



Certified Professional Guardianship Board

Monday, October 19, 2015 9:00 a.m. to 2:00 p.m.
SeaTac Office Center, 18000 International Blvd., Suite 1106,
SeaTac, WA

Proposed Meeting Minutes

Members Present

Commissioner Rachelle Anderson
Mr. Gary Beagle
Ms. Rosslyn Bethmann
Dr. Barbara Cochrane (by phone)
Ms. Nancy Dapper
Mr. Bill Jaback
Commissioner Diana Kiesel
Ms. Carol Sloan
Mr. Gerald Tarutis
Ms. Amanda Witthauer

Members Absent

Judge James Lawler, Chair
Judge Gayle Harthcock

Staff

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

Guests

Mr. Andy Heinz
Mr. Chad Standifer, Assistant Attorney
General

1. Call to Order

Commissioner Rachelle Anderson called the meeting to order at 9:15 a.m.

2. Welcome and Introductions

Commissioner Anderson welcomed the Board members and public to the meeting.

3. Chair's Report

- **Approval of Minutes**

Commissioner Anderson asked for changes or corrections to the proposed minutes from the August 10, 2015 telephone meeting. Mr. Jaback informed the Board that he was present for the meeting. Staff will add Mr. Jaback to the minutes.

Motion: *A motion was made and seconded to approve the August 10, 2015 minutes as amended. The motion passed.*

- **2016 Proposed Meeting Dates**

Commissioner Anderson asked the Board members to approve the proposed 2016 CPG Board meeting dates.

Mr. Beagle noted that the end of his term is September, 2016 and that there will be

several openings on the Board. The time frame to seek new guardian Board members will be included in the long-term planning meeting in April, 2016 as agreed by members of the Board. It was also suggested by staff that the recruitment effort could start as early as January, 2016. Staff noted that all appointments to the Board are made by the Supreme Court.

Motion *A motion was made and seconded to approve the proposed 2016 meeting calendar. The motion passed.*

- **Grievance Reports**

Staff was asked to brief the Board on the current grievance report. All grievances from 2012 have been resolved. For 2013, there are ten grievances open, for 2014, 28 grievances are open and for 2015, there are currently 36 open grievances. The Board is on track to receive an anticipated 60 grievances for the 2015 calendar year.

A Board member stated that it would be helpful if staff could inform the Board of the number of certified professional guardians involved in multiple grievances each month. Staff agreed to have those numbers for the Board at the next meeting.

- **WINGS Update**

Ms. Bondon, Coordinator of WINGS program in Washington State gave the WINGS background and history. The Supreme Court of Washington State submitted a grant application for participation in WINGS. That application was successful and the WINGS group received \$7,000 from the National Guardianship Network and additional funds from other guardianship stakeholders.

The purpose of this grant is to look at the decisional support system in Washington State and evaluate the current process, identify unmet needs and identify what is working and what is not. From the survey, three areas were prioritized:

1. Supporting the Family and Friends of Persons Needing Decisional Support.
2. Improving Assessment of Persons Needing Decisional Support
3. Improving Guardianship Standards and Practice

A stakeholder conference was held August 7, 2014. During the conference 24 priorities were established. Those priorities have been assigned to four committees:

1. Legislative
2. Long-Range Planning/Strategic Planning
3. Standards and Best Practice
4. Information and Training

A second stakeholder conference is scheduled for March, 2016, during which each committee will report progress and status.

Ms. Bondon also explained the rating process for choosing the priorities.

Mr. Beagle stated that he wanted the following statements on record:

Mr. Beagle raised concerns of what appears to be the lack of CPGs chairing of major committees as outlined in the materials as well as Windsor Schmidt chairing the Standards and Best Practices Committee. Mr. Beagle also noted that according to the WINGS materials received, to serve on any of the committee boards, that individual must live in Washington State, but to serve as chair of a committee you do not have to live within the state.

Ms. Bondon asked if Mr. Beagle wanted her to respond to his concerns. He said yes, and she stated that like all stakeholders, certified professional guardians were invited to participate in WINGS. Multiple e-mail messages were sent inviting stakeholders to volunteer. The choice to volunteer and participate is a personal one that each individual must make. Two guardians serve on the WINGS Steering Committee, one certified professional guardian and one family guardian. Professor Winsor Schmidt is a national guardianship expert. He served on the Certified Professional Guardianship Board while living in Kentucky. Ms. Bondon stated that she was not aware of a rule or regulation that prohibited someone living out of state from serving on either the Certified Professional Guardianship Board or participating in Washington WINGS. Ms. Bondon further stated that she didn't feel qualified to evaluate Professor Schmidt's research. She was not a researcher, but believed his research was likely reviewed by his peers. She suggested that perhaps Mr. Beagle should address his concerns directly to Professor Schmidt.

- **Ethics Advisory Opinion Request**

The Board received a request for an Ethics Advisory Opinion regarding the question:

“Can an attorney charge fees for legal services he or she provides to the incapacitated person (IP) for whom he or she is a court-appointed guardian if he or she never sought permission from the court to perform legal services for the IP served?”

After speaking with the Board Chair, the request was shared with the WINGS Standards and Practice Committee because this question and other similar ethics questions had been identified as WINGS priorities. Members of the Board's Regulations Committee were invited to join the WINGS Standards and Practice Committee and work on these issues together, avoiding duplication. Gary Beagle agreed to join the WINGS committee.

4. Public Comment Period

Ms. Mindi Blanchard spoke during the public comment period, no written comments were provided.

Mr. Tom Goldsmith spoke during the public comment period. Written comments are attached.

Ms. Claudia Donnelly spoke during the public comment period. Written comments are attached.

During the public comment period, Commissioner Anderson thanked Mr. Heinz for his three year commitment to the Board. Mr. Heinz thanked the Board for their acknowledgment of his contributions.

5. Standards of Practice Committee

Agreement Regarding Discipline of Holly Surface, CPG No. 11393

Mr. Chad Standifer, Assistant Attorney General, addressed the Board regarding the Agreement Regarding Discipline (ARD) of Holly Surface. Mr. Standifer explained the violations of SOPs 406.2 and 406.4. The result of the ARD will be the placement of a letter of admonishment in the disciplinary file for Ms. Surface and that Ms. Surface reimburse the Board \$4,000 for costs associated with this disciplinary action.

If approved, the Agreement will become effective upon signature of the Chair of the Certified Professional Guardianship Board, Judge James W. Lawler.

After AAG Standifer's presentation, the Board entered Executive Session to deliberate. After deliberation, the Board reconvened in public session and voted to approve the Agreement Regarding Discipline.

6. Continuing Education Committee

• Continuing Education Proposal

Mr. Beagle, as chair of the Education Committee, gave a brief synopsis of the application process for sponsors of continuing education.

The proposal presented to the Board is to modify the fee arrangement with sponsors of continuing education to require payment for each professional guardian attending an educational session as opposed to a flat fee of \$25 for applications received in advance of 30 days of date of class or \$50 for applications received within 30 days of the date of the class.

The issue was not voted on because no motion was made. A Board member suggested that this proposal be discussed in further detail at the Board meeting on January 11, 2016.

Commissioner Anderson asked Board members to review the proposal in depth along with public comments before the January, 2016 Board meeting.

In response to the concerns raised by Ms. Mindi Blanchard regarding not requiring sign-in sheets to record attendance at continuing education events, Mr. Jaback wondered if there was anything that could be streamlined in the approval process for continuing education. Ms. Bondon asked if there were any specific suggestions for improvement. Commissioner Anderson noted that the Board will review the materials submitted by Ms. Blanchard and tabled the topic for the next in-person meeting.

7. Regulations Committee

• Proposed Rules for Posting Disciplinary Records

Per GR 31.1, effective January 2016, after investigation, all guardian grievances will be available to the public. The proposed regulation specifies the documents that will be posted on the web. After extensive discussion and review of public comments, a motion was made and seconded to approve the SOP as provided below. The motion passed.

“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, and any order on appeal by the professional guardian, shall be posted for public access on the website for the Administrative Office of the Court.”

8. Ombudsman Program Discussion

Staff was asked to recap the ombudsman program. Staff stated that during a meeting between Judge Lawler and Chief Justice Madsen, the Chief suggested that the Board research a guardianship ombudsperson, whose investigation of new grievances may offer a quicker resolution to grievances. The Board requested public comment on the subject of ombudsperson. Public comments were received and reviewed.

9. Nominating Committee Report

Commissioner Kiesel stated that there was need for geographic diversity on the Board, thus the nominating committee was contacting local bar associations in Eastern Washington and encouraging members to submit letters of interest to

serve on the Board to the Washington State Bar Association (WSBA). The application period was extended to December 31, 2015.

10. Closed Public Session and Entered Executive Session

**11. Reconvened and Voted on items discussed in Executive Session
Standards of Practice Committee**

On behalf of the Standards of Practice Committee, a motion was made and seconded to approve the Agreement Regarding Discipline for Certified Professional Guardian, Holly Surface. The motion was approved.

Applications Committee

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

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

Motion: *A motion was made and seconded to conditionally approve Janel Benson's application for certification upon background check clearances by Children's Administration and Adult Protective Services. The motion passed.*

Motion: *A motion was made and seconded to approve Corinne Silins' application for certification. The motion passed.*

Motion: *A motion was made and seconded to deny Michael Scott Smith's application for certification. The motion passed.*

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

Motion: *A motion was made and seconded to conditionally approve Lori Weeks' application for certification upon successfully completing the UW guardianship training. The motion passed.*

Recap of Motions from October 19, 2015 Meeting

Motion Summary	Status
Motion: <i>A motion was made and seconded to approve the August 10, 2015 minutes.</i>	Passed
Motion: <i>A motion was made and seconded to approve the proposed 2016 meeting calendar.</i>	Passed

Motion Summary	Status
<p>Motion: <i>A motion was made and seconded to approve the Agreement Regarding Discipline for Certified Professional Guardian, Holly Surface. The motion was approved</i></p>	Passed
<p>Motion: <i>A motion was made and seconded to approve the SOP as provided below.</i></p> <p>“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, and any order on appeal by the professional guardian, shall be posted for public access on the website for the Administrative Office of the Court.”</p>	Passed
<p>Motion: <i>A motion was made and seconded to deny Joseph Baird’s application for certification.</i></p>	Passed
<p>Motion: <i>A motion was made and seconded to conditionally approve Janel Benson’s application for certification upon background check clearances by Children’s Administration and Adult Protective Services.</i></p>	Passed
<p>Motion: <i>A motion was made and seconded to approve Corinne Silins’ application for certification.</i></p>	Passed
<p>Motion: <i>A motion was made and seconded to deny Michael Scott Smith’s application for certification.</i></p>	Passed
<p>Motion: <i>A motion was made and seconded to deny Stewart Wallin’s application for certification.</i></p>	Passed
<p>Motion: <i>A motion was made and seconded to conditionally approve Lori Weeks’ application for certification upon successfully completing the UW guardianship training.</i></p>	Passed

Action Items	Status
<ul style="list-style-type: none"> • Determine the number of CPGs that have multiple grievances. 	In progress
<ul style="list-style-type: none"> • Discuss continuing education proposal at the January 11, 2016 Board meeting 	In progress

9. Wrap Up and Adjourn

The meeting was adjourned at 1:00 p.m. The next Board meeting is a conference call scheduled for November 16, 2015 at 8:00 a.m.

Draft

Written statements received from
individuals who made public comments

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Comments by Tom Goldsmith

Good morning and thank you for inviting me and other members of the public to speak here today.

In listening to the WINGS report, I'm glad that stakeholders are so respectfully stepping up to the task of openly and constructively discussing decision support and associated guardianship issues. While budgets for all aspects of decision support are still so very, very tight, making these issues especially important.

I was interested to listen to Mr. Beagle and Mr. Tarutis raise issues of engagement. And I hope that's reflective of seeing that WAPG and other organizations ARE stepping up to the plate.Did I see Linda Voller here this morning?

I'm also particularly concerned about finding diligent certified paid guardians expressing concern about criticism, and targeting". While on the other hand, on the consumer side, I see persons under guardianship, their families, and friends concerned about what they've seen in recent Court decisions; on issues that have been raised there. Against a background which is very complex, and requires clarity, transparency, and not what some people would call "cover up".

So I would like to address item "2." in today's meeting material, about disclosure of complaints, and revision of regulation 300.

That is:

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2. Should the Certified Professional Guardianship Board modify its rule for posting disciplinary actions to comply with the standards for public access to records approved by the Supreme Court?

This is a complex issue indeed, and hardly something to cover in three minutes.

I would like to see Regulation 300 implemented as proposed by the CPGB Rules Committee, which I believe reflects the spirit, and the letter, of Washington's Supreme Court's revised General Rule 31.1. Which is currently being implemented.

Thus I did NOT make a written response to the CPGB's May 26th posting. If I had, I would simply have said the proposed rule change looks fine. Although in retrospect, I wish I'd posted the comment I'd once made in November of 2013.

A comment which is still on the Courts.WA.gov web site

[Search "I fear the proposed GR 31.1" or follow https://www.courts.wa.gov/court_Rules/proposed/2012Sep/GR31.1/Tom%20Goldsmith.pdf]

Or see pages 66-88 of the meeting materials package for the CPGB's 8 Apr 2014 Spring Planning meeting, where these six pages are included with other persons' comments, and details of the Washington State Health Department's (UDA) Uniform

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Disciplinary Act, for MDs, RNs, PhDs, and others of some 80 health and care-related professions.

But the AOC's CPGB comment posting system does not work in the "cumulative dialog" way the Supreme Court uses for posting public comments. Where all comments are posted when received, up until the closing deadline. Thus allowing a dialog-response to positions already taken. So I'm here today with a reply.

Two comments I see in the materials for today's meeting, one by Bridge Builder Mindi Blanchard (although under Ombudsperson heading), one from WAPG seem important.

Bridge Builders raises questions about a "punitive" nature to the complaint (grievance) process. Also about an opaque and perhaps even hostile administrative process in need of transparency and documentation. Suggesting possible "unintended consequences" of the system must be considered.

WAPG implies that CPGs should be compared to Judges and attorneys, rather than to MDs, RNs, and PhD professionals, as with the decades-old, well-established Health Department UDA. Thus they propose requiring interested citizens to file public records requests if they wish to review any of the 85% of complaints (grievances) that do not result in disciplinary actions...Also they advise removing after one year, all discipline

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case records of complaints (grievances) which have resulted in sanctions, from easy web site access.

The Bridge Builders and WAPG comments lay the groundwork for much needed discussion. As I thought my November 2013 list of observations and questions might.

So today, what I'm hoping is that Mr. Beagle and Mr. Tarutis are suggesting, is that the ideas we've seen from WAPG in this meeting's package, really imply "don't change anything." They ask to leave things as they are. Not pay attention to the UDA. Not address public concerns about recent discipline cases. Don't pay attention to the practices of doctors, nurses, PhD psychologists, and other practitioners.Treat us like attorneys, and like judges, and everything will be just fine.

I see this latter view as not-really-cooperative, in a spirit of discussion and transparency, which I think is needed so as to avoid seriously harming the diligent and dedicated 80 or 90 percent of guardians in Washington State, who are working in the interest of the incapacitated persons they assist.

Tom Goldsmith

Tom Goldsmith

From: Tom Goldsmith <TTGsmith@TGandA.com>
Sent: Tuesday, November 27, 2012 5:58 PM
To: 'Denise.Foster@courts.wa.gov'
Subject: Proposed GR 31.1 and Professional Guardianships; Transparency or status quo

Honorable Chief Justice Madsen;

I fear the proposed GR 31.1 section (L)(12), as drafted, will not be helpful in achieving the transparency and mutual trust needed for guardians and their wards. My reasons and alternative suggestions are offered in this comment.

Many believe good policy requires that all parties bring the best and most complete information available to bear before decisions are made. It appears the Supreme Court is not being accorded that opportunity with regard to this proposed rule.

I suggest that complaints against guardians should not be handled differently from those for most other public-service professionals in Washington State. Yet the proposed GR31.1 creates a *sui generis* set of disciplinary rules for which no justification is offered as to why they require this unique treatment.

Washington's **Uniform Disciplinary Act, RCW 18.130 (UDA)** has been in place for over two decades. This time-tested law appears to be entirely appropriate as a model for handling public disclosure of complaints against guardians as well as for 80-some health care professionals, including dentists, medical doctors, nurses, pharmacists, psychologists, social workers and other highly respected professionals in sensitive positions.

The UDA (as defined in RCW 18.130.095) requires with respect to public disclosure and transparency:

- a. Existence of all complaints be discoverable immediately upon submission.
- b. The cited professional is invited to submit a written statement.
- c. Complaint details are exempt from public disclosure until the complaint is initially assessed.
- d. Complaints determined not to warrant investigation must:
 - i. Remain in the records tracking system.
 - ii. "Including" existence of the complaint.
 - iii. Are subject to public disclosure.
- e. Complaints determined to warrant no cause of action must:
 - i. Include an explanation of the determination to close.
 - ii. Remain in the records and tracking system.

- f. Complaints resulting in discipline are posted and subject to public search, by the professional's name and license identification.

After more than two decades of history, the UDA system seems to be working well with respected professionals broadly exposed to public complaints. The proposed GR 31.1 is almost the polar opposite of the approach taken in the UDA. Yet I have not heard serious discussion by the Certified Professional Guardian Board (CPGB) that compares or evaluates their current "Administrative Regulation 003" rules or outcomes with RCW 18.130 —and I have attended or monitored telephonically all of its public meetings this year and last. Instead, it is proposed that guardians are to be treated like highly-visible and closely-observed judges and members of the Bar. For the latter, there is in place an extensive disciplinary structure and staff supported by a significant amount of financial resources. In contrast, professional guardians are overseen by a part-time, volunteer board whose budget always is limited and whose support comes from a small (albeit serious, energetic, and personally dedicated) AOC staff.

That is, I believe the UDA could be a fruitful source of practical experience, possibly a model of a new code, and surely a meaningful stimulant for discussion. Thus I suggest it behooves the Court to explore this option, perhaps even authorize a **Center for Court Research** study, before acting on the proposed new rule.

Allow me to step back for a moment to what has brought us to this point. I invite the Court's attention to my comments dated November 28, 2011 and February 2, 2012 as background for what follows. The concerns addressed in those comments have been addressed only to the extent that the new proposed GR 31.1 does not exempt the CPGB. While awkwardly, from my point of view, the small, core piece of current CPGB regulations incorporated in GR 31.1 as (L)(12) i, ii, and iii would continue the lack-of-transparency problems we see with professional guardians today.

Since writing you in February, I have learned three things.

1. The existence and apparent success of the UDA.
2. The great difficulty any member of the public has obtaining relevant disciplinary information about filed grievances against individual guardians through a public records request, compounded by the difficulty one has gleaning objective and relevant data from the few documents a request of my own has provided.
3. The CPGB has no plan or objective to undertake an overall analysis of the total body of complaints it receives. (The Board's budget and mandate are limited, and pursuit of serious complaints more than consumes resources at hand.) This means that overall trend or "barometer" policy information that might be mined from CPGB complaints data are unlikely to be provided to the Board to guide its decision-making.

The absence of data and its analysis are unfortunate, especially given the persistent flow of "bad actor" reports, in this state as well as nationally, and a general public concern about potential for "guardian abuse" which many find disturbing. Thus I continue to see professional guardianship as an area where transparency, and public trust can usefully be improved.

In the attached document, please find a list of observations and questions which have emerged as I have worked with the information provided as a result of my own public records request. It is my respectful hope that these thoughts will provide a seed from which to grow fruitful discussion and further analysis of the needs in this important area.



Above all, I believe it would be best if professional guardians were able to be seen through lenses similar to those of other respected and valued serving professionals. And if they are to be handled in ways *exceptionally different*, that justifications, understandable and acceptable to the public, will be forthcoming.

Tom Goldsmith

A handwritten signature in cursive script that reads "Tom Goldsmith".

=====
TTGsmith@TGandA.com



Professional Guardian Complaint Handling

Can Washington State's Uniform Disciplinary Act (RCW 18-130) be a guide?

Following are observations and questions that have emerged while analyzing complaints (also known as "grievances") filed with the CPGB during calendar years 2010 and 2011.

Observations:

1. Historically, around 30% of complaints filed against guardians, and 9% of those against agencies, have resulted in disciplinary action.

Complaints Filed

2007	27
2008	25
2009	19
2010	33
2011	49

More than 70% escape public scrutiny.

2. Complaints often take over a year, possibly as long as two years or more, before a final decision is reached. Each complaint resulting in disciplinary action is posted as a summary line on an AOC web page, with a link to detailed text. Four web pages list more recent and archived information for individual guardians and for agencies. While a guardian or agency may appeal a CPGB finding (often time-consuming) the person filing a complaint may not.
3. Approximately 70% of cases are dismissed without action, with a notice letter mailed to the individual who filed the complaint. A listing of dismissed complaints has been included in the CPGB's Annual Reports through 2010.

These annual reports have listed an identifying number, county (but never the name of the guardian) nature of allegation, and disposition. In recent years, descriptions have been brief, with seldom more than a dozen words to describe allegations, and only a few words explain complaint disposition. While in years past, members of each complaint's review panel were listed, and the nature of allegations and/or disposition descriptions were more complete.
4. Complaints not yet posted are theoretically available via public records request, but all information which might possibly identify the incapacitated person or the guardian is redacted, making each filing difficult to identify and understand.
5. I can find no "interpretive" information, or introduction to what the complaint-list web pages might tell a reader.
6. In the case of my public records request, it surprised me that I did not find any grievance filing numbers or other identifying notation on any of the submittal documents I received. This raises the question of how staff assures the integrity of files kept for each complaint. From a requestor's point of view, it is difficult to uniquely identify complaints or confidently relate them to outcomes.

Professional Guardian Complaint Handling

Can Washington State's Uniform Disciplinary Act (RCW 18-130) be a guide?

7. Many observers see the making of other people's personal-life and financial decisions by outsiders / *strangers* as difficult and risk-filled undertakings. Accordingly many see Court supervision as surely justified. It is not, however, equally clear to me that guardian tasks can be adequately executed without the public scrutiny other serving professions receive, which undoubtedly supplements any best-efforts the Courts themselves can provide.
8. The most vulnerable of our citizens are those subject to guardianships, but family, friends, and established network of support can be impacted almost as deeply. At the same time, it is virtually impossible for anyone impacted by a guardianship to "walk away" from a Court appointed guardian or attorney. At best, removal of a guardian will require a year-or-two-long, dollar-costly process, initiated and paid for by the incapacitated person, family, or friend(s), followed by limited prospects and little guidance in finding a more suitable individual.
9. As with any "service" the quality delivered is likely to be improved where "consumers" are enlightened, and have realistic expectations. Yet anything short of good transparency is unlikely to foster useful "customer" awareness. Family, friends, and other supporting persons need to be aware of the limits or pitfalls guardianships will, even in the best of circumstances, always face.
10. Needed guardianship reforms seem unlikely to occur in the darkness caused by blocked public disclosure. Further, increased funding to support guardian oversight is unlikely to materialize without public awareness and mined data in the hands of analysts and advocates.

Questions:

Based on the above, I offer the following questions that I respectfully suggest the Court should explore before determining that GR 31.1 should be approved, either as submitted or in a new form.

11. Does the **UDA** work as well as appears? My personal investigation suggests it might, but it would be important to determine if there are any unintended consequences. Has a pragmatic evaluation study of the UDA been undertaken, in an attempt to determine the success of this legislation and the resulting system?
12. What, if anything distinguishes guardians, from medical doctors, nurses, psychologists and numerous other professionals covered by the UDA that would justify a unique complaint process and disclosure rules for them?
13. Could the staff and systems now processing UDA complaints and materials also handle professional guardianship complaints? Alternatively, could details of current UDA processing inform as to how to better manage a comparable system for guardians, should one continue to be maintained at the AOC.

Professional Guardian Complaint Handling

Can Washington State's Uniform Disciplinary Act (RCW 18-130) be a guide?

14. If clerical processing were placed elsewhere, could AOC staff continue to be the "knowledgeable" organ of investigation, guided by CPGB specialists? As I understand it, this process is used by the Medical Quality Assurance Commission, which learned how important staff experience was in working with its constituency of professionals.
15. Are complaints under UDA subject to appeal by complainant if rejected by investigators?
16. If there are cases of successful complainant appeals, are such decisions useful as a way to achieve "case law" like evolutions of applicable rules and regulations? If so, could there be an expectation of similar experience-based evolution of the CPGB's Standards of Practice?
17. What impact do frivolous or "retributive" complaints have on professionals subject to the UDA. How do or could professional groups, or these systems, accommodate /orcorrect for these problems.
18. How are UDA investigations and processing funded?
19. Why has the number of filed complaints reported by the CPGB doubled over the past five years? Is there any reason to believe that the current limited transparency has contributed to this increase?
20. How are complaints distributed among guardians? For example, do 20% of the guardians account for, say 80-90% of complaints or of the serious complaints? If so, what would this tell us about the value of increasing transparency and impact, if any, of adopting a UDA approach? Is there a geographic distribution of complaints that might be significant?
21. How would disclosure of professional guardianship complaints best be handed so they are least likely to lead to unexpected consequences for this important function, especially keeping in mind those many professional guardians who function well and appropriately and therefore are unnoticed and, normally unsung. Does the UDA effectively insulate and protect those who do not go outside the bounds of professional conduct?

Tom Goldsmith is a private person, who has been following Washington State's Certified Professional Guardianship Board since 2009, when his family became involved in a professional guardianship.

Rood, Kim

From: Claudia Donnelly <thedonnelys@oo.net>
Sent: Monday, October 19, 2015 1:12 PM
To: Rood, Kim
Subject: today's talk -- fyi

Good morning:

I would like to tell you what I've been up to lately. I have been working with an elderly lady who is being financially exploited by a professional guardian. I have been trying to help her, but she is afraid that APS will take her freedom away.

Here is what is happening without any names being mentioned. This guardian told a business in the local area, that he is this lady's guardian, but when I went to the RJC, there was no record of her having a guardian. This guardian – who was the guardian of this lady's late husband, also is having his financial records from a money investment fund sent to him at his office even though the husband died in 2012. To me, that is a little odd, and maybe fraud? Aren't we a Community Property state? This guardian is also doing this to someone who lives in a local city, and is not a vulnerable adult. How is this Board protecting this elderly lady? She filed a complaint and was told it had been closed. Just like Rose Cutler whose mother was isolated from her – she was told “the guardian did nothing wrong” or in my mother's case – where again – “the guardian did nothing wrong.” But, wait, if I remember correctly, I was told that guardians can break the law because people who drive our roads speed and aren't held accountable.

Also, I am a consumer who doesn't like what professional guardians do – and was on the first WINGS committee and am on another committee. There is a proposal about isolating IPs from family members. But the committee maybe reinventing the wheel.

Why reinvent the wheel? With this WINGS project, there is a recommendation about isolating seniors from family member.

It says:

Prohibit isolation of persons in a guardianship.

47 21

Develop a professional guardian standard of practice to address. Assign to the Standards and Practice Committee. Timeframe 12 – 24 months.

In my opinion, that is reinventing the wheel. This Board already has an SOP – 407.5 that says:

“the guardian shall not remove the incapacitated person from his or her home or separate the incapacitated person from family or friends unless such removal is necessary to prevent significant harm or because of financial constraints.”

How many of you guardians that are here follow this rule?

To me, this WINGS project already has its outcome – nothing will be changing in this state.

How do you do protect Ips and vulnerable adults when you don't discipline guardians who isolate their wards or financially exploit them or force them into facilities against their wishes and state law?

Thank you.

Grievance Status

CERTIFIED PROFESSIONAL GUARDIAN GRIEVANCES

Status as of October 31, 2015

Grievances	2015	2014	2013	2012	Total
Open--Needing Investigation (September 30, 2015)	36	28	10	0	74
Resolved w/o ARD or Hearing	8	4	1		13
New Grievances (opened since late report)	9				9
Open--Needing Investigation (October 31, 2015)	37	24	9	0	70
					-
Closed/Terminated October 2015					13

Year Received	2015	2014	2013	2012	Total
Dismissal - Administrative					0
Dismissal - No actionable conduct	2		1	0	3
Dismissal - No jurisdiction	1				1
Dismissal - Insufficient					
Admonishment				1	1
Reprimand					0
Suspension					0
Decertification					0
Administrative Decertification					0
Terminated (Voluntary Surrender)	5	4			9
	8	4	1	1	14
		Total Closed in September			

Summary Current Activity	October
Opened in October	9
Closed with ARD/Hearing/Other	1
Total Closed/Terminated in October	14

Revised 11/12/2015

Certified Professional Guardians/Agencies with more than one Complaint in the Past Three Years

Individual/Agency Guardian	All Grievances Received in 2013	All Grievances Received in 2014	All Grievances Received in 2015	Three Year Total
A		2	1	3
B	3	4	8	15
C	1		2	3
D		4	5	9
E	2			2
F			2	2
G	2			2
H	2			2
I	3			3
J			2	2
K	1	2		3
L	2	3		5
M		1	1	2
N	2		2	4
O			2	2
P	4	2	1	7
Q		1	2	3
R	3			3
S			2	2
T	1	1		2
U		1	1	2
V	1	2		3
W			2	2
X	1	1	1	3
Y	2	1	2	5
Z		1	1	2

26 Guardians

30 Grievances/15 Guardians

26 Grievances/14 Guardians

37 Grievances/17 Guardians

93