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To: [Bzotte, Kimberly](#)
Cc: [Bondon, Shirley](#)
Subject: Public Comment: Proposed CPGB Regulation 500, Discipline Part 1
Date: Tuesday, July 30, 2013 7:26:04 AM

Please consider the following comments to proposed Regulation 500, part 1.

Let me note that I see this regulation revision as surely representing a yeoman's work, much needed to clarify many issues within CPGB responsibility and community.

In **Section 501.4** the following terms should be defined:

- Un-founded
- Un-substantiated
Both, regarding grievances, as discussed at a recent in-person CPGB meeting, and seemingly useful for understanding findings.
- Investigation should also be defined (in addition to 501.4(p) investigative records). Where several modifying words also need definition:
 - Initial investigation
 - Necessary investigation(s)
 - Active investigation
 - Main, primary, or formal investigation
 - Supplementary or additional investigations
(Which might be required at a later time, after a main investigation is completed)
Also:
 - Initial assessment
(As in RCW 18.130.095, prior to deciding to investigate or dismiss.)
 - Discovery

The Health Department's UDA work surely addresses this area, and might be a useful source of experience and guidance.

Section 502.5 (c) which places an explicit restriction against charging a fee for responding to a grievance seems important

to me. Yet I have two concerns.

- While this is an important policy, it needs further detail to be effective. Because a complaint is likely to be made at a time when a guardian is active with a number of case issues, protections are needed to hinder “burying” charges for responding to a grievance within billings for other activities. Two possible solutions might be to:
 - Require an explicit, written statement by the guardian, together with any billing or Court accounting, that no charges for responding to a (specified) grievance are included.
 - Require a guardian to present his or her time and costs for responding to a grievance, at the time of any billing or Court accounting. Thus making it clear both that defending against a grievance can be costly. Also that those costs are not charged elsewhere.

- Another problem can emerge when a family member or friend is involved with a guardianship case and files a grievance. The guardian may feel offended, and even be tempted to retaliate. In such situations, the guardian may unfairly target the complainant, either while responding to the grievance, or in Court proceedings regarding an incapacitated person’s case where the complainant is involved. Again, two possible solutions might be to:
 - Explicitly identify this risk in the regulation, as related to grievances, and proscribe it.
 - Specifically require, in situations where a grievance has been filed, that choosing “professional” terms be preferred. e.g., that terms such as “troublemaker” be deemed too general and not useful. Or that claiming a family member or friend has been the cause of undue expense shall not be heeded unless the magnitude, frequency, and context of outlays is documented.

My view is that family members, friends of the

incapacitated person, and professionals or others providing support can be resources of great value. Thus any failure to preserve the positive participation of these persons can be destructive and wasteful. Lack of restrictions against poorly founded criticisms of those intending to help, that is absent or low standards of evidence, can be harmful to all.

Thank you for consideration of these comments to the proposed changes of regulation 500.

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