

March 9, 2015  
CPGB Minutes

**Proposed Meeting Minutes**

**Members Present**

Judge James Lawler, Chair  
Commissioner Diana Kiesel  
Mr. Gary Beagle  
Ms. Nancy Dapper  
Mr. William Jaback  
Ms. Carol Sloan  
Mr. Gerald Tarutis  
Ms. Amanda Witthauer

**Members Absent**

Dr. Barbara Cochrane  
Commissioner Rachelle Anderson  
Ms. Rosslyn Bethmann  
Mr. Andrew Heinz

**Staff**

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

**1. Call to Order**

Judge Lawler called the meeting to order at 8:07 a.m.

**2. Welcome and Introductions**

Judge Lawler welcomed everyone to the meeting, with a special welcome to Amanda Witthauer, a new Board member and a Certified Professional Guardian.

**3. Board Business**

**Approval of Minutes**

- Judge Lawler asked for changes or corrections to the proposed minutes from the January 12, 2015 meeting.

**Motion:** *A motion was made and seconded to approve the January 12, 2015 minutes. The motion passed.*

**4. Chair's Report**

- Judge Lawler reported that he met with Chief Justice Barbara Madsen and Justice Susan Owens and began a dialogue about guardianship grievances, the organization of the Board, how the Board is functioning and possible plans regarding the future of the Board.

One possible alternative to the current regulation of professional guardians is oversight by the Department of Social & Health Services, specifically Adult Protective Services or the Department of Licensing.

The possible appointment of a guardianship ombudsperson was also discussed. As currently envisioned, the ombudsperson would employ an informal process to bring the grievant and the guardian together to remedy a

grievance involving the conduct of a professional guardian. If successful, a formal complaint would not be filed. Judge Lawler stressed the preliminary nature of these ideas.

Judge Lawler informed the Board that Sally Rees, guardian grievance investigator, is no longer with the CPG Board. He hopes the Administrative Office of the Courts will start the recruitment process to fill that position soon.

Finally, Judge Swisher resigned from the Board. The Board is seeking a judicial officer to fill the board vacancy created by Judge Swisher's resignation.

## 5. Executive Session (Closed to Public)

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

### Applications Committee

On behalf of the Applications Committee, Mr. Jaback presented all applications for certification.

**Motion:** *A motion was made and seconded to conditionally approve Pete Brulla's application for certification. The motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve Diana Chernofsky's application for certification. The motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve Chris Jackman's application for certification. The motion passed.*

**Motion:** *A motion was made and seconded to deny Ursula Kenny's application for certification. The motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve Rachel Rivera's application for certification. The motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve Jana Worthington's application for certification. The motion passed.*

## 7. Wrap Up and Adjourn

The meeting was adjourned at 8:55 a.m. The next Board meeting is scheduled for Monday, April 13th, 2015 at the SeaTac Facility.

### Recap of Motions from March 9, 2015 Meeting

Motion Summary	Status
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Pete Brulla's application for certification. The motion passed</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Diana Chernofsky's application for certification. The motion passed.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Chris Jackman's application for certification. The motion passed.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to deny Ursula Kenny's application for certification. The motion passed.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Rachel Rivera's application for certification. The motion passed.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Jana Worthington's application for certification. The motion passed.</i>	Passed

UW Guardianship Certificate Program Update  
Materials may be provided later. If provided,  
materials will be posted to the website in  
"Misc. Docs (not in packet).

## Proposed New Emerging Issue Topic



March 30, 2015

TO: Certified Professional Guardianship Board (CPGB)  
FROM: Education Committee  
RE: Continuing Education Credit – New Emerging Issue

The Education Committee asks the Board to consider replacing the continuing education requirement for credits in Managing a Guardianship Business with a requirement for credits in Effective Listening and Communication Skills. A description of the category is provided below:

### **Proposal – Effective Listening and Communication Skills**

The CPGB believes that effective communication by the guardian with the Incapacitated Person, the client's family, and service providers, is critical for the guardian to effectively fulfill his or her duties. The CPGB would like to encourage trainings that improve a guardian's skills in such areas as:

- Identifying communication styles and which styles are most effective for different situations.
- Learning to ask the right questions to understand the issues, goals and values of those engaged in a dialog.
- Learning how to use positive language and how to affirm other participant's feelings and goals.
- Active Listening, including:
  1. Communication begins with effective listening.
  2. Learning skills that will enable a guardian to both convey that he or she is listening to and respecting the other person(s) and actually being present and attentive.
  3. Learning how to keep an open mind, empathize with the speaker, and hear and respond to the actual message.

- Understanding and Responding to Conflict, including:
  1. Learning how conflict can be shaped by expectations, perceptions and lifelong coping patterns.
  2. Methods of de-escalating high tension situations.
  3. Connecting with angry and frightened persons.
  4. Identifying conflict response strategies and communication styles so as to better understand conflict situations and how to choose more effective strategies and styles.
- Effective Communication with individuals disabilities, including:
  1. Ascertaining what specific accommodation someone may need. Possible methods are to review the medical record, ask the person, and/or speak to a person(s) with knowledge.
  2. Establishing an appropriate setting. It may be necessary to communicate in person with some individuals.
  3. Ensuring that language used and questions made are appropriate to the audience. Consider keeping interviews with some individuals short and questions simple. In some situations it may be best to avoid eliciting “yes” and “no” answers and ask for explanations where a “yes” or “no” response is received.
  4. Learn techniques for communicating with individuals with special needs with vision, hearing, cognitive, mobility, emotional or other issues. For example, face an individual with a hearing disability and make sure that the individual can see the guardian’s lips and face when he or she speaks.
  5. Ways to reinforce information exchanged in face-to-face meetings. Consider following up contacts with written summaries of topics discussed and decisions reached with content appropriate for the recipient. It may be desirable to share such written documents with family or other individuals who support the person interviewed.
- Understanding and Applying Emotional Intelligence.
- Understanding stress, both personal and that of others, and how it can exacerbate conflict.
- Understanding interest-based strategies for getting all participants’ needs met.
  1. Learning techniques for engaging in joint problem solving to resolve each party’s issues, needs and concerns.
  2. Learning how to achieve solutions that feel positive to all participants.
- Learning the correlation between communication and good customer service.



- ❖ Guardianship is a business. Like all businesses, the guardian's business will best flourish if the "customer's" needs are met.
- ❖ The guardian's relationship with his or her clients will benefit if the guardian communicates effectively with his or her clients, family and other service providers and conveys his or her commitment to advancing the interests of the Incapacitated Person to them.

Ways to effectuate better communication and "customer service", such as

1. Being accessible to the clients, family and service providers,
2. Communicating that the guardian hears and is responding to an issue(s),
3. Being and appearing helpful, courteous, and knowledgeable,
4. Dealing with complaints and
5. Learning how to take the "extra" step.

The Board encourages hands-on workshops that will enable guardians to practice new communication techniques.

## Proposal to Increase Guardian Continuing Education Offerings



March 30, 2015

To: Certified Professional Guardianship Board

From: Education Committee

RE: Proposal to Increase Continuing Education Offerings for Certified Professional Guardians

### **Proposed Process**

The proposal is to modify the fee arrangement with sponsors of continuing education for 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.

### **Current Process**

Sponsors of professional guardian continuing education, organizations and individuals, apply for approval of education offerings. Sponsors are assessed a fee for each request. A request submitted within 30 days of the scheduled course is assessed a fee of \$25.00. Requests submitted less than 30 days of the scheduled course are assessed \$50.00. The same fee is assessed regardless of the registration fee charged by the sponsor or the number of guardians who attend training. Each year approximately 50 requests are reviewed and approved.

## Reason for the Change

A change is proposed to: (1) increase the number and quality of educational offerings available to certified professional guardians; and (2) address a perceived inequity in the current process to some educational providers.

### Increase the number and quality of educational offerings available to certified professional guardians.

Many organizations and educational providers offer courses that could benefit professional guardians, however, these providers often don't request approval of their courses due to the approval fee. Many **excellent** courses are **free**. Often a provider has developed the training pursuant to a grant or other opportunity, which prohibits charging a fee. Providers of free education and training do not benefit from providing the course. They are providing a public service. An example of what appears to be an excellent free course is attached. The new proposal would make it possible for certified professional guardians to receive credit for quality training similar to this at no cost to them.

Currently, except for courses addressing emerging issues topics, the trainings approved from year to year for professional guardians are usually provided by the same providers; thus, the topics presented are generally quite similar and are presented from a similar perspective. Examples include—court process and procedure, understanding dementia and the aging process and financial management and exploitation. Most courses are offered by five providers.

The new proposal would include educational offerings from educational institutions, social workers, geriatricians, mental health professionals, financial institutions and many more, thus, increasing exposure to the knowledge base professional guardians need to perform their work.

### Address the perceived unfair current process.

When the Board approves an educational offering provided by an organization where a registration fee is charged the provider benefits, because AOC posts the offering on the website and the provider has the potential to increase the number of registrants attending its course. However, the benefit to each provider is not the same. When 50 certified professional guardians attend a course, the benefit is greater than when one CPG attends a course. The proposed process seeks to achieve equity by assessing a fee based on the number of attendees.

## Other Programs

It's difficult to compare the continuing education process for guardians to the process used by other professions; however, we often compare the guardian process to the WSBA process. This isn't a great comparison because most legal education is provided by the bar association or one of its sections, and the number of attorneys (approximately 40,000) far exceeds the number of professional guardians (280).

Each association benefits directly because they set and receive registration fees. However, WSBA does allow other entities to provide legal education. Providers of legal education that are not bar associations are assessed an approval fee (\$50 for online submission or \$100 for paper submission) similar to the \$25 fee the Board assesses. Recognizing the advertising value it offers legal education providers, the bar also assesses an attendance fee (\$1 per bar association member attendee when reported online, \$3 per bar association member attendee when reported on paper). The bar also assesses a \$35 fee if attendance isn't reported within 30 days. Finally, a legal education provider can be a certified provider and won't be required to request approval for each course if they satisfy specific criteria and pay a \$250 fee in advance annually.

Thus, when 50 bar association members attend an approved course provided by a non-association provider, that provider pays a \$50 or \$100 approval fee, plus a \$50 or \$150 attendee fee, or they pay the annual \$250 certification fee plus the \$50 or \$150 attendee fee. If only one bar association member attends the course, the attendee fee is either \$1 or \$3. (See attached WSBA process).

### Concern that the change will impact some providers more than others.

One solution is to institute a cap on fees. If a \$150 fee cap is imposed, and the attendee fee is \$2 per guardian attendee, if one guardian attends a course, the fee is \$2; if 50 guardians attend a course the attendee fee is \$100; if 100 guardians attend a course the fee is \$150; If 200 guardians attend a course the fee is \$150.

January 7, 2015

## **Join the Conversation: National Elder Rights Training Project Webinar Series**

The National Legal Resource Center invites you to join the next two sessions of the National Elder Rights Training Project Webinar Series.

### *Ethical Challenges of Legal Services Working on Elder Abuse Issues*

January 14, 2015 at 2:00 p.m. EST

This webinar will examine the critical need to establish clear policies and protocols to guide involvement in elder abuse and exploitation cases and to ensure adherence to professional responsibilities in dealing with ethical challenges while working with elders and their families/third parties in the field.

Presenters:

- Penny Hommel, Co-Director, The Center for Social Gerontology
- Jaye Martin, Executive Director, Maine Legal Services for the Elderly
- Denis Culley, Staff Attorney, Maine Legal Services for the Elderly

[Click here](#) to register.

### *Involuntary Transfer and Discharge from Nursing Homes: Prevention, Advocacy, and Appeals*

February 11, 2015 at 2:00 p.m. EST

This webinar will discuss strategies and best practices for preventing and advocating for residents facing involuntary discharge from a nursing home. Panelists will consider how those strategies and best practices apply if the resident is in an assisted living facility. Agenda includes a review of best practices for supporting residents and families, identifying legal support, appealing discharge notices, and more.

Presenters:

- Eric Carlson, Co-Directing Attorney, National Senior Citizens Law Center
- Mary Ann Parker, Attorney, DC Long-Term Care Ombudsman Program
- Lori Smetanka, Director, National Long-Term Care Ombudsman Resource Center

[Click here](#) to register.



[BACK TO TOP](#)

## **WSBA – Education Provider Fees**

<http://www.wsba.org/Licensing-and-Lawyer-Conduct/MCLE/Sponsors/Accredited-Sponsors>

### **Sponsor Fees and Fines**

#### **Form 1 Fees – All Sponsors**

- Submitted through the MCLE online system: \$50
- Submitted on a paper Form 1: \$100 - effective August 1, 2013
- Late duplicate Form 1 submission penalty (submitted less than one day prior to the repetition of the original event): \$35

#### **Attendance Reporting Fees – All Sponsors**

- Submitted through the MCLE online system: \$1 per name/bar number
- Submitted by paper report: \$3 per name/bar number
- Late reporting penalty — submitted more than 30 days after the end date of the course: \$35 (in addition to above)

#### **Additional Private Law Firm / Corporate Legal Department Fee / Government Agency**

- Form 1 — Penalty if submitted less than 14 days before the first presentation of an activity: \$35

### **Benefits of Becoming an Accredited Sponsor**

An accredited sponsor:

- Is given presumptive approval for Continuing Legal Education courses; and
- Pays one annual fee for an unlimited number of course accreditation applications, instead of a fee per application.

### **Qualifications to Become an Accredited Sponsor**

A sponsor applicant must:

- Have a minimum three-year track record of providing at least 30 unique, high-quality CLE courses per year;
- Be able to demonstrate competence in correctly determining and awarding credit to CLE courses according to the Washington State MCLE rules and regulations (APR 11 and Appendix APR 11) and following all other

- procedures (competence is demonstrated through the quality and timing of Form 1s and attendance reports submitted prior to the application date);
- Be able to submit Form 1 course accreditation applications and attendance reports electronically to the MCLE [online system](#) (which requires that fees be paid with a MasterCard, Visa, or American Express);
  - Be able to pay all required online fees (e.g. attendance report fees, late fees (if any), etc.) with a MasterCard, Visa, or American Express;
  - Not be a private law firm or corporate legal department; and
  - Be able to conform with all other requirements of APR 11 Regulation 105.

### **Process to Become an Accredited Sponsor**

A sponsor applicant must:

- Submit a completed [Accredited Sponsor Application Form](#) to the address shown on the form;
- Submit the \$250 application fee;
- Provide, on request from the Executive Secretary (after the application is submitted), information about 10 courses from the previous three years. The courses will be selected by the Executive Secretary. Copies of all attendee evaluations for the 10 courses will be required.



2014 Grievance Report  
Will be posted later on the website in  
"Misc. Docs (not in packet)"

## Proposed Regulations

## Proposed Regulations Published for Comment

The Certified Professional Guardianship Board intends to take action on rules, regulations and/or standards of practice.

July 23 2014, the Certified Professional Guardianship Board posted a Request for Comment on revisions to Application Regulation 102.4, Certification Maintenance Regulation 702.2 and Proposed Standard of Practice Regulation 413 Responsibilities of Certified Professional Guardian Agencies with a comment period expiring on November 10, 2014. All comments were submitted to the Guardian Program or Kimberly Bzotte by either U.S. mail or email at Guardian Program, Administrative Office of the Courts, P.O. Box 41170, Olympia, WA 98504-1170, or emailed to [guardianshipprogram@courts.wa.gov](mailto:guardianshipprogram@courts.wa.gov).

In accordance with the Board's Communication Plan and Regulation 600, Procedure for the Adoption, Amendment and Repeal of Regulations, on April 13, 2015, the Certified Professional Guardianship Board will meet at 9 am at the SeaTac Office Center, 18000 International Blvd. Suite 1106, SeaTac, WA and intends to adopt or amend Application Regulation 102.4, Certification Maintenance Regulation 702.2 and Proposed Standard of Practice Regulation 413 Responsibilities of Certified Professional Guardian Agencies.

The text of the regulations is provided below. Within the proposed regulation revision, additions and deletions are indicated by underlining and lining out respectively, except where the entire regulation is new.

This announcement is also posted on the Board's website at [http://www.courts.wa.gov/programs\\_orgs/Guardian/?fa=guardian.proposed](http://www.courts.wa.gov/programs_orgs/Guardian/?fa=guardian.proposed)

102.4 "Designated CPG" means the certified professional guardians within working for an agency who have the final decision-making authority for incapacitated persons or their estate on behalf of the agency. ~~The designated CPG is responsible for the actions of the agency(ies) for which they serve as designated CPG (Adopted 1-9-12).~~

702.2 "Designated CPG" means the certified professional guardians within working for an agency who have the final decision-making authority for incapacitated persons or their estate on behalf of the agency. ~~The designated CPG is responsible for the actions of the agency(ies) for which they serve as designated CPG (Adopted 1-9-12).~~

### 413 Responsibilities of Certified Professional Guardian Agencies

413.1 The designated Certified Professional Guardian (CPG) is responsible for the actions of the agency for which they serve as designated CPG.

413.2 A CPG is bound by the Standards of Practice notwithstanding that the professional guardian acted at the direction of another person.

413.3 A designated CPG shall make reasonable efforts to ensure that the conduct of non-guardian agency employees is compatible with the professional obligations of the professional guardian.

The following pages list the comments received regarding the proposed regulations and standard of practice.

Date: January 19, 2015

From: Mindi R. Blanchard, M.Ed., CPG  
President, Bridge Builders, Ltd.  
PO Box 182  
Sequim, WA 98382  
(360) 683-8334

To: Certified Professional Guardian Board

Re: Guardian Program Proposed Rule Changes

[ELECTRONALLY SUBMITTED]

As a guardian business owner and a Certified Professional Guardian I am imploring the Certified Professional Guardian Board to consult with a business law attorney and/or a business advisor before making changes to these rules. It is easy to think that all guardianship businesses are alike but this is not so; each guardianship business is unique unto itself. Even within the licensing structure of Non-Profit, Corporation or Sole Practitioner there are myriad differences.

To change the rules without consulting with professionals in the field of business has the very real potential to cause some very unpleasant unintended consequences to CPGs who own or are principals in businesses. Please do not make this rule change in a vacuum. Please research the implications thoroughly.

I am not trying to say that the new rules are wrong; I'm just worried about the unintended consequences of a rule change without due diligence.

Respectfully Submitted,

*Mindi R. Blanchard*

Mindi R. Blanchard, M.Ed., CPG

**From:** Lori DeArman  
**Sent:** Tuesday, January 20, 2015 12:27 PM  
**To:** Bzotte, Kimberly  
**Subject:** Re: Regs 102.4, 702.2 and SOP 413

Hi

My name is Lori DeArman and last year I became the legal guardian for my brother [REDACTED] last year after our Mother passed away.

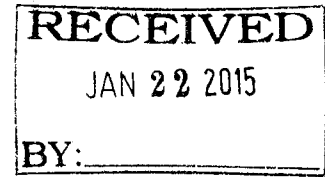
I apologize that it has taken me this long to respond but if there is any opportunity of becoming a member of the board or being able to discuss some of the good and not so good experiences I have endured during this learning process.

I believe there is so much positive in this but I also feel that good families that do the right thing are punished for the bad things others do. I would love the opportunity to discuss these issues and to be a part of making this process easier on the folks that get thrown into it. I hope what I am saying makes sense and please let me know if it could be possible.

My history is, I have been at Boeing for 26 years as a manager and I pride myself on doing the right thing. The process of becoming [REDACTED] guardian was lengthy and expensive and I do not believe it needed to be.

Thank you for taking the time and reading this.

Washington Association of Professional Guardians  
2150 North 107th Street  
#205  
Seattle, WA 98133



January 21, 2015

Certified Professional Guardianship Certification Board  
1112 Quince Street, SE, BLDG. 1  
POB 41170  
Olympia, WA 98504-1170

Dear Judge James Lawler:

Washington Association of Professional Guardians understands that this is a late submission, but offers the following for consideration. The regulations as implemented will create definitions in two sections that are identical word for word. We respectfully suggest that the Board consider having just the one definition in section 102.3 and have the reference in section 702. 2 be to that definition, if necessary.

The changes taken together are, in our opinion, well considered and provide appropriate clarification of the role of CPGs working for agencies.

Thank you,

A handwritten signature in black ink that reads "Glenda Voller, CPG". The signature is fluid and cursive.

Glenda Voller, PG  
President, Washington Association of Professional Guardians

Glenda Voller, CPG  
President, Washington Association of Professional Guardians

Hello CPG Board,

January, 28, 2015

Feel like am entering in on the tail of this dialogue and uncertain of the context, that being said, I will respond from the standpoint of an HCA (Home Care Aide) who is also a formal guardian for an adult disabled person.

All HCA decisions are made from the standpoint of the client. The daily prayer, which is "Is my client safe, is my client comfortable, have I promoted the rights of my client," is the foundation upon which every little decision rests.

Therefore this little dance about "within" or "working for" I can see where culpability could swing depending on the situation. Is this client going to be best served in this instance: CPG who often also care for the client gives irrigation and enemas without having a CNA certificate, or at least an HCA licensure? **No in this instance the client is not best served because more training is always better than less training.** In this case neither "within" nor "working for" will promote the comfort safety and rights for the client since the practice is common and the training overlooked in either case. Not a good situation in my opinion.

Another example, will the choice of "within" reduce the accountability of the Agency? Probably, so in **the case of accountability, in order to best serve the client we would want to choose the word that always brings the highest level of accountability.** I would write that into the Definition.

It is easy to toss around phrases like "within the rules of play" rather than say "I cheated" but that does not serve the client. You know what I am saying. Both the morals and outcome need to be examined in the case of the deflated balls, same for here.

One last example, for instance would a client be best served if their hours were cut as in the "Shared Living Rule" but then suddenly the agency was no longer responsible. This, as the very time when an appeal was in process which could result in a 92 MILLION dollar payout including the interest. No this client would not be best served.

I am just sayin'. It is all about accountability **FOR THE CLIENTS INTEREST.**

Cheers

Eileen Forster



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## **Ownership of Professional Guardianship Agencies**

***Carol Davis***

Comment for the Guardianship Board Meeting Nov. 10, 2014, concerning ownership of professional guardianship agencies.

My opinion is that professional guardianship agencies should be owned & operated by state certified guardians.

Or have the “state” take over and run all guardianship programs.

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March 10, 2015

To: Certified Professional Guardianship Board

From: Regulations Committee

RE: GR 31.1 Implementation

The Regulations Committee submits 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 Public Records~~

~~003.1 Disclosure. Existing records that are prepared, owned, used, or retained by the Board shall be disclosed upon request using established procedures for inspection, copying, and disclosure except as otherwise provided in rules, regulations of the Board, or other authority.~~

~~003.2 Exemptions from Disclosure. The following records are exempt from public inspection, copying, and disclosure:~~

~~003.2.1 Test questions, scoring keys, test results, test answers test scores and other examination data used to administer a certification or license examination.~~

~~003.2.2 Investigative records compiled by the Board as a result of an investigation conducted by the Board as part of the application process, while a disciplinary investigation is in process under the Board's rules and regulations, or as a result of any other investigation conducted by the Board while an investigation is in process.~~

~~003.2.3 Investigative records compiled by the Board, the nondisclosure of which is essential to effective law enforcement.~~

~~003.2.4 Deliberative records compiled by the Board or a panel or committee of the Board as part of a disciplinary process.~~

~~003.2.5 Deliberative records of the Board, a hearing officer or hearing panel, review panel, or board committee made confidential by a court order.~~

~~003.2.6 Personal information, including, but not limited to, home address, home telephone number, financial information, health information, Social Security number, and date of birth.~~

~~003.2.7 Certain personal and other records of an individual such that disclosure would be highly offensive to a reasonable person and is not of legitimate concern to the public.~~

~~003.2.8 Other records related to the Certified Professional Guardian Board that are required by law, rule, regulation, court order, or other authority to be confidential.~~

~~003.3 Other Records.~~

~~003.3.1 Dismissed grievances shall be disclosed upon written request using established procedures for inspection, copying, and disclosure with identifying information about the grievant, incapacitated person, and professional guardian and/or agency redacted. A request for dismissed grievances shall cover a specified time period of not less than 12 months. (Amended 6/14/10)~~

~~003.3.2 The identity of a person requesting an ethics advisory opinion is confidential and not subject to public disclosure.~~

003.4 Records Retention. Records related to the Certified Professional Guardian Board shall be retained in accordance with records retention schedules for the judicial branch and the Washington State Administrative Office of the Courts (AOC).

~~003.5 Posting of Disciplinary Actions. Disciplinary sanctions involving admonitions or reprimands will be archived twelve months after the disciplinary action is completed. Disciplinary actions will remain permanently linked to an individual certified professional guardian's listing on the web site. (Adopted 1-9-12)~~

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.

## Need for the Revision

GR 31.1, the Supreme Court's rule governing access to administrative records, was adopted in 2013 and is scheduled for implementation in 2015. According to the AOC website GR 31.1 makes the following changes regarding disclosure of Certified Professional Guardian records.

The standards for public access to records of the Certified Professional Guardian Board have been revised to allow for greater access to records concerning grievances filed against certified professional guardians. See section (l)(12) below:

**(l) Exemptions.** In addition to exemptions referred to in section (j)<sup>1</sup>, the following categories of administrative records are exempt from public access:

(12) The following records of the Certified Professional Guardian Board:

- (i) Investigative records compiled by the Board as a result of an investigation conducted by the Board as part of the application process, while a disciplinary investigation is in process under the Board's rules and regulations, or as a result of any other investigation conducted by the Board while an investigation is in process. Investigative records related to a grievance become open to public inspection once the investigation is completed.
- (ii) Deliberative records compiled by the Board or a panel or committee of the Board as part of a disciplinary process.

<sup>1</sup> **(j) Administrative Records—General Right of Access.** Court and judicial agency administrative records are open to public access unless access is exempted or prohibited under this rule, other court rules, federal statutes, state statutes, court orders, or case law. To the extent that records access would be exempt or prohibited if the Public Records Act applied to the judiciary's administrative records, access is also exempt or prohibited under this rule. To the extent that an ambiguity exists as to whether records access would be exempt or prohibited under this rule or other enumerated sources, responders and reviewing authorities shall be guided by the Public Records Act, Chapter 42.56 RCW, in making interpretations under this rule. In addition, to the extent required to prevent a significant risk to individual privacy or safety interests, a court or judicial agency shall delete identifying details in a manner consistent with this rule when it makes available or publishes any public record; however, in each instance, the justification for the deletion shall be provided fully in writing.

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