

Certified Professional Guardianship Board Meeting

Monday, August 10, 2015 (8:00 – 9:00 a.m.)

Teleconference

AGENDA			
1.	Meeting Called to Order	Judge James Lawler	8:00 a.m.
2.	Welcome and Roll Call	Judge James Lawler	8:00 – 8:05 a.m.
3.	Approval of Minutes	Judge James Lawler	8:05 – 8:10 a.m. Page 1
4.	Chair's Report <ul style="list-style-type: none">Grievance Update	Judge James Lawler	8:10 – 8:15 a.m. Page5
5.	Executive Session (Closed to Public)	Judge James Lawler	8:15 – 8:50 a.m.
6.	Reconvene and Vote on Executive Session Discussion (Open to Public)	Judge James Lawler	8:50 – 9:00 a.m.
7.	Wrap Up/Adjourn	Judge James Lawler	9:00 a.m.

Next Meeting Date: September 14, 2015, 8:00 – 9:00 a.m.
Teleconference

You may watch and listen to the Certified Professional Guardianship Board teleconference meetings on your computer.

Meeting Name: **CPG Board Teleconference**

When: **Monday, August 10, 2015 @ 8:00 a.m.**

To join the meeting: click on the link or copy and paste it into your browser

<http://aocecccl.adobeconnect.com/cpg>

Sign in with your name as a guest. You will see another screen with some caveats. Click "Ok" and you will be in the meeting room. You may also be told that you need to install an Adobe flash player, allow the installation if you want to proceed. If you have followed the above viewing instructions and are still not able to join the meeting room, please call 360.878.5466.

If you have never attended a Connect Pro meeting before, click on the link below and follow the instructions:

http://admin.adobe.acrobat.com/common/help/en/support/meeting_test.htm

Minutes
Certified Professional Guardianship Board
June 8, 2015

Proposed Meeting Minutes

Members Present

Judge James Lawler, Chair
Commissioner Rachelle Anderson
Mr. Gary Beagle
Ms. Rosslyn Bethmann
Dr. Barbara Cochrane
Ms. Nancy Dapper
Judge Gayle Harthcock
Commissioner Diana Kiesel
Mr. Gerald Tarutis
Ms. Amanda Witthauer

Members Absent

Mr. Andrew Heinz
Mr. Carol Sloan

Staff

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

1. Call to Order and Welcome

Judge Lawler called the meeting to order at 9:06 a.m. and welcomed everyone to the meeting.

2. Approval of Minutes

Judge Lawler asked for changes or corrections to the proposed minutes from the May 11, 2015 meeting. Mr. Jaback was listed as present, but was not. Motions attributed to Mr. Jaback at that meeting were made by Mr. Tarutis.

Motion: *A motion was made and seconded to approve the May 11, 2015 minutes with correction. The motion passed.*

3. Chair's Report

Update: Lori Petersen Suspension

Commissioner Anderson noted that it had been necessary to appoint a Guardian ad litem for each of Ms. Petersen's 124 cases. Many cases had no viable standby guardian assigned.

Discussion ensued regarding the certified professional guardian (CPG):

- There were allegations that incapacitated persons (IP) had not been visited regularly, some for more than a year and that guardianship billing had been inaccurate.
- One of the designated CPGs for Hallmark Care Services resigned April 21, 2015. The second designated CPG reported that he planned to resign June 30, 2015.

- While it was felt that all IPs in Spokane County were safe with new guardians, it was noted that Ms. Petersen may have guardianship appointments in other counties that were unknown, as she had failed to provide the Board with a complete list of appointments. Staff contacted all courts where Hallmark Care Services was believed to have appointments. Each court was encouraged to take action to protect incapacitated persons.
- Ms. Petersen has been suspended but not decertified. She has the option to request activation of her certification when her suspension ends.

This matter raised concerns about guardianship caseloads and required disclosures. The discussion came to a close with the reminder that while there are regulations in place, there is a tremendous amount of trust placed in a CPG.

4. A number of people spoke during the Public Comment Period

Mr. Kenneth Curry (Written comments were not provided).
Ms. Sylvia Curry (Written comments were not provided).
Mr. Tom Goldsmith (Written comments provided, please see attached).
Ms. Claudia Donnelly (Written comments were not provided).

5. SB 5607 – Guardian Grievance Procedure for the Courts

Judge Lawler noted that the Pattern Forms Committee met and stakeholders have been asked for their comments on the proposed plain language complaint forms by July 27, 2015

Mr. Tarutis suggested including a statement regarding attorney fees and costs on the complaint form.

Each county will designate a contact person to receive complaints (forms).

6. Grievance Report

Staff presented the current status of open and resolved grievances through May 31, 2015. Twenty new grievances have been opened this year. Five cases were resolved in May (4 closed for no jurisdiction, 1 closed for no actionable conduct). Thirty-three grievances remain open from 2014; 20 grievances remain open from 2013; and 2 grievances remain open from 2012. Staff stated that the 2012 grievances involve the same guardian and will be resolved together.

Mr. Beagle wondered if there is a better way to hurry the process along, and suggested there should be no more than a 60 day maximum time frame from complaint to hearing.

Staff explained that it typically takes about 30 days to investigate a grievance and because there have been times when there was only one grievance investigator, or no investigator the result has been a backlog of cases.

Staff clarified that if a grievance constitutes an emergency situation, it is forwarded directly to the court for remedy.

7. Executive Session (closed to public)

8. Vote on Executive Session Discussion (open to public)

Motion: *A motion was made and seconded to conditionally approve Andrea Green's application for certification upon completion of UW Certification Program. Motion Passed.*

Motion: *A motion was made and seconded to deny David Keene's application for certification. Motion Passed.*

Motion: *A motion was made and seconded to take no further action against those CPGs who were late in submitting their affidavits, but have completed the required credits and paid their fees. Motion Passed.*

Motion: *A motion was made and seconded to deny late fee waivers for CPGs who as of 12/31/14 had not fulfilled the required CEUs, but subsequently have completed those requirements. One exception would be for David Trainer. Motion Passed.*

Motion: *A motion was made and seconded to extend the deadline to June 30 for all CPGs to complete credits for the 2013-2014 reporting period. Motion Passed.*

Motion: *A motion was made and seconded to file a complaint against Laura Sealey. The motion failed. No action will be taken.*

9. Wrap Up and Adjourn

The meeting was adjourned at 12:30 pm. The next Board meeting is scheduled for August 10, 2015 at 8:00 a.m. The meeting will be a teleconference.

8 Jun 2015 CPGB In Person Meeting

Good Morning,

This June Board meeting takes place as three major guardian discipline cases have been brought to closure. Within the space of approximately one year. Involving:

- Sharon Nielson of Skagit County
- Lori Petersen of Spokane County
- Pam Privette of Thurston County

Each practitioner seems unlikely to be a guardian again. Each case has surely reflected personal tragedy, both for the guardian, and for a number of incapacitated persons.

Questions remain, which I believe need open discussion:

1. Is this number (3 certified guardians of 275) a large one for a profession? As compared to other states or nations? To other professions?
2. Did these practitioners “act alone” or did “the system” set them up, or support their transgressions.
3. Are these “isolated” cases, or the “tip of an ice-berg”?
4. How do these cases reflect on most other paid guardians? On presumably dedicated and hard-working professionals/contributors.

8 Jun 2015 CPGB In Person Meeting

5. Are these discipline scenarios the result of changing values?
 - a. Something related to “business values” or business pressures?
 - b. Are they related to a shift from old values to new values and “new guard” thinking of some sort?
6. Would better monitoring systems have prevented or lightened these cases. Or led to earlier remedies?
7. What resources have been marshalled to provide new stewardship for the IPs affected?

I believe these questions, if not really subjects for the mandates of the CPGB, should be clearly passed on to other parts of Washington State government.

You might call this a “consumer side view” but I think these are questions for everyone.

Thank You.

Tom Goldsmith

Grievance Update

CERTIFIED PROFESSIONAL GUARDIAN GRIEVANCES

Status as of July 31, 2015

Grievances	2015	2014	2013	2012	Total
Open -- Needing Investigation (May 31, 2015)	20	33	20	2	75
Resolved w/o ARD or Hearing	3	1	3	2	9
New Grievances (opened since late report)	6				
Open -- Needing Investigation (July, 31, 2015)	23	32	17	0	72
Previously Investigated Resolved by ARD or Hearing	0	2	1	0	3
<i>Closed (June to July)</i>	3	3	4	2	12

Year Received	2015	2014	2013	2012	Total
Dismissal - Administrative					0
Dismissal - No actionable conduct	1		2	2	5
Dismissal - No jurisdiction	2		1		3
Dismissal - Insufficient		1			1
Admonishment					0
Reprimand					0
Suspension					0
Decertification					0
Administrative Decertification					0
Other-Voluntary Surrender/ARD		1	2		3
	3	2	5	2	12
		Total Closed in June/July 2015			12

Summary Current Activity	June/July
Opened in June/July 2015	6
<i>Closed with ARD/Hearing/Other</i>	3
Closed in w/o ARD or Hearing (July 31, 2015)	9