



Certified Professional Guardianship Board

Monday, April 13, 2015 (9:00 a.m. – 3:00 p.m.)

SeaTac Office Center

18000 International Blvd., Ste 1106

SeaTac, WA

Meeting Minutes

Members Present

Judge James Lawler, Chair
Commissioner Rachelle Anderson
Mr. Gary Beagle
Ms. Rosslyn Bethmann
Ms. Nancy Dapper
Judge Gayle Harthcock
Mr. Andrew Heinz
Mr. William Jaback
Commissioner Diana Kiesel
Ms. Carol Sloan
Ms. Amanda Witthauer

Members Absent

Dr. Barbara Cochrane
Mr. Gerald Tarutis

Staff

Ms. Shirley Bondon
Ms. Carla Montejo
Ms. Kim Rood

Guest

Ms. Mary Tennyson, Sr. Assistant
Attorney General

1. Call to Order

Judge Lawler called the meeting to order at 9:08 a.m.

2. Welcome and Introductions

Judge Lawler welcomed everyone to the meeting, with a special welcome to new board members, Judge Gayle Harthcock, Yakima County Superior Court, and Ms. Amanda Witthauer, Certified Professional Guardian.

3. Public Comment Period

The following individuals made public comments:

- Ms. Mindi Blanchard, President, Bridge Builders, Ltd. – *Written comments are attached*
- Ms. Claudia Donnelly – *Written comments not provided*
- Mr. Tom Goldsmith – *Written comments not provided*
- Ms. Grenda Voller, President, Washington Association of Professional Guardians (WAPG) – *Written comments not provided*

4. Members of the Public Participated in a Moderated Discussion with Board Members

The following topics were discussed:

- The Board's Communications Plan
- Rap Back, the new background procedure that would allow the Board to

receive notification each time a guardian applicant or a certified guardian has a change in criminal history

- Possible implementation of a Guardianship Ombudsperson

After discussion, the Board agreed to solicit public comment, via its Communications Plan, regarding establishing a Guardianship Ombudsperson.

5. Executive Session (Closed to Public)

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

Applications Committee

Motion: *A motion was made and seconded to approve the application of Ms. Nancy Snyder. The motion passed.*

7. UW Guardianship Certificate Program Update

Ms. Malia Morrison, Program Manager, UWEO Guardianship Certificate Program

Ms. Morrison reported on the changes that the program instructor team made to the Guardianship Certificate program in response to eight suggestions made by the Board in the Memo of Understanding (MOA) signed the fall of 2014. Ms. Morrison worked with the instructor team last summer to address each of these suggestions and develop a plan of action. The suggestions and improvements are as follows:

1. Students should obtain more introduction to the field of guardianship before starting the Guardianship Certificate Program. To accomplish this all prospective students are required to take the lay guardian training offered by the Administrative Office of the Courts before the first day of class. Ms. Morrison remarked that the lay guardian training was well received and gave the students more insight into the guardianship business. The training also helped students with terminology used in class. The instructor team gave it a thumbs up, and plans to continue the requirement.
2. Develop a common vocabulary that is used by professional guardians. As students proceed through the program, they are introduced to many new terms and concepts. According to alumni of the program, it would be very helpful for each new guardian to have a resource manual. The instructor team has encouraged each student to create their own resource manual of terms and resources. Ms. Morrison explained that the UW does not provide each student with a manual because geographically the resources may be very different.
3. Improve the accuracy of the online and printed materials. The UW hired a prior student to help the instructors team identify and correct inconsistencies.

4. Improve effectiveness of in-person class time. The program is 100 hours of instruction, 56 hours are in-class, in-person. The remainder is online. The instructor team is looking for instruction that has been previously held in the classroom that can be presented effectively online.
5. Control classroom discussions. Awareness of this problem was brought to the attention of the instructor team. The team has acknowledged that this requires continuous attention.
6. Provide relevant and timely instructor feedback to students. Ms. Morrison stated that this year the instructors committed to provide feedback on one assignment before assigning a new one. In addition, this year students were divided into sections and each quarter a different instructor was responsible for grading the assignments of a section.
7. Improve assignments on court reporting. The program started offering optional field trips to court this last fall; and added content on 90 day reports to the spring online curriculum. Also a new format was used with online PowerPoint presentations that display the presenter on one half the screen and the PowerPoint on the other half. The UW is also hoping to secure videos from different courtrooms around the state and ask students to watch the videos that pertain to their geographical area, finishing with a discussion of their courtroom with their peers.
8. Increase communication between presenters and instructors. The instructor team decided on all the presenters for the year before the program started; sent out invitations in October and confirmed dates and topics early. They followed up with each presenter the month before their presentation. This helped to guide the presenter to a more detailed, less chaotic presentation.

The UW surveyed 184 guardianship certificate alumni and received 47 responses. This was a 26% response rate. Of the 47 responses (85%), 40 are CPGs and (15%), 7 are not. After completion of the program, an equal number of respondents are either sole practitioners or work for a guardianship agency. A few of the respondents were not practicing due to health issues.

CPG respondents were asked, "In retrospect, how helpful was the program to your practice as a professional guardian?" Eighty-five percent responded, "helpful" or "very helpful". UW noted that the number of persons responding that the program was "helpful" or "very helpful" increased with each graduating class. In 2011 or later, 91% agreed that the program was either "helpful" or "very helpful". Seventy-three percent of the students completing the program in 2010 or earlier, said it was "helpful" or "very helpful".

Lastly, Ms. Morrison spoke about the viability of holding in-person classes in Eastern Washington. UW Professional and Continuing Education is a unit of the University of

Washington that is self-sustaining, meaning there is no state funding to operate these programs. These programs all need to break even, and all cost must be covered by tuition. If a program cannot cover costs, it cannot continue. Twenty- six students are needed for the guardianship program to break even. The last seven offerings have started with 28 students. In the first year, the class was also offered in Spokane and Yakima, that offering had only 13 students. Due to low Spokane and Yakima enrollment the program was consolidated into one section in Bellevue.

The ideal option would be to offer a class in Seattle and one in Spokane, but given the data, there just isn't enough demand to fill two programs and break even. Given the geographic location of the students and the need to break even financially, the program did not find a feasible way of continuing the program in Eastern Washington.

In an attempt to ease the travel burden, the program is considering a travel stipend for those living 1 ½ hours drive from Bellevue. The travel stipend accommodation would be approximately \$100 to \$150 per quarter for those students needing that accommodation.

Mr. Beagle thanked Ms. Morrison for all the data that she provided in response to the Education Committee's concerns.

8. Education Committee

A New Emerging Issue. Mr. Beagle reported on a proposed new emerging issue to replace "How to manage a successful business". After discussing several topics the Education Committee felt that professional guardians would benefit with more education on communication with others, including the vulnerable adult's family members, providers, physicians and anyone else who functions in a service or care-giving role.

Motion: *A motion was made and seconded to approve the Emerging Issues topic "Communication". The new issue would become effective on January 1, 2016. The motion passed.*

Proposal to Increase Access to Guardianship Continuing Education.

The Education Committee shared a proposal to modify the fee arrangement with sponsors of continuing education of professional guardians to require payment of a fee per professional guardian registrant. The proposed process requires sponsors to seek approval prior to the course, sign an agreement to pay a set fee per guardian registrant, and submit payment of fees to AOC at the completion of the course. If registrants aren't required to pay a fee, the sponsor won't pay a fee.

The sponsor who has two guardians attend a course, pays less than the sponsor who has 50 guardians attend. If a sponsor chooses not to seek approval, each individual guardian can seek approval and pay an assessment of no more than \$50.

The proposal should increase the number of quality educational offerings available to professional guardians; reduce risk for sponsors of continuing education; and eliminate perceived unfairness.

The Board compared the current process to the proposal and discussed pros and cons. Judge Lawler asked if the staff had received feedback from CPGs that indicated they were unable to obtain the required credits. Ms. Bondon stated that there are 28 CPGs who have not complied with continuing education requirements. The reason for noncompliance was not known.

The Board agreed to post the proposal for comment.

9. 2014 Grievance Report

AOC staff opened 61 grievances in 2014. Twenty-three grievances were closed by the end of the year, 35 grievances are pending.

Resolution - Grievances were closed in 2014 that had been received between 2011 and 2014. Approximately 85% of the grievances closed were dismissed; about 35% were dismissed for lack of jurisdiction, and in 50% of the dismissed grievances no actionable conduct was found. Sanctions were imposed in 15% of grievances closed in 2014.

For further information, please see the full Grievance Report at:

<https://www.courts.wa.gov/content/PublicUpload/CPGB%20Annual%20Reports/2014%20Annual%20Report.pdf>

10. Regulations Committee

Proposed SOP 413 and Revised Regulations 102.4 and 702.2

Andy Heinz reported that proposed SOP 413, which is currently called Responsibilities of Guardianship Agencies, was first drafted because the Board was concerned about guardianship agencies owned by persons who were not certified professional guardians. Prior to drafting the SOP, the Board decided that CPG Agencies should be owned by Certified Professional Guardians only.

The proposed SOP and Regulations has been posted for public comment at least three times and has been pared down to its current state. The Attorney General was asked for clarification on this regulation and opined that SOP 413, in its current form does not address who can own a certified professional guardianship agency. This issue can be addressed by revising General Rule 23.

Regulations 102.4 and 702.2 are current regulations that define the responsibilities of the designated CPG; however, the SOP is being added because duties and practices should be stated in an SOP.

Motion: A motion was made and seconded to approve proposed SOP 413 and modification of Regulations 102.4 and 702.2. The motion passed.

GR 31.1

The Regulations Committee submitted the following revisions to Administrative Regulation 003 to implement GR 31.1. General Rule 31.1 supersedes Regulation 003.1 to 003.3.2

003.5 Posting Records. For a grievance or complaint that results in discipline to a professional guardian, the grievance or complaint, any response submitted by the professional guardian, the agreement or order imposing discipline, any order on appeal by the professional guardian, and all attachments or exhibits to the foregoing records shall be posted for public access on the website for the Administrative Office of the Court.

Judge Lawler noted that GR 31.1 will go into effect in June or July of 2015. General conversation and clarification among Board members continued. The Board agreed to post the language for comment.

11. Chair's Report

Approval of Minutes

Judge Lawler asked for changes or corrections to the March 9, 2015 proposed meeting minutes. There were no changes or corrections.

Motion: A motion was made and seconded to approve minutes from the March 9, 2015 meeting. The motion passed.

The next Board meeting is a teleconference scheduled for Monday, May 11, 2015.

Recap of Motions from April 13, Meeting

| Motion Summary | Status |
|---|---------------|
| Motion: A motion was made and seconded to conditionally approve Nancy Snyder's application for certification. The motion passed. | Passed |
| Motion: A motion was made and seconded to approve the Emerging Issues topic "Communication". The new issue would become effective on January 1, 2016. The motion passed. | Passed |

| Motion Summary | Status |
|--|--------|
| Motion: A motion was made and seconded to approve the language of the proposed SOP 413 and the modification of Regulation 102.4 and 702.2. The motion passed. | Passed |
| Motion: A motion was made and seconded to approve minutes from the March 9, 2015 meeting. The motion passed. | Passed |

| Action Items | Status |
|---|------------|
| Post for public comment: <ul style="list-style-type: none"> Should the Board pursue development of a Guardianship Ombudsperson? The proposal to increase access to guardianship continuing education. Regulation 003.5 Posting Records | In Process |