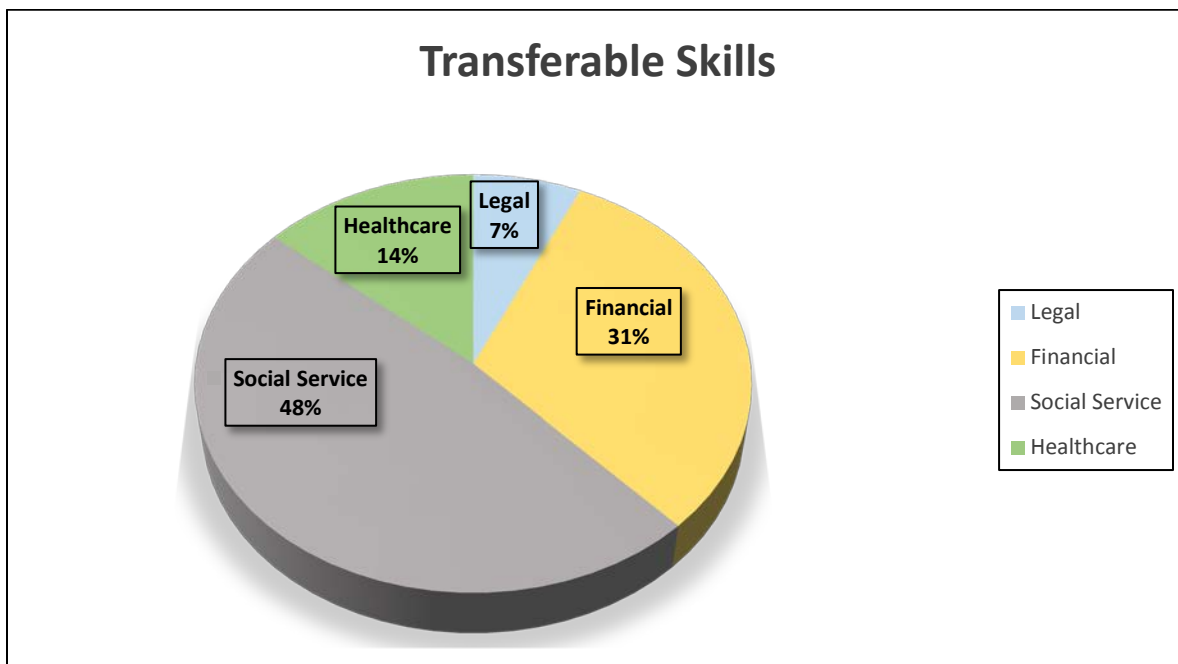
² In addition to the requirements set out in GR23 and the CPGB Application Regulations, RCW 11.88.020, requires that an individual applying for CPG certification be at least 18 years of age; be of sound mind and have no felony or misdemeanor convictions involving moral turpitude.

³ GR 23 requires "full" years (full time) transferable experience.

FICO scores between 650 and 699 require CPGB review of an applicant's full credit report and an applicant's explanation regarding circumstances concerning their credit and negative report indicators. If a score falls into the 650-699 range, the CPGB has discretion to determine whether or not the financial responsibility requirement is met.

Individual Certification Process

Once all application materials are received, including transcripts and completed background checks, an application packet is complete. The Applications Committee meets monthly to review applications and makes recommendations to the Board to approve, conditionally approve or deny applications. The Committee recommendation also includes the transferable skill category (or categories) identified for each applicant. GR 23 provides the following list of categories: legal financial, social services, healthcare and other. The following chart shows the percentage of applicants (reviewed by the Board in 2019) with transferable skills in each category.



The Committee recommends Board approval of an application when all certification requirements have been satisfied, including successful completion of the required UW Guardianship Certificate training. Conditional Approval is recommended when all certification requirements have been satisfied with the exception of successful completion of the required UW training. If denial is recommended, denial must be based on specific findings stating the reason(s) for denial.

The CPGB reviews applications at each regularly scheduled meeting.⁴ Recommendations for approval are sent to the Washington State Supreme Court (Court) for review, approval and

⁴ The CPGB meets nine times per year (The Board does not meet in February, July or September).

issuance of a CPG Certificate. Recommendations for conditional approval are not forwarded to the Court until after successful completion of the UW training. Recommendations for denial are appealable to the CPGB.

2019 Certification Related Information

- 22 of 23 enrolled students successfully completed the UW Guardian Certificate Program.
- 24 application packets reviewed by the CPGB: 14 conditional approvals, 7 approvals and 3 denials.
- 20 CPGs were certified by the Washington State Supreme Court.⁵
- 12 individual CPGs and 1 CPG Agency voluntarily surrendered certification.⁶
- 7 individual CPGs were Administratively Decertified for non-renewal of certification and/or non-compliance related to Continuing Education requirements.

⁵ Although the CPGB only approved 7 applications in 2019, the Washington State Supreme Court certified 20 new CPGs because 13 of the 20 Court certifications were applicants who were conditionally approved in 2018 and completed the UW program in 2019.

⁶ The primary reasons for voluntary surrender are planned retirement and serious health issues.

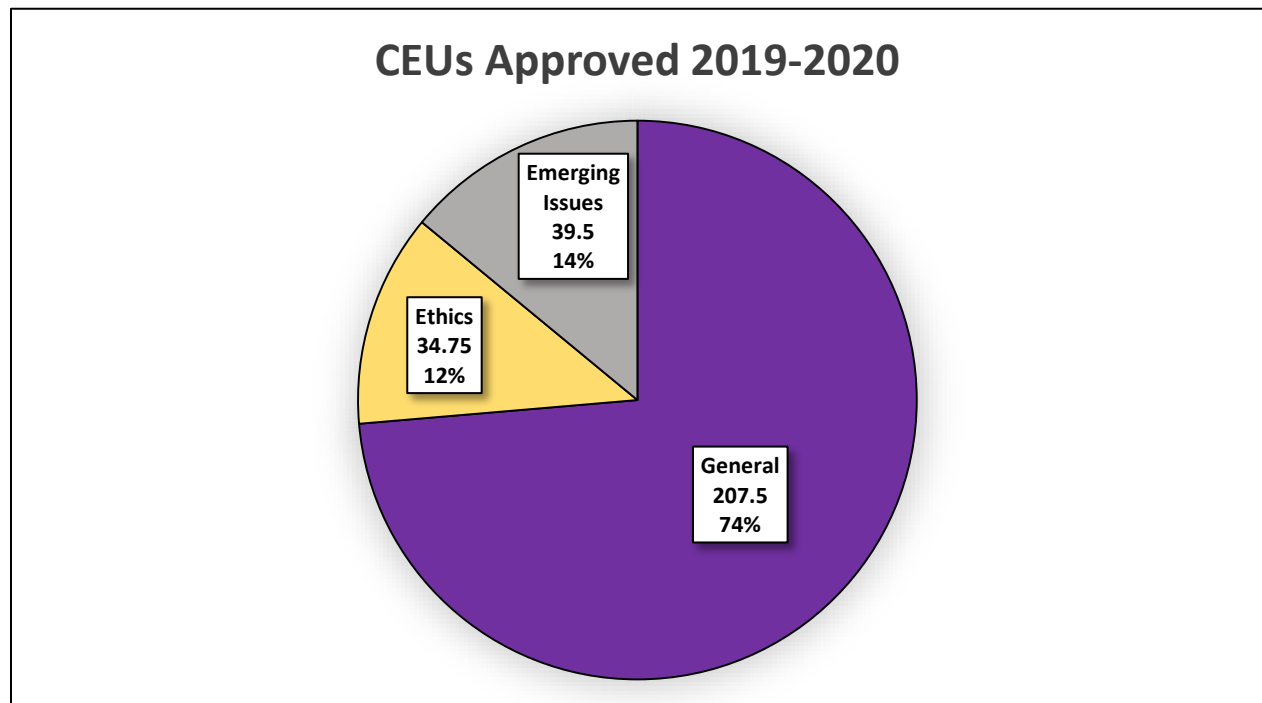
EDUCATION COMMITTEE 2019 AT A GLANCE

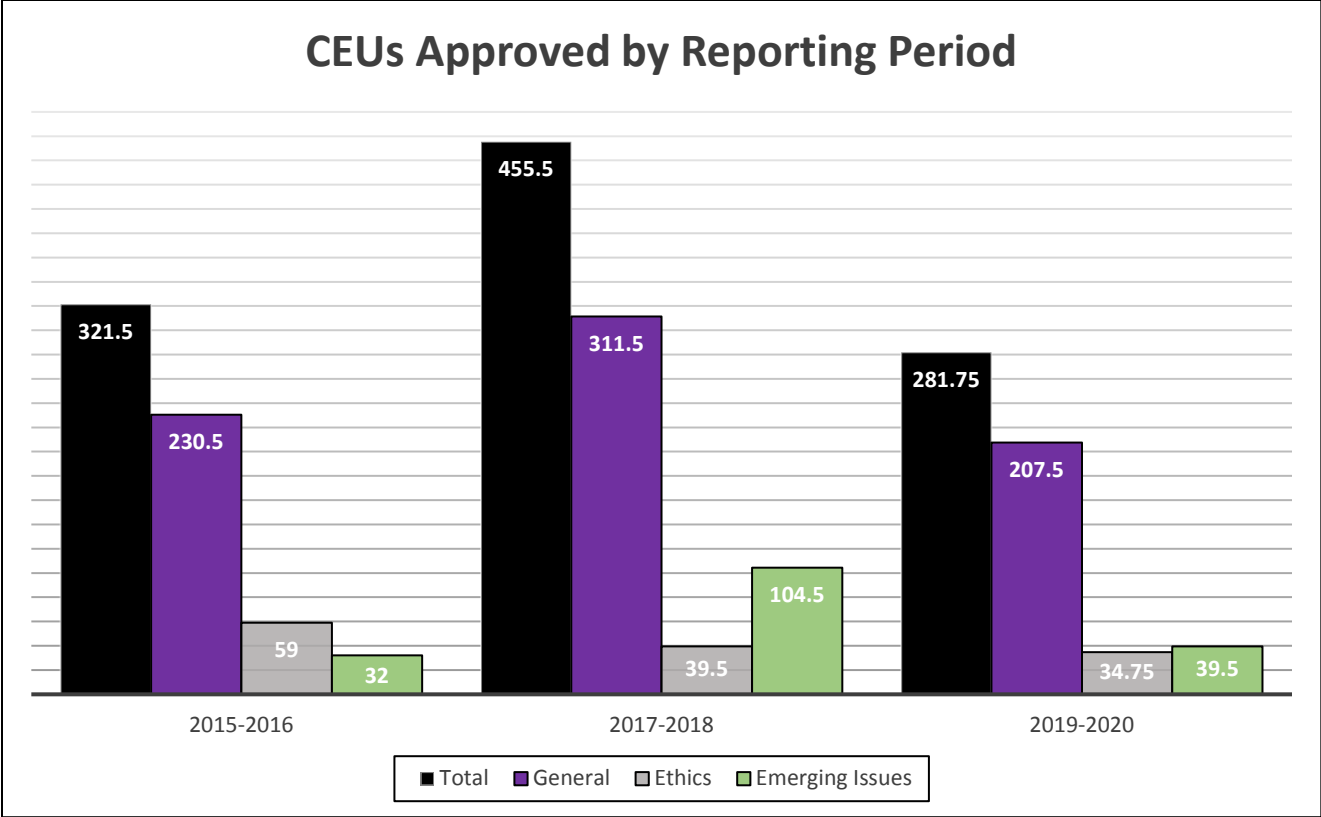
GR 23(C)(vii) grants the Board the authority to adopt and implement regulations concerning continuing education for professional guardians. The Board requires all professional guardians to complete a minimum of twenty-four (24) credit hours of approved education during each biennial reporting period. Of these twenty-four (24) credit hours, sixteen (16) are General, four (4) Ethics and four (4) Emerging Issues credits must be completed. Failure to comply with the Board's continuing education requirements may result in a professional guardian being administratively decertified.

The Board's Education Committee is tasked with overseeing the Board's continuing education regulations and requirements. This includes approving continuing education courses and ensuring that professional guardians comply with the Board's continuing education reporting requirements. The Education Committee also has the authority to modify or waive any of the Board's continuing education requirements for undue hardship, infirmity, or other good cause.

Continuing Education Credit Approval

During 2019, the first year of the 2019-2020 continuing education reporting period, the Education Committee approved 281.75 Continuing education (CEU) credits. By comparison, 455.5 CEU credits were approved during the 2017-2018 reporting period and 321.5 CEU credits were approved during the 2015-2016 reporting period. Please note that with one more year remaining in the reporting period, the 281.75 total will continue to increase. Of the 281.75 CEU credits approved in 2019, 14% were emerging issues and 12% were ethics credits.





Recent Changes to the Board’s Continuing Education Regulations

In 2019 the Education Committee also recommended the Board make a number of changes to the Board’s Education Regulations in order to improve professional guardian’s access to CEU credits, particularly Emerging Issues CEU credits.

Regulation 208.2.1

The Board amended Regulation 208.2.1 to allow professional guardians who are late in completing or filing their CEU requirements at the end of a reporting cycle to submit proof of completion of their CEU requirements by April 1 of the year following the end of the reporting cycle without having to file a waiver request with the Education Committee.

Regulation 203.2 & 204.6

The Board amended Regulations 203.2 and 204.6 to remove the requirement that online or on-demand CEU courses have an interactivity element, which the Committee hopes will make it easier for CEU course sponsors to host online or on-demand courses and increase the number of online and on-demand CEU courses approved for credit.

Regulation 201.12

The Board amended Regulation 201.12 to allow emerging issues credit to be granted to courses that address significant issues affecting guardianship which arise within the current reporting period, but do not fall within one of the pre-approved emerging issues categories. This has allowed the Education Committee to grant emerging issues credit to sponsors who request emerging issues credit for courses related to the recently passed Uniform Guardianship,

Conservatorship, and Other Protective Arrangements Act along with other recent legislative and regulatory changes which impact the practice of guardianship.

Regulation 205.6

The Board amended Regulation 205.6 to allow the Education Committee or Board to direct AOC staff to review and approve possible CEU courses and materials for CEU credit without a sponsor applying for CEU credit. This change has allowed the Education Committee to approve thirty-four (34) online or on-demand courses offered by the National Guardianship Association (NGA) for CEU credit. This has substantially increased the availability of online and on-demand CEU offerings available to professional guardians.

REGULATIONS COMMITTEE 2019 AT A GLANCE

With the passage of the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (“Act”), RCW 11.130, in the 2019 session, the Board’s Regulations Committee was revived to begin the work consequent to passage of the Act. The Regulations Committee met in November and December of 2019 and began its work with consideration of potential suggested changes to Washington State Supreme Court General Rule 23. The Committee considered the timing constraints impacting the update of numerous regulations in 2020.

THE GRIEVANCE PROCESS

One of the key duties delegated by the Supreme Court to the Board is the duty to promulgate and enforce standards of practice and to ensure that certified professional guardians comply with all applicable statutes, fiduciary duties, standards of practice, rules, and regulations. GR 23(c)(2) sets out the duties of the Board in receiving and reviewing grievances against professional guardians:

(viii) Grievances and Disciplinary Sanctions. The Board shall adopt and implement procedures to review any allegation that a professional guardian has violated an applicable statute, fiduciary duty, standard of practice, rule, regulation, or other requirement governing the conduct of professional guardians. The Board may take disciplinary action and impose disciplinary sanctions based on findings that establish a violation of an applicable statute, fiduciary duty, standard of practice, rule, regulation or other requirement governing the conduct of professional guardians. Sanctions may include decertification or lesser remedies or actions designed to ensure compliance with duties, standards, and requirements for professional guardians.

Although the Supreme Court, through GR 23, has delegated primary responsibility to the Board to receive, investigate, and discipline professional guardians for violations of applicable statutes, fiduciary duties, standards of practice, rules, or regulations, the Supreme Court retains primary jurisdiction over all professional guardians practicing in the state of Washington. Any Board recommendation of suspension or decertification resulting from a disciplinary proceeding must be filed with the Supreme Court. The Supreme Court must review such a recommendation after consideration of the transmitted record. By written order, the Court may adopt, modify, or reverse the Board's recommendation.

Disciplinary Regulation 500 (DR 500) et seq. contains the Board's rules and procedures relating to the investigation, review, and resolution of grievances against professional guardians.

Opening a Grievance

A "grievance" is a written document filed by any person with the Board, or filed by the Board, Standards of Practice Committee, or the AOC itself, for the purpose of commencing a review of the professional guardian's conduct under the rules and disciplinary regulations applicable to professional guardians. Grievances may be completed on-line on the Washington Courts website at www.courts.wa.gov or by submitting a written grievance to AOC.

AOC investigation staff, within one week of receiving a grievance, conducts an initial review of the grievance to determine whether the Board has jurisdiction and if the grievance alleges facts that, if proven true, could constitute a violation of a law, regulation, rule, or standard that applies to the conduct of a professional guardian or guardianship agency. If AOC staff make a determination that the grievance alleges a possible violation, and that the Board has proper jurisdiction over the grievance, AOC staff then provides the professional guardian or agency identified in the grievance with a copy of the grievance and an opportunity to respond to the allegations and facts alleged in the grievance. Generally, a professional guardian or agency will have at least one month to provide a response to a grievance.

Grievance Investigations

Following the initial determination that a grievance meets the Board's jurisdictional requirements, Administrative Office of the Courts (AOC) staff investigate grievances and provide the Board's Standards of Practice Committee with sufficient factual information to allow the Committee to determine how a grievance should be resolved.

An investigation will include a review of materials provided to the Board by both the grievant and the professional guardian. An investigation may also include the request and review of relevant documents, and interviewing other individuals with possible knowledge of the issues alleged in the grievance, including possibly the incapacitated person.

A professional guardian has a duty to cooperate with a Board investigation into the professional guardian's conduct as well as a duty to promptly furnish information requested by the Board.

Standards of Practice Committee Review

After the completion of the investigation into a grievance, the Standards of Practice Committee reviews the information collected during the investigation and determines whether there has been a violation of the Board's Standards of Practice or another applicable law, rule, regulation, or duty related to the conduct of a professional guardian. If the Committee finds that no violations have occurred, the Committee will dismiss the grievance. However, if the Standards of Practice Committee finds, by a preponderance of the evidence, that a violation has occurred, the Committee will then determine what action should be taken to resolve the grievance. The Committee may recommend the Board file a complaint against the professional guardian or agency, recommend the Board enter into an agreement regarding discipline with the professional guardian or agency, or issue an advisory letter.

Complaint Process

In order to resolve a grievance, the Standards of Practice Committee may request that the Board file a complaint regarding disciplinary action against the certified professional guardian or agency. Filing of a complaint commences a hearing process similar to an administrative hearing. However, a Board disciplinary hearing is governed by the Board's Disciplinary Regulations and not the Administrative Proceedings Act, which governs administrative hearings related to executive branch agencies. Once filed, the complaint is of public record and is posted on the website. All subsequent proceedings are open to the public.

The AOC contracts with a hearing officer to conduct the remainder of the hearing proceedings. The hearing officer presides over the case, hears and decides upon motions from both the Board and the Respondent guardian, and presides over any evidentiary hearings that take place. Following the conclusion of the disciplinary hearing, the hearing officer must prepare a written findings of fact, conclusions of law, and recommendations to the Board regarding the disposition of the matter. The Board then reviews the findings, conclusions, and recommendation of the hearing officer and determines what further action to take.

If the Board suspends or decertifies a professional guardian, that decision is reviewed by the Supreme Court.

Types of Grievance Resolutions

Dismissal

The Board has delegated authority to AOC Staff to dismiss grievances which the Board does not have the jurisdiction to investigate or that fail to allege facts that, if proven true, could constitute a violation of the Board's Standards of Practice or other applicable laws, rules, regulations, standards, or duties related to the conduct of a guardian.

Besides dismissal for insufficient grievance or no jurisdiction, the Standards of Practice Committee may also dismiss a grievance for no actionable conduct if the Committee determines that the professional guardian's conduct did not violate the Board's Standards of Practice or other applicable laws, rules, regulations, standards, or duties related to the conduct of a guardian.

Decertification

Decertification is the Board's most severe sanction. If a professional guardian is decertified, RCW 11.88.008 limits the number of guardianship cases for which a guardian may accept compensation to two (2).

DR 509.3.1 sets out that the Board may decertify a professional guardian if the professional guardian:

509.3.1.a. Fails to comply with the duties, requirements or prohibitions in the Standards of Practice, or Guardianship Program rules or regulations, or Washington statutes, or the guardian's fiduciary duty; and was previously disciplined with a sanction, remedy or other remedial action by the Board, a court, or a judicial officer; or

509.3.1.b. Engages in any act of dishonesty, fraud, deception, conflict of interest, selfishness or misrepresentation that adversely reflects on the guardian's fitness to practice; or

509.3.1.c. Engages in gross incompetence, including but not limited to, case tracking, a pattern of late filings, accounting errors, delinquent or late payments of an incapacitated person's or estate's financial obligations; or

509.3.1.d. Engages in conduct or misconduct that adversely impacts an incapacitated person in a highly significant manner; or

509.3.1.e. Engages in conduct that constitutes any Washington felony that occurs either while performing duties as a guardian or outside those duties; or

509.3.1.f. Engages in conduct that constitutes a misdemeanor or gross misdemeanor involving moral turpitude that occurs either while performing duties as a guardian or outside those duties.

Administrative Decertification

Guardians are required to renew their certification annually and complete 24 credit hours of continuing education biennially. If a professional guardian fails to meet either the annual certification or biennial education requirements, that professional guardian may be decertified by the Board for failure to comply with program requirements.

If a professional guardian who is administratively decertified has open pending grievances against them, those grievances are closed. However, if the professional guardian re-applies to

be certified by the Board, those grievances will be re-opened and resolved as part of the application process.

Voluntary Surrender

At any time a professional guardian may choose to voluntarily surrender their guardianship certification. If a professional guardian voluntarily surrenders their certification, any open grievances against the professional guardian are closed. However, if the professional guardian re-applies to be certified by the Board, those grievances will be re-opened and resolved as part of the application process.

Prohibition on Taking New Cases

The Board may prohibit a professional guardian from accepting new guardianship cases for a fixed period of time if the Board finds that the professional guardian has failed to comply with the duties, requirements or prohibitions in the Standards of Practice, or Guardianship Program Rules or Regulations, or Washington statutes, or the guardian's fiduciary duty, or that the professional guardian has engaged in conduct that adversely reflects on the professional guardian's fitness to practice. A Prohibition on Taking New Cases may be imposed for conduct or misconduct which does not rise to the level of decertification.

Suspension

If a professional guardian engages in conduct or misconduct that does not rise to the level of decertification, the Board may suspend the professional guardian from the practice of guardianship for a fixed period of time if the professional guardian:

509.4.a. Fails to comply with the duties, requirements or prohibitions in the Standards of Practice, or Guardianship Program rules or regulations, or Washington statutes, or the guardian's fiduciary duty; or

509.4.b. Engages in conduct that occurs either while performing duties as a guardian or outside those duties, that meets the statutory elements of any Washington gross misdemeanor or misdemeanor, and which adversely reflects on the professional guardian's fitness to practice; or

509.4.c. Engages in ordinary negligence in the performance of their duties as a guardian. "Ordinary negligence" is defined in this context as a guardian's failure to exercise reasonable care in the performance of their professional duties; or

509.4.d. Engages in conduct or misconduct that adversely impacts an incapacitated person in a manner that is not "highly significant" as defined above.

Reprimand

The Board may issue a letter of reprimand where a professional guardian fails to comply with the duties, requirements or prohibitions in the Standards of Practice, or Guardianship Program Rules or Regulations, or Washington statutes, or the guardian's fiduciary duty but the misconduct does not rise to the level of decertification, suspension, or prohibition on taking new cases.

Probation

Probation is a resolution that will be imposed for at least six months and no more than one year. Probation shall consist primarily of a monitoring function that seeks to ensure the guardian fully complies with any sanctions, remedies or other actions imposed by the Board, a court or a

judicial officer, and fully complies with the duties, requirements or prohibitions in the Standards of Practice, Guardianship Program Rules and Regulations, Washington statutes, and the guardian's fiduciary duty. Failure to comply with a condition of probation may be grounds for additional discipline.

Restitution

Restitution is the payment of the victim's out-of-pocket expenses directly related to the guardian's misconduct. After a finding of misconduct, a guardian may be ordered to make restitution to persons financially injured by the guardian's misconduct.

Other Disciplinary Sanctions - DR 509.11

The Board may implement various remedies for the purpose of ensuring the guardian complies with the duties, standards, and requirements of a professional guardian. This may include, but is not limited to, requiring the guardian to attend additional training or education courses, undergo drug or alcohol treatment or behavioral modification classes, be subject to periodic reporting and audit requirements by the Board, or work with a mentor.

Agreement Regarding Discipline (ARD)

An Agreement Regarding Discipline (ARD) is a conditional settlement agreement negotiated between the Standards of Practice Committee and a professional guardian in lieu of initiating the complaint process to resolve a grievance with a substantiated violation. Once an agreement has been reached, it is presented to the Board for approval. Approved Agreements are posted on the Washington Courts website for public disclosure. An ARD may contain any of the above mentioned sanctions, including but not limited to, a letter of reprimand, probation, prohibition on taking new cases, restitution, or other disciplinary sanctions as provided by DR 509.11.

Advisory Letter

An advisory letter may be issued by the Standards of Practice Committee when discipline is not warranted but it is appropriate to caution a professional guardian about their conduct. DR 507.4 sets out that an advisory letter may be appropriate where:

- While there is insufficient evidence to support disciplinary action, the Standards of Practice Committee believes that continuation of the activities that led to the investigation may result in further Board action against a respondent certified professional guardian;
- The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action; or
- While a certified professional guardian has demonstrated substantial compliance through rehabilitation or remediation that has mitigated the need for disciplinary action, the Standards of Practice Committee believes that repetition of the activities that led to the investigation may result in further Standards of Practice Committee action against a CPG.

An advisory letter is not discipline or a sanction and is not posted to the public website. However an advisory letter may be subject to a public disclosure request

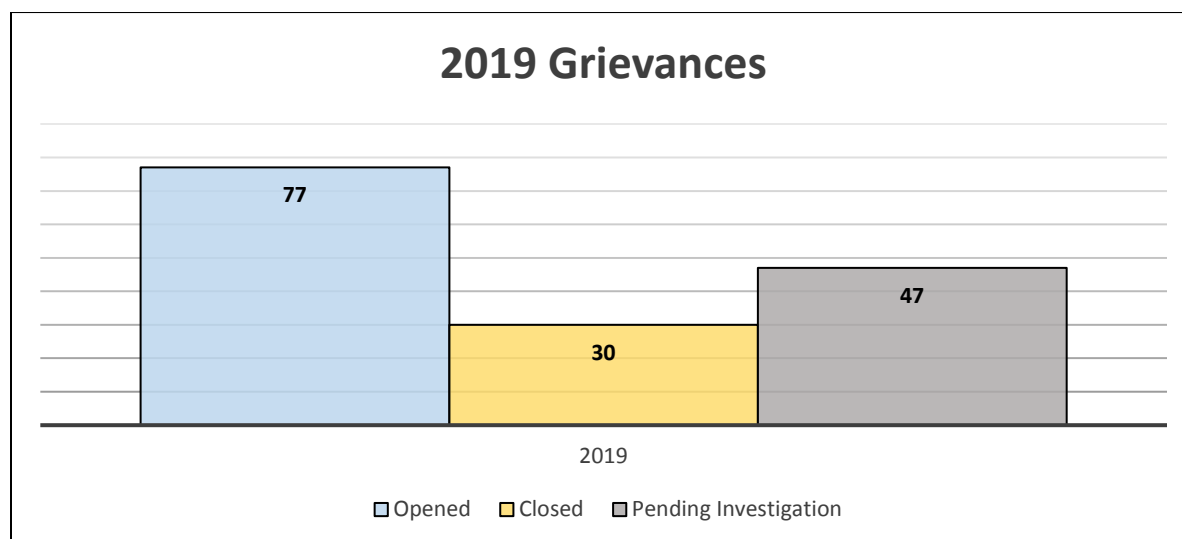
GRIEVANCES AT A GLANCE - 2019

During 2019 the Board received seventy-seven (77) new grievances and resolved one hundred and sixty-five (165). Due to increase in the number of AOC investigators in 2019, the Board and AOC were able to reduce the number of open grievances requiring investigation by eighty-eight (88). Also due to the additional staff positions, 2019 was the first year during the 2013-2019 period where the Board and AOC were able to resolve more grievances than the Board received. During 2019 the Board and AOC reduced the number of open grievances requiring investigation, received in 2018 or earlier, from one-hundred and sixty (160) to eleven (11).

Grievances By Year			
	Grievances Opened	Grievances Closed	Grievances Opened minus Grievances Closed
2013	57	16	41
2014	64	35	29
2015	65	47	18
2016	104	76	28
2017	104	68	36
2018	85	69	16
2019	77	165	-88

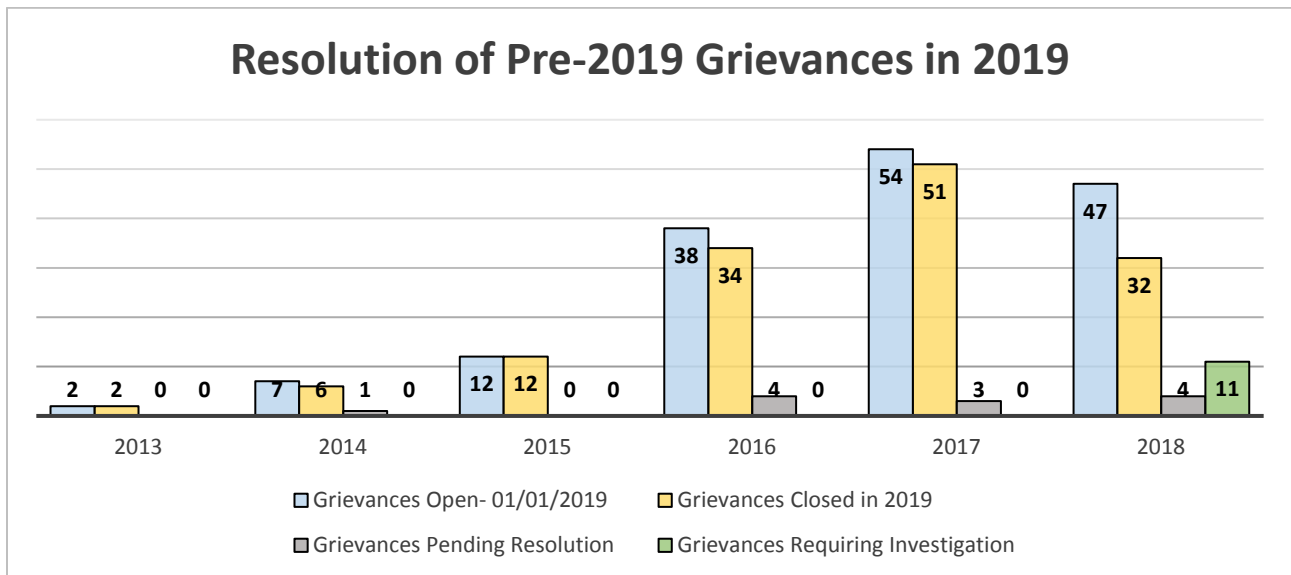
2019 Grievances

In 2019 the Board opened seventy-seven (77) grievances. A total of thirty (30) of the grievances opened in 2019 were closed by the end of the year. Forty-seven (47) grievances opened in 2019 remain requiring resolution. Of the thirty (30) 2019 grievances that were closed, fifteen (15) were dismissed for no jurisdiction, four (4) were dismissed for insufficient grievance, ten (10) were dismissed for no actionable conduct, and one (1) was resolved through a 507.1 Advisory Letter issued by the Standards of Practice Committee.



Pre-2019 Grievances Resolved

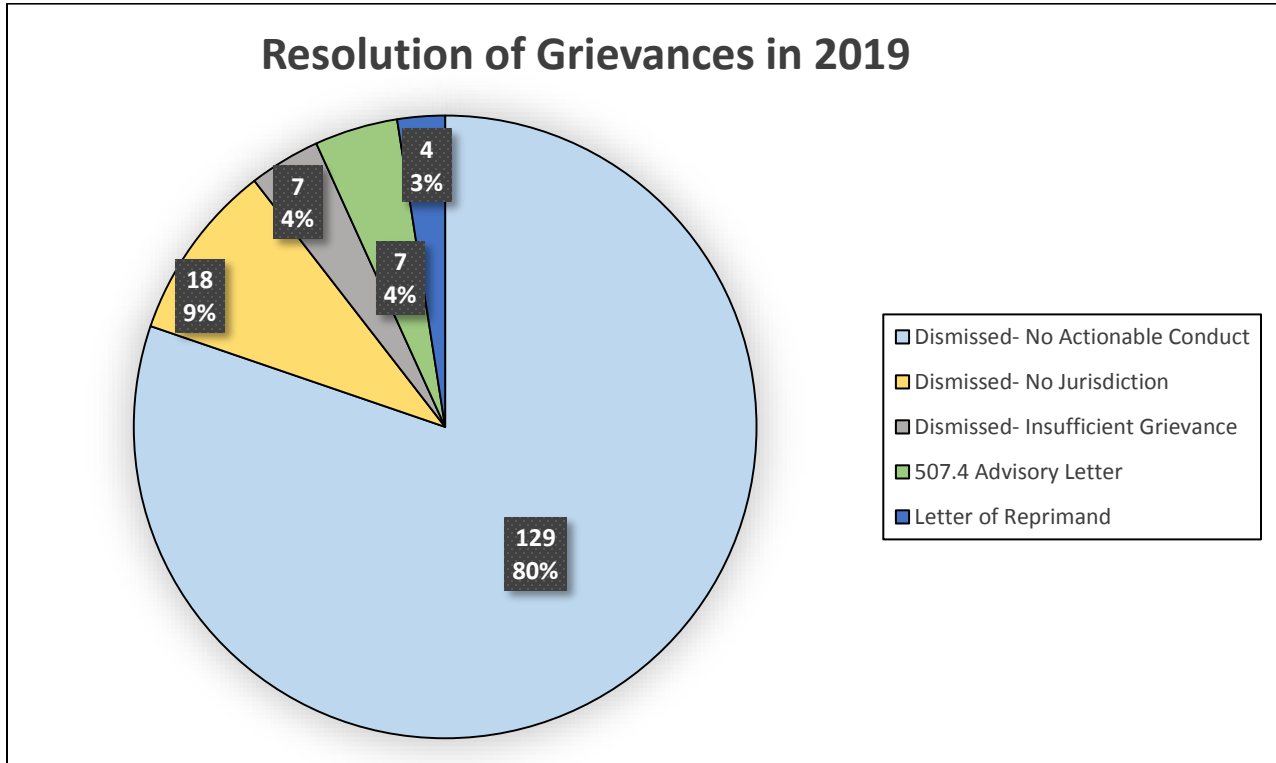
At the beginning of 2019, there were one hundred and sixty (160) grievances requiring investigation which had been received between 2013 and 2018. During 2019 this number was reduced to eleven (11) pre-2019 grievances requiring investigation. During 2019, 137 pre-2019 grievances were closed by the Board. There are also currently twenty three (23) pre-2019 grievances which are open but do not require investigation because they are in the process of being resolved. This could include grievances involved in a hearing, voluntary surrender, or agreement regarding discipline process. All of the pre-2019 grievances which still require investigation were received in 2018. There are no grievances requiring investigation which were received in 2013, 2014, 2015, 2016, or 2017.



Resolution of Pre-2019 Grievances in 2019				
	Grievances Open- 01/01/2019	Grievances Closed in 2019	Grievances Pending Resolution	Grievances Requiring Investigation
2013	2	2	0	0
2014	7	6	1	0
2015	12	12	0	0
2016	38	34	4	0
2017	54	51	3	0
2018	47	32	4	11

Grievance Resolutions

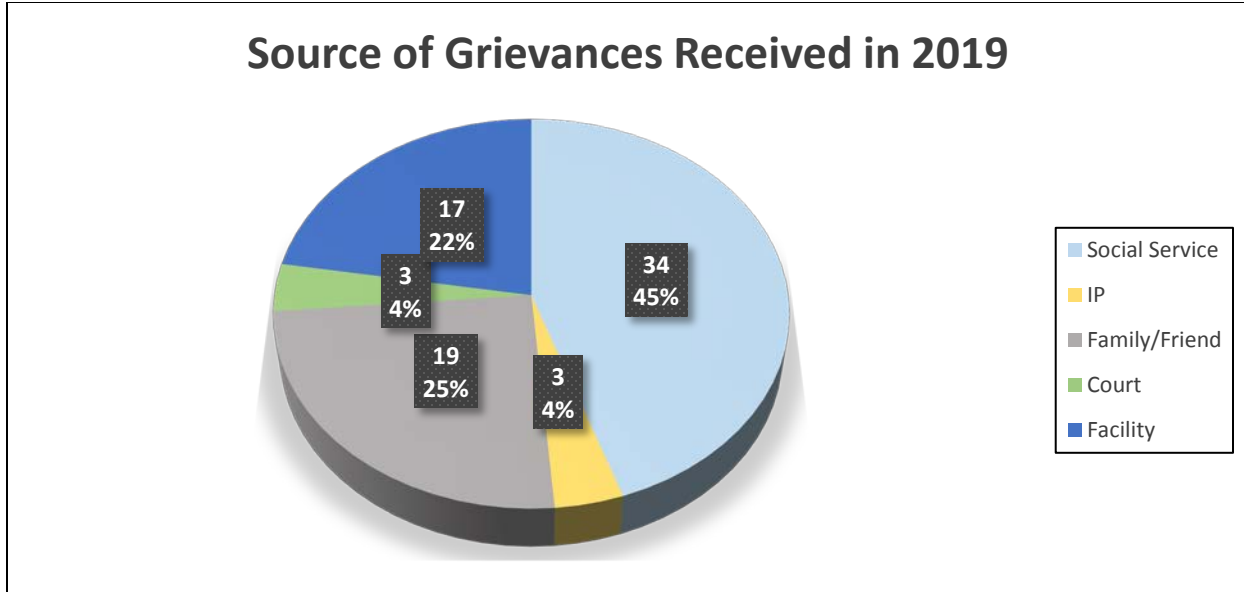
During 2019, one hundred and sixty five (165) grievances were resolved by the Board. One hundred and twenty nine (129) of those grievances were dismissed for no actionable conduct. Another eighteen (18) grievances were dismissed for no jurisdiction, and seven (7) were dismissed for insufficient grievance. Of the eleven (11) grievances not dismissed, seven (7) were resolved with a DR 507.4 Advisory Letter and four (4) were resolved with a Letter of Reprimand.



Resolution	2013	2014	2015	2016	2017	2018	2019	Total
Dismissal – No Jurisdiction					2	1	15	18
Dismissal – No Actionable Conduct	2	7	12	26	39	33	10	129
Dismissal – Insufficient Grievance					1	1	5	7
Letter of Reprimand				3	1			4
507.4 Advisory Letter				4	1	1	1	7
Total Closed	2	7	12	33	44	36	31	165

Sources of Grievances

Any person may file a grievance regarding the conduct of a certified professional guardian. The Board may on its own authority file a grievance against a guardian either as a result of a random audit or concerns that have been brought to the Board's attention.



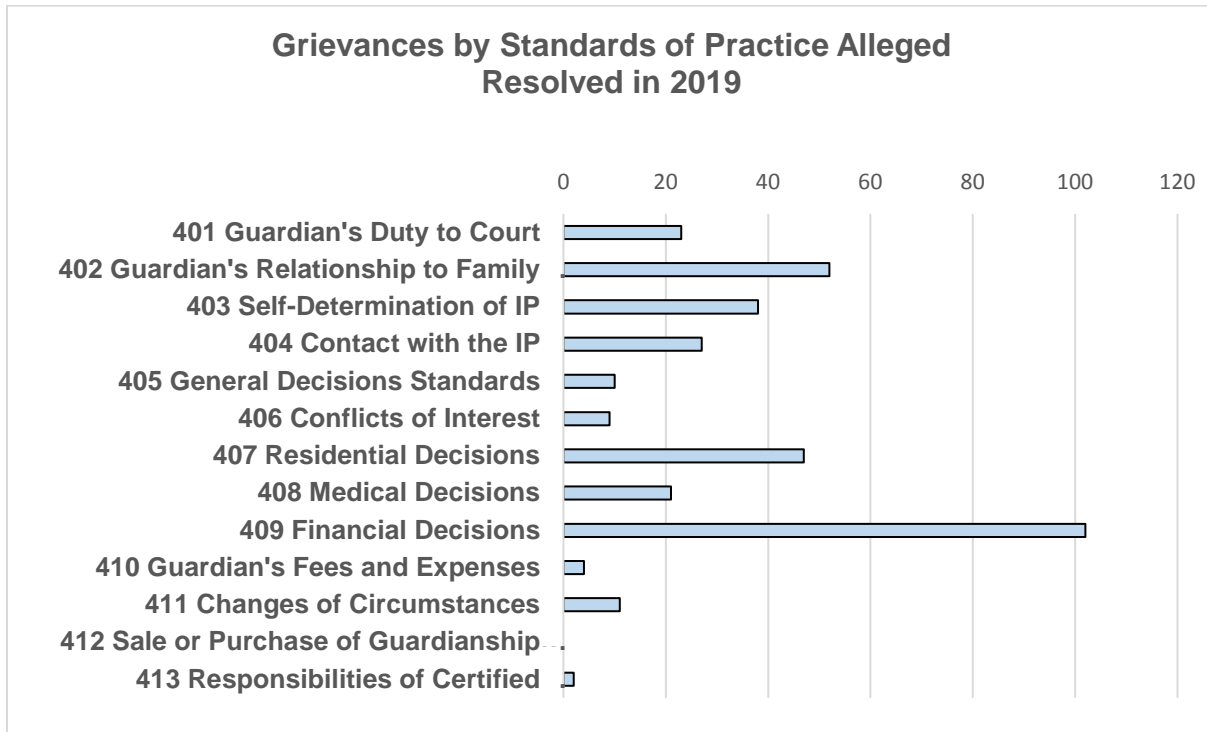
In 2019, 45% of all grievances were submitted by social service personnel or agencies. This group includes Adult Protective Services (APS), social workers, and medical personnel. The Board refers matters raising the possibility of abuse, neglect or exploitation to APS, which has its own intake and investigation process. Although both APS and the Board are concerned about the protection of vulnerable individuals, their purposes, scope, and remedies are different.

The second most common group to submit grievances were family members and friends of individuals subject to guardianship. This group submitted 25% of the grievances received. The third largest group to submit grievances were residential facilities, which accounted for 22% of the grievances received. Finally, both the courts and individuals subject to guardianship themselves each accounted for less than 5% of the total number of grievances received.

Grievances by Standard of Practice

The Standards of Practice are standards of conduct promulgated by the Board that apply to all certified professional guardians and certified professional guardianship agencies. The Standards of Practice cover the broad range of a professional guardian's responsibilities.

In 2019 the Standard of Practice (SOP) most commonly alleged in a grievance was SOP 409, which relates to a guardian's management of their client's finances. This SOP was alleged in a grievance one hundred and two (102) times. The next most common standard of practice was SOP 402, which relates to a guardian's relationship with family and friends of an individual subject to guardianship, along with other professionals involved in the care of the individuals subject to guardianship. SOP 402 was alleged in grievances fifty-two (52) times. The third most common Standard of Practice alleged in grievances in 2019 was SOP 408, which was alleged in grievances forty-seven (47) times. SOP 408 concerns a guardian's residential decision-making on the individual subject to guardian's behalf.



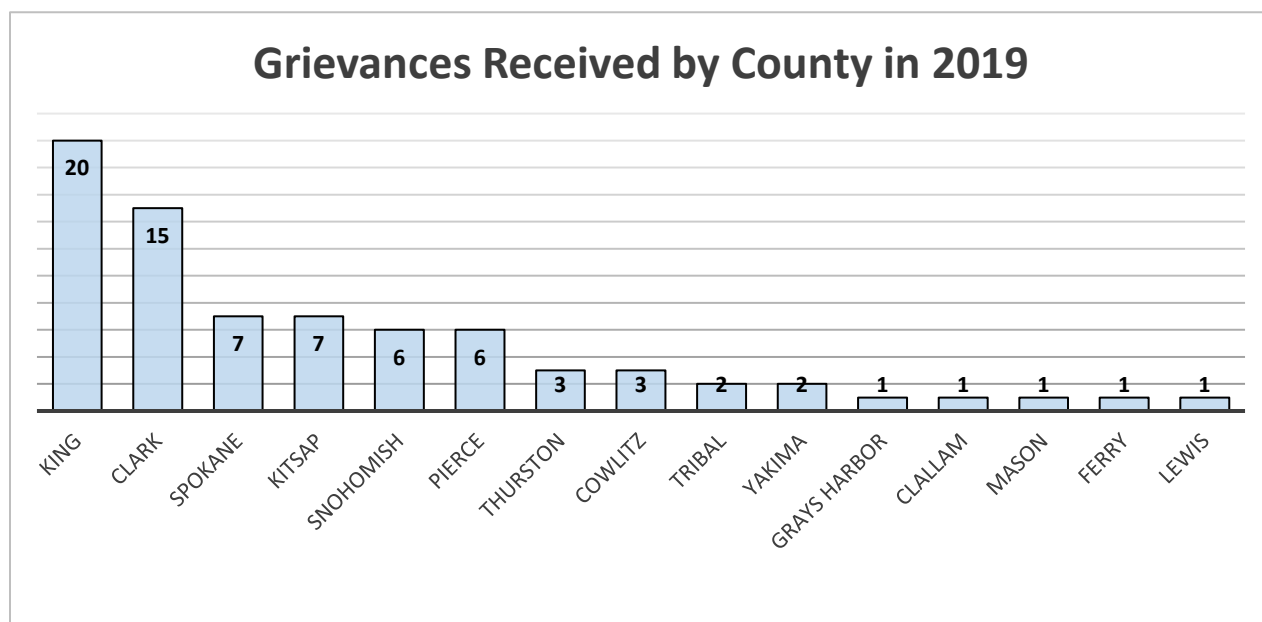
Guardians with Multiple Grievances

At the end of 2019, there were eleven (11) professional guardians or professional guardianship agencies with two or more open grievances. These eleven (11) professional guardians account for thirty-two (32) of the fifty-eight (58) grievances that remain open. Fifty-five percent (55%) of the open grievance at the end of 2019 are attributed to 11 professional guardians or professional guardianship agencies. The number of professional guardians with multiple grievances dropped substantially in 2019. At the end of 2018, thirty-four (34) professional guardians had multiple grievances. This is a reduction of twenty-three professional guardians or professional guardianship agencies in 2019.

CPG ID	Year Certified	Open
A	2012	3
B	2001	7
C	2014	2
D	2017	3
E	2014	2
F	2007	2
G	2001	2
H	2011	4
I	2017	2
J	2013	3
K	2009	2

Grievances Received By County

During 2019, the Board received seventy-seven (77) grievances from fourteen (14) of Washington State's thirty-nine (39) counties. The Board also received two (2) grievances that concerned guardianships in tribal courts. The largest number of grievances were received from King County, with twenty (20) grievances. The next largest number of grievances was received from Clark County, where fifteen (15) grievances were submitted. There were no other counties where more than ten grievances were submitted.



Case Summaries

Reprimand:

CPGB No. 2012-034, 2013-006, 2015-036, and CPGB 2015-053, Sheila Brashear [4729] and Charge d'Affaires [5127] [Snohomish County], reprimanded for failure to timely file mandatory reports, file a mandatory Designation of Standby Guardian, and to pay rent in a timely manner. SOP 401.1, 401.6, and 409.1.

CPGB No. 2016-014, 2016-068, 2016-071, and 2017-019 Ronda Hill [12981] [Clark County], reprimanded for failure to work cooperatively with the Incapacitated Person (IP) and other professionals and to acknowledge the limits of her knowledge and expertise, failure to consult with the IP and treat his feelings and opinions with respect, failure to arrange for regular preventive medical care, and to competently manage the property of the IP. SOP 402.2, 402.6, 403.2, 408.4 and 409.4.

507.4 Advisory Letter:

CPGB No. 2016-013 alleged that the CPG had an apparent conflict of interest when the CPG signed paperwork for the sale of the family home on behalf of the IP as a POA while the CPG's parent signed paperwork for the husband as a guardian, when the CPG acted as Stand By

Guardian for the husband while taking actions on behalf of the wife, and when the CPG petitioned for guardianship for the IP without notifying the court that the CPG had explored other alternatives. SOP 406.2, 406.3, and 406.4.

CPGB No. 2017-002 alleged failure to notify the court and the notice the parties in advance of a planned departure, failure to give accurate information to clients regarding the responsible guardian during the time the guardian was out of state, and failure to ensure that all necessary steps had been taken to transfer guardianship while away. SOP 401.1, 401.3, 400, DR 501.2 and RCW 11.88.125(3)(a)

CPGB No. 2016-088 alleged that the CPG failed to properly address a Medicaid excess resource issue which resulted in the IP personally incurring about \$3,000.00 of debt. SOP 407.7.

CPGB No.2018-053 alleged that the CPG had a conflict of interest when the CPG worked both as an investigator for Medicaid/Medicare and as a guardian. SOP 406.2.

Dismissal:

CPGB No. 2013-017 alleged CPG does not visit the IPs, CPG did not file an inventory with the court, CPG has refused to acknowledge and pay a debt the IPs owe to their neighbor, CPG sought approval to charge the IP's accounts for costs related to defending against guardianship complaints the Grievant filed with the Court and APS, CPG failed to stop the IP's son from verbally abusing the IPs; dismissed for no actionable conduct. SOP 409.1, 409.4, 404.4, 401.1, 401.2, 401.5, 410.1, 410.2, and 403.1.

CPGB No. 2013-034 alleged failure of CPG to properly market family home, to follow recommended medical treatment, to work with the family as directed by the court in decision-making, and to properly and accurately charge guardianship fees; dismissed for no actionable conduct. SOP 401.1, 404.1.1, 408.1, 409.1, and 410.2.

CPGB No. 2014-005 alleged the CPG isolated the IP and did not consider the IP's friends when moving the IP; dismissed for no actionable conduct. SOP 402.2, 407.2, and 407.5.

CPGB No. 2014-020 alleged failure to obtain court permission to sell IP's property, alleged conflict of interest because the CPG knew the buyer, that the CPG misinformed the court by saying that the property was of minimal value but the property sold for more than anticipated and that the CPG said she would use the proceeds to pay off bills, but instead deposited them in the Special Needs Trust; dismissed for no actionable conduct. SOP 401.1, 401.2, 406.2, and 406.3

CPGB No. 2014-031 alleged failure of CPG to diligently pursue a Medicaid application and to keep in touch with the facility about the status of the application; dismissed for no actionable conduct. SOP 402.2, 409.1, and 409.7.

CPGB No. 2014-038 alleged that the CPG has failed to return the IP to his home, has isolated the IP from his friends, and has been unresponsive to the Grievant; dismissed for no actionable conduct. SOP 407.3, 407.5, and 402.2.

CPGB No. 2014-043 alleged the CPG did not allow the Grievant to visit the IP and mismanaged the IP's finances. Dismissed for no actionable conduct. SOP 402.2, 403.1, 403.2, 409.1, and 409.4.

CPGB 201- 052 alleged that the CPG failed to return the family's phone calls, that the CPG had not diligently pursued a Medicaid application, and that the CPG has misappropriated IP funds; dismissed for no actionable conduct. SOP 402.2, 409.1, and 409.7.

CPGB No. 2015-023 alleged that the CPG had discharged the IP to a shelter rather than a motel which was not the most appropriate residential placement; dismissed for no actionable conduct. SOP 407.1, 407.3, and 407.6

CPGB No. 2015-029 alleged that CPG neglected the IP, and failed to arrest a serious condition of self-neglect. IP found without pants or undergarments, without food, in unsanitary situation with feces and urine on IP and in dwelling, and IP unable to stand or walk; dismissed for no actionable conduct. SOP 407.1, 407.3, and 407.6.

CPGB No. 2015-031 alleged that the CPG mismanaged the IP's special needs trust, did not respond to the Grievant's phone calls, and lied to the court about the IP wanting to retain the CPG as guardian. Dismissed for no actionable conduct. SOP 409.1, 409.4, 402.2, 401.1, and 411.1

CPGB No. 2015-032 alleged that the CPG failed to find safe housing that met the IP's specific needs, causing him to be at risk of harm from self-neglect; dismissed for no actionable conduct. SOP 407.6

CPGB No. 2015-033 alleged the CPG did not attend visits with IP's and directed staff to only visit IP for 10 minutes at a time; dismissed for no actionable conduct. SOP 404.1, 404.3 and 409.7.

CPGB No. 2015-040 alleged that the CPG failed to provide the IP with her personal spending allowance, purchased an unnecessary burial plot for the IP, and refused to allow the grievant to attend a medical appointment for the IP; dismissed for no actionable conduct. SOP 409.4, and 402.2

CPGB No. 2015-018 alleged that the CPG has not communicated with the IP, did not get the IP professional evaluations, failed to take the IP to the dentist, and placed the IP in an unsafe and unsanitary residential facility; dismissed for no actionable conduct. SOP 402.2, 402.4, 402.3, 408.4, 407.1, 407.6, and 407.10.

CPGB No. 2015-028 alleged that the CPG self-petitioned to become guardian of the AIP, and then withdrew the petition and abandoned the AIP; dismissed for no actionable conduct. SOP 406.1, 406.2, and 409.1.

CPGB No. 2015-052 alleged that CPG failed to look for suitable housing, isolated the IP from her family, did not seek DDA assistance for the IP, and failed to communicate with the IP's case manager; dismissed for no actionable conduct. SOP 407.1, 407.6, 407.9, 403.1, 403.2, 403.3, 409.7, and 402.2.

CPGB No. 2015-055 alleged that the CPG failed to pay bills and did not diligently pursue public assistance benefits; dismissed for no actionable conduct. SOP 409.4.

CPGB No. 2015-057 alleged the CPG has moved her clients out of the Grievant's facility against their will and has isolated them from their friends at the Grievant's facility; dismissed for no actionable conduct. SOP 407.3, 402.2, 407.1, 407.9, 403.2, 408.1, 406.1, and 406.2.

CPGB No. 2015-058 alleged that the CPGA erroneously reported that the IP owed four real estate properties which caused her difficulties in establishing eligibility for Medicaid; dismissed for no actionable conduct. SOP 409.1.

CPGB No. 2016-010 alleged that the CPGA had entered into a contract for one year at specified amount for the cost of care at a facility; dismissed for no actionable conduct. SOP 409.1.

CPGB No. 2016-016 alleged that the CPG made negative remarks about the IP in his presence, that she revealed confidential information about clients to the grievant, and that she failed to answer the phone when the grievant was trying to call her about a medical condition of the IP. Dismissed for no actionable conduct. SOP 403.1, 402.1

CPGB No. 2016-020 alleged that the CPGA had cashed in an investment without discussing with the IP and without advising her of what was done with the proceeds, that the CPGA stole IP medical work and shredded her bank statements and records, that the CPGA failed to follow through with recommended medical care, that the CPGA took away the IP's phone and threatened to charge her for any charges relating to court time seeking court approval for the cancellation, and that the CPGA failed to give the IP her spending money; dismissed for no actionable conduct. SOP 401.1, 403.2, 408.1, and 409.1.

CPGB No. 2016-024 alleged that the CPG had not paid bills on time, had not provided funds for personal needs, interfered with a property sale conducted by the IP's granddaughter, and had obtained a VAPO against the granddaughter's dog inappropriately; dismissed for no actionable conduct. SOP 409.1, 402.1, and 403.2.

CPGB No. 2016-029 alleged that the guardian had delegated all her tasks to her guardianship agency and did not manage anything herself; dismissed for no actionable conduct. SOP 401.1.

CPGB No. 2016-031 alleged that the CPG is forcing the IP live in a facility that is not suitable for his needs, refuses to let the IP see his dentist, and has allowed the IP to gain weight and become inactive; dismissed for no actionable conduct. SOP 407.1, 408.4, 407.1, and 407.6.

CPGB No. 2016-033 alleged that the CPG failed to make care payments for the IP; dismissed for no actionable conduct. SOP 409.1.

CPGB No. 2016 035 alleged that the CPG failed to correct erroneous Letters of Guardianship which misstated the scope of her guardianship for almost two years; that Guardian overstated the extent of her guardianship authority and did not help the IP make her own decisions; that the Guardian failed to assist the IP to fight an eviction from her facility; that the Guardian failed to serve the IP and her husband with all pleadings; that the Guardian engaged in improprieties regarding billing; that the Guardian did not take steps to terminate the guardianship when the IP's capacity returned; that the Guardian did not transfer the IP's separate real property to her husband when she was approved for Medicaid; dismissed for no actionable conduct. SOP 401.1, 403.2, 403.5, 403.4, 406.8, 407.5, 409.1, 410.1, 410.2, and 411.1.

CPGB No. 2016-036 alleged that the CPG interfered with the IP's visitation with family, did not pay the IP's bills, did not meet with the IP's family, was forcing the IP to pursue a divorce, and did not take steps to end the guardianship although the IP no longer needed a guardianship; dismissed for no actionable conduct. SOP 403.1, 402.1, 409.1 and 411.

CPGB No. 2016-039 alleged the CPG is refusing to move the IP to a less restrictive facility; dismissed for no actionable conduct. SOP 406.2, 407.1, 407.2, 407.6, and 407.9.

CPGB No. 2016-040 alleged that the CPG had been very rude, insulted the grievant, and hung up on him when he called to ask for her to pay the IP's bill, dismissed for no actionable conduct. SOP 402.2.

CPGB No. 2016-044 alleged that the CPG threatened to discontinue serving as guardian for the IP unless the IP supported the CPG in her complaint against the owner of the IP's former adult family home; dismissed for no actionable conduct. SOP 406.1, 406.2.

CPGB No. 2016-048 alleged that the CPG moved the IP without any notice to the family despite its having requested special notice, that the CPG reprimanded the family for returning the IP late one day, and that the CPG was employing her family member to provide direct services to the IP; dismissed for no actionable conduct. SOP 401.1, 402.2 and 406.4

CPGB No. 2016-054 alleged that the CPG has not visited the IP, kicked the IP out of the CPG's car, is not depositing the IP's money into the IP's bank accounts, and is unresponsive to the Grievant; dismissed for no actionable conduct. SOP 404.1, 403.1, 403.2, 409.1, and 402.2

CPGB No. 2016-058 alleged that the CPGA had not visited the IP in two years and was not helping to transfer the guardianship to the family; dismissed for no actionable conduct. SOP 404.1, 411.1, 411.3, 411.4, and RCW 11.92.043.

CPGB 2016-060 alleged that the CPGA did not assist the IP to stay in her home, that it failed to advise the IP of her rights, that it mismanaged the IP's funds and failed to cover basic needs, that it interfered with the IP's visitation with friends and families, and that it billed multiple times for the same services. Dismissed for no actionable conduct. SOP 407.3, 405

CPGB No. 2016-061 alleged that the CPGA sold the IP's home unlawfully, incorrectly listed debts in the initial inventory, incorrectly listed an employee as a CPG on its website, incorrectly listed the IP's name on a working copy of an order, and sold the IP's home to a corporation that the CPGA had ties to; dismissed for no actionable conduct. SOP 404.1, 406.2, 409.1, and 406.2.

CPGB No. 2016-065 alleged that the CPG has been slow and late in providing the IP with money for food; dismissed for no actionable conduct. SOP 409.4.

CPGB No. 2016-067 alleged that the CPGA failed to pay him the full amount in the court approved budget, and that the guardians paid him once with a check that was returned for insufficient funds and did not replace the check in a timely manner; dismissed for no actionable conduct. SOP 409.1.

CPGB No. 2016-069 alleged that the CPG failed to diligently pursue DSHS applications; dismissed for no actionable conduct. SOP 409.7.

CPGB No. 2016-076 Alleged the CPG has possession of \$1,800 of IP's money and that the CPG is not assisting the IP in moving to Montana; dismissed for no actionable conduct. SOP 401.2, 403.2, 403.4, 409.1, and 409.4.

CPGB No. 2016-079 alleged that the CPG failed to set up needed home caregiving services and needed mental health services for the IP, and did not finish completing a food stamp application; dismissed for no actionable conduct. SOP 402.7 and 409.7.

CPBG No. 2016-080 alleged that the CPG had disregarded the IP's choice of residence and maintained the IP's current residence for the CPG's individual convenience; dismissed for no actionable conduct. SOP 407.3

CPGB No. 2016-081 alleged that the CPG should have arranged for a special needs trust for a client whose resources exceeded the Medicaid limit; dismissed for no actionable conduct. SOP 407.7.

CPGB No. 2016-089 alleged that the CPGA had not paid the caregiver, had not given the IP money for eight months, failed to visit the IP and did not have required business licenses; dismissed for no actionable conduct. SOP 401.1, 404.1, 409.1, and 409.4.

CPGB No. 2017-003 facility alleged that the CPG was behind in the cost of care, and was not pursuing more appropriate housing; dismissed for no actionable conduct. SOP 409.1, and 407.

CPGB No. 2017-004 alleged that the CPG did not allow a friend of the IP to retrieve her personal items from a storage unit of the IP's, that the CPG would not give the friend the IP's truck which he had told the friend she could have, and that the CPG was preventing the IP from leaving the facility with the friend; dismissed for no actionable conduct. SOP 402.1, 403, and 409.1.

CPGB No. 2017-005 alleged that the CPG failed to move the IP from a skilled nursing facility (SNF) to a less restrictive residence after it was determined that the IP no longer needed the increased level of care; dismissed for no actionable conduct. SOP 407.7, and 407.8.

CPGB No. 2017-007 alleged that CPG had provided another CPG with private gain in exchange for the other CPG moving their IP to a facility owned by the CPG; dismissed for not actionable conduct. SOP 406.2.

CPGB No. 2017-008 alleged that CPG moved IP to new facility against IP's will and moved the IP for the private gain of the CPG; dismissed for no actionable conduct. SOP 407.7, 407.3, 406.1, 406.2, and 406.3.

CPGB No. 2017-010 alleged the CPG would not allow the IP to obtain a driver's license; dismissed for no actionable conduct. SOP 403.2, and 411.4.

CPGB No. 2017-013 alleged the CPG had not visited the IP for two years, was late in paying bills, and that the IP had not seen her primary doctor in over two years; dismissed for no actionable conduct. SOP 404.1, 408.4, 409.1, and 409.4.

CPGB No. 2017-014 alleged the CPG had failed to pay the IP's bills; dismissed for no actionable conduct. SOP 409.4.

CPGB No. 2017-016 alleged the CPG allowed the IP to live in an unsafe placement, did not visit the IP for two years, and allowed the IP's PEG tube to become infected; dismissed for no actionable conduct. SOP 404.1.1, 404.1, 407.6, 402.7, 403.3, and 408.1.

CPGB No. 2017-020 alleged that the CPG has been unresponsive to the IP's requests to move to a new facility; dismissed for no actionable conduct. SOP 403.2, 403.4, and 402.2.

CPGB No. 2017-025 alleged that the CPG failed to assist the homeless IP, or to help the hospital find placement for him on discharge; dismissed for no actionable conduct. SOP 402.7, 403.3, and 407.6.

CPGB No. 2017-027 alleged that the CPG was rude and confrontational in a meeting with hospital staff about an eloped patient; dismissed for no actionable conduct. SOP 402.1

CPGB No. 2017-028 alleged that the Standby CPG was rude and confrontational in a meeting with hospital staff about an eloped patient; dismissed for no actionable conduct. SOP 402.1

CPGB No. 2017-029 alleged the CPG has not provided the Grievant with any notice of proceedings during the guardianship case; dismissed for no actionable conduct. SOP 401.1, 401.2.

CPGB No. 2017-030 alleged that the CPG was not moving the IP to a more suitable residential placement because then the CPG would get less money. Dismissed for no actionable conduct. SOP 407.6, 406.1, and 406.2.

CPGB No. 2017-037 alleged that the CPG does not visit the IP, has kept the IP in an unfit residential environment, does not communicate with the grievant, does not monitor the IP's daily living conditions, and that the IP does not have regular dental care. Dismissed for no actionable conduct. SOP 404.1, 404.1.1, 407.1, 407.6, 402.2, and 408.4.

CPGB No. 2017-039 alleged the CPG did not assist the IP in finding a residential placement and that the IP was homeless as a result. Dismissed for no actionable conduct. SOP 407.1, 407.6, and 407.9.

CPGB No. 2017-047 alleged that the CPG did not assist the trustee in purchasing a burial policy for the IP. Dismissed for no actionable conduct. SOP 401.1, 409.1.

CPGB No. 2017-051 alleged the CPG closed the IP's bank account, did not complete the IP's financial eligibility review, and did not pay the IP's residential participation. Dismissed for no actionable conduct. SOP 409.1, 409.4, and 409.7.

CPGB No. 2017-057 alleged that the CPG is not assisting the grievant in moving the IP closer to family. Dismissed for no actionable conduct. SOP 407.3, 407.6.

CPGB No. 2017-059 IP alleged that the CPG had treated her disrespectfully, had failed to give her the personal allowance, and had closed her account and put the money in a guardianship account. SOP 403.2 and 409.1.

CPGB No. 2017-061 the facility stated that the CPG had refused to pay an arrearage pending from prior to the guardian's appointment; dismissed for no actionable conduct. SOP 409.1.

CPGB No. 2017-069 alleged that the CPG had taken a bond out of the IP's bank account and had diverted insurance proceeds away from the IP's spouse; dismissed for failure to provide sufficient factual information to support a violation. SOP 409.1.

CPGB No. 2017-070 alleged that the CPG made the IP move to a nursing home, fired the live-in caregiver, made unnecessary improvements to the IP's home, gave the IP an unapproved anti-

psychotic drug, and postponed the sale of the IP's home; dismissed for no actionable conduct. SOP 407.3, 403.2, 409.1, 409.4, 408.1, 402.3, 406.1, and 406.2.

CPGB No. 2017-073 alleged that the CPG had violated his fiduciary duties while serving as an Individual Provider for an Incapacitated Person; dismissed for no actionable conduct. SOP 400, 409.1, and DR 501.3.

CPGB No. 2017-075 alleged that the CPGA was not providing the IP with food and that the CPGA had blocked friend's access to the IP without cause to prevent her from providing oversight regarding the agency's actions as guardian; dismissed for no actionable conduct. SOP 403.1, 404.1.1 and RCW 11.92.195.

CPGB No. 2017-076, alleged the CPG refused to resign as guardian so the Grievant could be appointed lay guardian. Dismissed for no actionable conduct. SOP 411.3, 411.4.

CPGB No. 2017-079 alleged that the CPG took money out of the IP's Special Needs Trust, which rendered the IP ineligible for Medicaid and violated the trust terms; dismissed for no actionable conduct. SOP 409.7.

CPGB No. 2017-080 alleged that the CPG did not communicate with the grievant (the IP's father), and moved the IP from her long time facility; dismissed for no actionable conduct. SOP 402.2, 407.1, and 407.6.

CPGB No. 2017-081 alleged the CPG failed to assist the IP in moving from the hospital and was slow in applying for Medicaid for the IP. Dismissed for no actionable conduct. SOP 407.1, 407.9, 409.1, 409.4, and 409.7.

CPGB No. 2017-082 alleged the CPG was not assisting the IP in getting the guardianship terminated, was unresponsive to the IP, failed to prevent the IP from being defrauded \$10,000, and did not attend a DDA care conference; dismissed for no actionable conduct. SOP 411.1, 411.2, 411.3, 403.2, 409.1, 409.4, 402.2, and 402.3.

CPGB No. 2017-088 alleged that the CPG failed to close one of the IP's accounts before she filed the final accounting; dismissed for no actionable conduct. SOP 409.1

CPGB No. 2017-089 alleged that CPG is not helping the IP get new glasses, refuses to give the IP access to the IP's bank accounts, forced the IP to get a car the IP did not want, and changed the IP's phone plan; dismissed for no actionable conduct. SOP 408.4, 403.3, 409.4, 403.6, and 409.1.

CPGB No. 2017-090 IP alleged that the CPG was not helping her to "get rid" of a storage unit that she could not afford, that the guardian had not accompanied her to a medical appointment, and that she had promised her that she would get a new guardian but she failed to help her"; dismissed for no actionable conduct. SOP 403.2 and 409.1.

CPGB No. 2017-091 alleged that the CPG mismanaged the IP's funds, and failed to purchase necessary items; dismissed for no actionable conduct. SOP 409.1.

CPGB No. 2017-095 alleged the CPG is late in paying the IP's bills and was late in filling out the IP's benefits eligibility review; dismissed for no actionable conduct. SOP 401.1, 409.1, 409.7, and 409.4;

CPGB No. 2017-096 alleged that the CPG failed to pursue the application for Medicaid for the IP diligently; dismissed for no actionable conduct. SOP 409.7

CPGB No. 2017-101 alleged that the CPG attempted to have her name added to the IP's bank account; dismissed for no actionable conduct. SOP 409.1.

CPGB No. 2017-103 Alleged the CPG has not worked to get the IP a new state issued ID, which has resulted in the IP being unable to visit a podiatrist. SOP 408.1, 408.4, 409.1, 409.4, 409.7; dismissed for no actionable conduct

CPGB 2017-104 alleged that the CPGA refused to remit money for the IP's needs to the representative payee; dismissed for no actionable conduct. SOP 409.1

CPGB No. 2018-001 alleged that the IP does not know where his money is and that the CPG forced the IP to move against his will; dismissed for no actionable conduct. SOP 403.6, and 407.3.

CPGB No. 2018-002 alleged that the CPG did not respond to the IP's requests to discuss his finances. Dismissed for no actionable conduct. SOP 403.2, 403.6.

CPGB No. 2018-002 alleged that the CPG had stolen the IP's firearm and ammunition and that he was not assisting the IP to arrange disposition of his wife's remains in Japan; dismissed for no actionable conduct. SOP 403.1, 403.2, and 406.1.

CPGB No. 2018-008 alleged the CPG did not set up caregiving services for the IP, did not pay the IP's rent or load the IP's EBT card, does not communicate with the Grievant, and took the IP off of her medication. Dismissed for no actionable conduct. SOP 409.3, 403.3, 409.1, 409.4, 402.2, and 408.1.

CPGB No. 2018-010 alleged that the CPG did not follow the order appointing the CPG, does not communicate professionally with the grievant, does not have the IP's best interests at heart, and is isolating the IP from the grievant; dismissed for no actionable conduct. SOP 401.1, 402.1, 402.2, 405.2, and 401.3.

CPGB No. 2018-012 alleged that the guardian was not paying the IP's participation, but was instead taking his guardianship fee out of the IP's participation. Dismissed for no actionable conduct. SOP 409.1, 410.1, 410.2, 410.3, RCW 11.92.035.

CPGB No. 2018-019 alleged that the CPG had improperly invested the IP's assets, improperly filed a police report against the daughter for theft, and had failed to give the IP cash for basic needs. Dismissed for no actionable conduct. SOP 409.1, 402.1.

CPGB No. 2018-020 alleged the CPG requires facility staff to be present whenever the Grievant is with the IP, does not respond to the Grievant's communications, moved the IP without giving notice to the Grievant, and is isolating the IP from the Grievant; dismissed for no actionable conduct. SOP 402.2, 403.2, 401.1, RCW 11.92.150, and RCW 11.92.195.

CPBG No. 2018-029 alleged the CPG is not providing the IP information on how the proceeds of a sale of the IP's property are being spent and is trying to make the IP's family, including the Grievant, pay the IP's attorney fees. Dismissed for no actionable conduct. SOP 402.1, 402.2, 401.5, 403.2, 403.6, 409.1, and 409.4;

CPGB No. 2018-030 alleged that the CPGA failed to properly report all the IP's assets, failed to retain the IP in her home as she desired, did not provide the proper level of care, did not produce the IP's latest will, and failed to pursue the IP's stolen assets from a previous manager of her finances; dismissed for no actionable conduct. SOP 404.1.1, and 409.1.

CPGB No. 2018-041 alleged the CPG threatened to move the IP into a group home, the CPG belittles and laughs at the IP for being a vulnerable adult, and the CPG does not provide the IP with access or information about the IP's money. Dismissed for no actionable conduct. SOP 403.2, 403.5, 407.3, 407.5, 409.1, and 409.4.

CPGB No. 2018-044 alleged the CPG ignored and did not consider the Grievant's (IP's daughter) concerns and views about the IP's healthcare and did not have proper credentials to collect fees for making medical decisions for the IP. Dismissed for no actionable conduct. SOP 401.1, 401.2, 402.2, 402.4, and 408.1.

CPGB No. 2018-045 alleged that the CPG ignored the IP's POLST; dismissed for no actionable conduct. SOP 405.1, 408.1.

CPGB No. 2018-048 the IP's daughter alleged that the CPG did not provide the IP with financial reports, did not provide the grievant with pleadings despite her having asked for special notice, and is mismanaging the IP's finances; dismissed for no actionable conduct. SOP 401.1, 403.2 and 409.1

CPGB No. 2018-050 alleged that CPG declined palliative/hospice care for the IP; dismissed for no actionable conduct. SOP 402.2, 408.1.

CPGB No. 2018-066 alleged the CPG is not assisting the IP's assisted living facility in finding a new residential placement for the IP, was paid \$5,500 in guardian fees instead of the \$225 amount set by DSHS for Medicaid clients and removed the IP's artwork, and may have sold the artwork, without the IP's consent. Dismissed for no actionable conduct. SOP 401.2, 403.2, 409.1, 409.4, 409.8, 409.8.1, 402.2, 402.4, 407.1, 407.6, 407.9, 401.1, 410.1, 410.2.

CPGB No. 2018-058 alleged the CPG closed the account of the IP's Representative Payee without communicating with, or giving prior to notice to, the IP's Representative Payee. Dismissed for no actionable conduct. SOP 402.1, 402.2, 409.1, 409.4, and 409.7.

CPGB No. 2018-063 alleged that the CPG "kidnapped" the IP, stopped the IP's breast cancer treatments, and executed a DNR against the IP's wishes; dismissed for no actionable conduct. SOP 407.1, 407.2, 407.3, 407.6, 408.1, and 403.2.

CPGB No. 2018 064 alleged that the Guardian hadn't given him a new ID, wouldn't help him find another residential placement, didn't always show up to take him to medical appointments, and wouldn't agree to his visiting his sister. Dismissed for no actionable conduct. SOP 402.7, 403.1, 403.2, 407.3, and 408.1.

CPGB No. 2018-069 alleged the CPG has not paid the IP's Adult Family Home from the month 03.16.2018-04.18.2018, has not completed the IP's DSHS eligibility review, and cannot receive phone calls or voicemail messages. Dismissed for no actionable conduct. SOP 402.2, 402.7, 401.1, 409.1, 409.4, and 409.7.

CPGB No. 2018-070 alleged the CPG was manipulating the IP into becoming upset in order to continue the guardianship and collect more fees; dismissed for no actionable conduct. SOP 406.1, 406.2, 411.1, and 411.4.

CPGB No. 2018-071 alleged that the CPG failed to move the IP into a less restrictive residential facility; dismissed for no actionable conduct. SOP 407.1, 407.6.

CPGB No. 2018-076 alleged that Guardian was rude and uncaring, and “misconducting financial (sic)”; dismissed for insufficient grievance.

CPGB No. 2018-078 alleged the IP no longer needs a guardian, but the CPG is not assisting in terminating the guardianship and the CPG is not assisting the IP in moving to a new facility as the IP desires. Dismissed for no actionable conduct. SOP 411.1, 411.2, 411.3, 411.4, 407.3, 405.1, 403.2.

CPGB No. 2018-079 alleged that the Guardian did not work collaboratively with the IP’s daughter and that she failed to properly take care of the IP’s affairs; dismissed for no actionable conduct. SOP 402.1, 402.2.

CPGB No. 2018-080 alleged the CPG is not allowing the IP to undergo a medical treatment recommended by the Grievant; dismissed for no actionable conduct. SOP 408.1.

CPGB No. 2018-081 Alleged the CPG is not providing for the IP’s necessities, does not provide enough for the IP’s rent and provides no money for the IP to participate in activities or outings, didn’t give the IP any money for Thanksgiving or Christmas and refused to sign forms necessary for the IP’s services at his facility. Dismissed for no actionable conduct. SOP 401.1, 409.1, 409.4, and 409.1.1.

CPGB No. 2018-082 alleged the CPG is harassing the Grievant for financial information, did not give the Grievant any proceeds from the sale of the IP’s home, and threatened to have the Grievant arrested; dismissed for no actionable conduct. SOP 401.2, 402.1, 402.2, and 409.1.

CPGB No. 2018-027 IP alleged that the CPG had treated her disrespectfully, had failed to give her the personal allowance, and had closed her account and put the money in a guardianship account. Dismissed for no actionable conduct. SOP 403.2 and 409.1.

CPGB No. 2019-002 alleged that the CPG stole the IP’s firearm and has not assisted the IP in dispositioning the IP’s wife’s remains in Japan; dismissed for no actionable conduct. SOP 403.1, 403.2, and 406.1.

CPGB No. 2019-003 alleged that the GAL planned to appoint a person as co-guardian who was mentally ill and had come to the IP’s home recently with a gun, which she had pointed at the grievant; dismissed for no jurisdiction. SOP 401.1 and 404.1.1.

CPGB No. 2019-005 alleged that the Lay Guardian was not taking care of applications for benefits; dismissed for no jurisdiction. SOP 409.7.

CPGB No. 2019-006 alleged the CPG moved the IP to a new placement in order to collect more guardianship fees. Dismissed for no actionable conduct. SOP 406.1, 406.2, 407.2, and 407.6.

CPGB No. 2019-007 alleged the Lay Guardian had relocated the IP without notice to the courts; dismissed for no jurisdiction. RCW 11.92.043, SOP 407.1, and 407.4

CPGB No. 2019-011 alleged that the CPG placed the IP in an unclean and unsafe residential facility and failed to appoint a standby guardian before going on vacation; dismissed for no actionable conduct. SOP 401.6, 406.1, 407.1, and 407.6.

CPGB No. 2019-013 alleged that the CPG had failed to cooperate with attendance at care conferences and had not responded to IP contacts about upgrading her POST; dismissed for no actionable conduct. SOP 402.2, 403.2.

CPGB No. 2019-014 alleged that the CPG failed to complete a DVR application, did not ensure the IP had appropriate winter clothing, and was unresponsive to the Grievant; dismissed for no actionable conduct. SOP 409.7, 409.1, 409.4, 403.1, 402.1, and 402.2.

CPGB No. 2019-021 alleged the IP has had several emergencies requiring hospitalization and the CPG did not listen to the IP's primary care physician's recommendation for hearing aids, does not give the IP her Personal Needs Allowance (PNA) and is treating the Reporter like a nuisance. Dismissed for no actionable conduct. SOP 402.2, 401.1, 401.2, 408.1, 402.1, 409.1, and 409.4.

CPGB No. 2019-023 alleged the CPG took possession of the IP's care and closed the IP's bank account, did not communicate with the IP's family following the IP's death, refused to give the IP's family the IP's Last Will and Testament, and failed to provide the proceeds of the IP's bank account to the IP's named beneficiaries; dismissed for no actionable conduct. SOP 409.1, 409.4, 402.2, 409.1.1, and 402.1.

CPGB No. 2019-024 alleged the CPG did not notify the court that the IP was no longer incapacitated, did not provide the IP with her personal needs allowance, did not work to move the IP into a new facility which is more accessible to the Grievant. Dismissed for no actionable conduct. SOP 411.1, 411.2, 411.3, 411.4, 409.1, 409.4, 407.2, 407.3, and 407.6

CPGB No. 2019-030 alleged the Lay Guardian had allowed the IP to reside with an individual who had allegedly sexually abused the IP; dismissed for no jurisdiction. SOP 409.1, 409.2

CPGB No. 2019-039 alleged the CPG is not assisting the IP in getting new glasses, the CPG is not assisting the IP in seeing the IP's dentist, the CPG walked out on the IP after the IP raised concerns over not getting new glasses or seeing a dentist to the CPG. Dismissed for no actionable conduct. SOP 409.4, 408.4, 408.1, 403.2, and 403.4.

CPGB No. 2019 044 alleged that the CPG told the facility that it would not pay the cost of care for four months; dismissed for no actionable conduct. SOP 409.1.

CPGB No. 2019-046 alleged the CPG authorized or allowed the IP's residential facility to withhold Insulin and other critical medications from the IP, did not have funds or medical coverage to pay for her care and medications, the IP has been sexually abused by staff at her residential facility, the CPG is isolating the IP from her family, has failed to begin the naturalization or other relevant immigration process for the IP, placed the IP in a residential facility that does not meet her care needs, did not honor an agreement with the IP's family where the CPG agreed to keep the IP within 25 miles of the IP's family, failed to timely complete a Medicaid application for the IP, took possession of \$10,500 from the Grievant and has not reported this money to the court, has been unresponsive to the Grievant's and other members of the IP's family's concerns about the care the IP is receiving at her residential facility, did not comply with RCW 11.92.150 by filing a protective action against the Grievant after isolating the

Grievant from the IP for more than 14 days prior to filing the petition, lied about the Grievant poisoning the IP in the CPG's petition for a protective order against the Grievant, does not communicate with the Grievant and the IP's family regarding the IP's condition and that the Grievant and the IP's family are unable to know the status of the IP's health and care, has withheld the location of the IP from the Grievant and the IP's family, is retaliating against the Grievant for the Grievant no longer privately paying for the IP's healthcare, by not allowing the Grievant to see the IP, and instructed or allowed the IP's facility to withhold treatment and medication from the IP in order to accelerate the IP's death. Dismissed for no actionable conduct. SOP 404.1.1, 402.3, 408.1, 409.1, 409.7, 407.6, 401.1, 401.2, 401.3, RCW 11.92.195, 407.1, 407.2, 407.5, 402.2, 409.4, 402.4, and 408.1.

CPGB No. 2019-051 alleged the Grievant learned of the IP's fall from the IP and not from the CPG: dismissed for insufficient grievance.

CPGB No. 2019-060 alleged that the lay guardian had ignored the IP's stated preferences regarding end of life care, and had misused the IP's financial resources; dismissed for no jurisdiction. SOP 409.1.

CPGB No. 2019-061 the IP had complained to a facility worker that the guardian had hit him in the eye; the worker reported to APS but also stated that the IP had rescinded the allegation and the IP refused to speak to AOC to confirm; dismissed for insufficient grievance. SOP 403.1.

CPGB No. 2019-065 Alleged that an article published by the Seattle Times incorrectly stated that the mother of one of the CPG's clients died intestate when it appears that the mother has a Will filed with the King County Superior Court. Also alleged that CPG appeared to be unaware of the possible existence of the mother's Will. Dismissed for insufficient grievance.

CPGB No. 2019-072 no weekly visits, no weekly checks, living homeless with no aid (grievant incarcerated), wants new guardian until guardianship terminated. Grievance fails to identify an action that could result in sanction. Dismissed for insufficient grievance.

Dismissal (Mediation)

CPGB No. 2015-044 alleged failure of Guardian to assist with moving IP closer to sister (grievant). Dismissed for no actionable conduct. SOP 402.2, 403.3.

¹ CPG Agency certification is not included in this summary because the regulations direct that AOC Staff approves CPG Agency applications. Information regarding CPG Agency certification requirements can be found in GR 23 (d)(2) and CPGB Regulation 100.