



## Certified Professional Guardianship Board

Monday, April 11, 2016 (9:00 a.m. - 3:00 p.m.)  
SeaTac Office Center, 18000 International Blvd., Suite 1106,  
SeaTac, WA

### Meeting Minutes

#### Members Present

Judge James Lawler, Chair  
Commissioner Rachelle Anderson  
Mr. Gary Beagle  
Ms. Rosslyn Bethmann  
Dr. Barbara Cochran (by phone)  
Ms. Nancy Dapper  
Judge Gayle Harthcock  
Mr. Bill Jaback  
Commissioner Diana Kiesel  
Ms. Carol Sloan  
Mr. Gerald Tarutis  
Ms. Amanda Witthauer

#### Staff

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

#### Attorney General's Office

Ms. Mary Tennyson

#### UW Guardianship Certificate Program

Ms. Malia Morrison  
Ms. Penney Sanders

#### 1. Welcome and Introductions

Judge James Lawler welcomed all present for the public comment and dialog portion of the meeting in Lower Plaza 16 at 9:00 a.m. Board Members each took a moment to introduce themselves.

Following the discussion of a number of topics introduced by members of the public, Judge Lawler called a break at 11:00 a.m. and directed all participants to Suite 1106 where the general board meeting would reconvene at 11:15 a.m.

Written comments provided by the public are located at the end of these minutes.

#### 2. Call to Order

Judge Lawler called the regular CPG Board Meeting to order at 11:15 am.

### 3. Chair's Report

#### Approval of Minutes

Judge Lawler asked for a motion to approve the minutes of the March 14, 2016 teleconference.

**Motion:** *A motion was made and seconded to approve the March 14, 2016 minutes. The motion passed. Abstained: Ms. Bethmann, who did not attend the March 14, 2016 teleconference.*

#### GAO Interview Questions

Ms. Bondon reported that she had been interviewed by representatives of the Government Accountability Office (GAO). GAO is conducting a study requested by Chairman Collins and Ranking Member McCaskill of the Senate Special Committee on Aging, regarding abuse perpetuated on incapacitated persons by their court-appointed guardians. Board members Mr. Beagle, Judge Harthcock, Commissioner Anderson, Mr. Jaback and Ms. Bethmann each indicated they would agree to be interviewed. Ms. Glenda Voller, member of the public, was also interested in being interviewed.

### 4. Board Complaint Review

Sr. Assistant Attorney General (AAG) Mary Tennyson provided an update on the complaint against CPG Maureen Carroll. The CPG Board sought decertification of Ms. Carroll. The Hearing Officer recommended that Ms. Carroll's sanction consist of the following:

1. A prohibition on acceptance of new guardianship appointments for six months;
2. A Letter of Admonishment;
3. Review of her guardianship forms by an experienced attorney within the next six months;
4. Mentoring and consultation for a period of 12 months from an experienced certified professional guardian;
5. Additional training in the next six months on court procedures;
6. Auditing of her guardianship files by AOC for six months; and
7. Examination of her other fulltime job commitments.

On behalf of the Administrative Office of the Courts (AOC) Staff, Assistant Attorney General (AAG) Chad Standifer submitted a pleading asking the Board to affirm the Hearing Officers' recommendation and ordering Ms. Carroll to pay a portion of the cost associated with her disciplinary proceeding.

Mr. Richard Furman, attorney for Ms. Carroll, submitted a pleading opposing the AAG's request for Ms. Carroll to pay cost.

**Motion:** *A motion was made and seconded to affirm the Hearing Officer's recommendations. Abstained: Commissioner Anderson. The motion passed.*

The Board will issue an Order documenting the decision. Senior AAG Tennyson will prepare a draft for Judge Lawler's signature.

5. **Executive Session (closed to public)**
6. **Reconvene after Executive Session (open to the public)**

#### **Vote on Executive Session Discussion**

**Motion:** *A motion was made and seconded to offer an Agreement Regarding Discipline to the Guardian in Grievance No. 2013-042. The Guardian would agree to move for a new court order for fees for the last reporting period approved that excludes all work done to defend the grievance by the Guardian, including both guardian and legal fees. The Guardian will also be asked to refrain in the future from charging for any work involved in defending against a grievance and to commit to seek court approval and giving notice to all notice parties before taking on dual roles as both guardian and attorney for the guardianship. The Guardian will be allowed 15 days following receipt of the proposal to either accept or reject the resolution.*

**Voting - In Favor:** Mr. Tarutis, Ms. Witthauer. **Opposed:** Ms. Bethmann.  
**Abstained:** Comm. Anderson, Mr. Beagle, Ms. Dapper, Judge Harthcock, Mr. Jaback, Comm. Kiesel, Ms. Sloan.  
**Not Present:** Dr. Cochrane. *The motion passed.*

#### **7. UW Guardianship Certificate Program Update**

Ms. Malia Morrison and Ms. Penney Sanders provided the Board with an update on the UW Guardianship Certificate Program. For the first time in the history of the Program, people have been put on a waitlist to enroll. It was also reported that the Program has an approximately 79% completion rate. Students evaluate instructors quarterly. The stipend of \$150 to compensate for travel time in excess of 1.5 hours to classes in Bellevue worked well and was awarded to 15 students last year. Curriculum will be reviewed 2016-2017.

Two informational sessions are offered each summer. While attendance varies, these sessions are typically attended by 20-25 individuals.

Ms. Morrison stated there is a need to provide information about making Certified Professional Guardianship a career. Ms. Morrison offered to collaborate with the Board to draft "Frequently Asked Questions (FAQs)" to cover that information. Ms. Morrison also announced she will be leaving the program and that Mr. Ricardo Valdez will be taking over her role in May.

**8. GR 31.1 Primer**

This presentation was postponed, to be rescheduled at a future date.

**9. Grievances**

**Monthly Grievance Report**

Staff reported that seven new grievances have been opened since March 14, 2016 bringing the number of grievances opened in 2016 to 15. There are 33 grievances that remain open from 2015, 24 open from 2014 and 11 still open from 2013 for a total of 83 open grievances. During the past month, five cases were resolved with Hearing. One case was resolved with an Agreement Regarding Discipline (ARD).

**Annual Grievance Report / Historical Review**

Staff provided a historical review through the 2016 Annual Grievance Report. There are 33 outstanding grievances that were filed in 2015. There have been 37 cases that were closed either due to no actionable conduct or no jurisdiction. The board was reminded that a CPG can opt to voluntarily surrender in order to avoid further sanction. However, if that CPG wants to be reinstated at a future date, unsatisfied grievances can be reopened per the surrender agreement.

There have been very few complaints received through the courts. Most often, Standards of Practice (SOP) complaints are related to finances (paying bills, etc.) or failure to report timely to the court. More typically, these complaints are about the guardian's communication with the family and friends of the person in a guardianship.

It is believed that the number of grievances is climbing annually due to the increased knowledge of the ability to file a grievance. A minimum of two people would be required to handle a year's worth of grievances timely. A resolution of an administrative dismissal means the grievance was either incomplete or insufficient. The number of grievances closed due to no actionable conduct seems to remain the same year to year. Grievances closed due to no jurisdiction would be complaints against guardians ad litem, Lay Guardians or Trustees. A significant number of grievances are dismissed each year.

Judge Lawler commented that he felt the annual report is getting better every year.

**Priority of Grievance Investigations**

Staff provided a background on how grievances are prioritized for investigation. A terminated guardianship would have lower priority for investigation than an active appointment. Multiple grievances are often combined and investigated as a whole. If a grievant believes there is real potential for harm – physical or financial – or if a service can be lost, the grievant is encouraged to contact Adult Protective Services (APS) or the court directly. If it is known that APS is already involved in a complaint, that grievance would become a lower priority for investigation. Another

factor in prioritizing investigations is whether there is an existing grievance or past Agreement Regarding Discipline (ARD) that has been violated.

For all grievances, a copy of the grievance and a letter requesting a response is sent to the CPG. The Standard of Practice Committee supervises the grievance process.

When asked about the Board's budget, staff explained that the Board was intended to be self-sufficient, however, annual fees collected are not sufficient to fully fund the work of the Board. AOC has always provided additional funding for the Board's work.

### **Update on 11.88.120 Guardianship Complaint Process**

Ms. Bondon reported that the new complaint process provided for under RCW 11.88.120 allows anyone to submit a grievance to the court on a specific form. Grievances submitted on this form can be tracked, and to date, 15 grievances have been recorded. If a grievance is submitted by letter, however, it cannot be tracked. Unless the AOC is provided this information, it is unaware of the number of complaints courts may be receiving. Of the 15 known grievances submitted by the new complaint form, eight were against a CPG, seven were against Lay Guardians.

The grievance form is posted on the AOC website, and includes name of the individual at each court who should receive the form.

### **Website and Guardianship Application Update**

The application used by applicants seeking certification has been updated and questions clarified.

### Recap of Motions from April 11, 2016 Meeting

Motion Summary	Status
<b>Motion:</b> <i>A motion was made and seconded to affirm the Hearing Officer's recommendations.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to offer an Agreement Regarding Discipline to the Guardian in Grievance No. 2013-042. The Guardian would agree to move for a new court order for fees for the last reporting period approved that excludes all work done to defend the grievance by the Guardian, including both guardian and legal fees. The Guardian will also be asked to refrain in the future from charging for any work involved in defending against a grievance and to commit to seek court approval and giving notice to all notice parties before taking on dual roles as both guardian and attorney for the guardianship. The Guardian will be allowed 15 days following receipt of the proposal to either accept or reject the resolution.</i>	Passed

### 11. Wrap Up and Adjourn

Judge Lawler adjourned the meeting at 2:20 p.m.

The next CPG Board meeting will be held via Teleconference on May 9, 2016 at 8:00 a.m.

### Visitors/Members of the Public

Ms. Jennifer Roach  
Ms. Glenda Voller  
Ms. Mindi Blanchard  
Mr. Robert Hays  
Ms. Claudia Donnelly  
Ms. Terri Malolepsy  
Ms. Lori Eagle  
Mr. Dan Smerken  
Ms. Mary Henderson  
Mr. Tom Goldsmith



- Play hard ball- CPGs know the rules and they know what they can get away with
    - It's a business. Treat it like business fraud.
  - get laws passed that don't have any room for judicial discretion
  - Have standards about what is billable and what is not
  - Don't depend on the judges to be honest or even look at the bills.
  - Set max fees like DSHS does.
  - Have a fee review board. Don't let the judges OK fees. They don't look at them.
  
  - Work with Dept of Health to get care-givers educated-
    - CPG abusers hire those who don't understand the law
  - Place abusive guardians on the APS state wide abuse list.
    - A care-giver yells at a VA once or denies him one pill and they're on it.
    - A CPG isolated , over-drugged and bills all his income in fees-nothing happens
  
  - Handout in appropriate language for care-givers about ward's rights.
  - Fire agents who help the abuser. It is pretty straight forwards that someone can't be held against their will on a facility. Any agent who does not get on that at once should be fired- no excuses.
- Any agent who helped or ignores abuse should be fired. We can't afford to have people doing this important job, who have to be watched to make sure they are doing their job.
- The public wants to know that they could be imprisoned too under the current system.
- Get the public behind the problem- Don't hide it from them.

**Don't waste more on training or re-training guardians**

Guardians don't need more training- get training for the judges. The course is comprehensive enough and very explicit on the kinds of abuse we are facing- held against their will, forced drugging, isolation and controlled conversation are all a violation of the Constitution. "I didn't know is not a reasonable excuse for abusing a VA. It is punishable in private situation and should be punished in business situations.) They will go right back to exploiting and abusing the wards once your back is turned.

**Crisis Situation** Get crisis funding for an emergency audit- at least 1/3 are possible abusers

Funding to do a state wide audit- only 270 people to check on (do it more effectively) Financial crimes are easiest to audit and rarely would one be abused physically and not financially.

Start a **Foster guardianship system**, so that every suspect guardian's wards have access to filing additional information while the guardian is under investigation and be there to take over the guardianship if necessary. Don't be afraid to take over a guardianship. CPS does it even when family is involved. It's not going to hurt the ward to have a possible CPG removed temporarily. (No emotional trauma like family guardians.)

All wards under CPG should have a **contact that checks** on them regularly. Guardian angels (volunteers.)

**Be in the field.** The CPG Board, DSHS/APS and LTCO leaders need to get out there and learn what it's like to be a senior. Learn what it's like to have your friends be imprisoned in a dementia ward. Learn what it is like to be pushed into a facility against your will after years of hard work and documents that say you can stay in your home the rest of your life. seniors aren't another species. They are you in a few years.

**Educate those close to the IPs**

We have medical social workers, Senior center social workers, senior advocates yet they often don't know the law and don't respect senior rights.--Facility workers (care-givers) must be educated to understand rights.

**Informing the public.** Guardianship is not for taking the rights of adult away. They are not to be treated like the ward's children. Everyone must be told that IP has rights.





Mindi R. Blanchard, M. Ed., CPG  
President

Date: April 11, 2016  
To: Certified Professional Guardian Board  
From: Mindi R. Blanchard, M.Ed., CPG  
President, Bridge Builders, Ltd.  
RE: Annual Planning Meeting

Since this is the annual planning meeting, I would like to revisit some requests and present other requests:

1. **Improving the CPG Board's Perception of CPGs:** At the last annual planning meeting I asked the CPG Board for specifics on what would help them have a better view of CPGs in general. I again brought this up at a CPG Board meeting a few months later. To date, I have received no comment from the CPG Board on the topic.

This lack of response only puts guardians in a no-win situation. How can we guardians provide evidence of what you wish to see if you do not provide any input as to what will improve your general attitude toward professional guardians?

Again, I am asking for the CPG Board to provide guardians with what they want to see and this time I would like a date set when we guardians could expect to receive this information.

2. **Grievance Procedure:** In May 2015, I provided a critique of the current grievance process. Part of what I noted was that there was a need for policies and procedures to be developed so that all involved would be very clear on rights and expectations. This has not been addressed.

The current practice of a representative of the CPG Board calling the guardian and/or others involved in a guardianship each time someone calls the CPG Board to complain has got to stop. I have never before experienced a position that when an unhappy person complains, there is so much time spent trying to find validation for their complaints. At no time should a representative of the CPG Board call a CPG's guardianship attorney asking about the any guardianship case, which happened in my most recent case. Also, the GAL who had been involved in establishing the guardianship was also called.

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Offering a sympathetic ear to any complainant who is unwilling to file a formal grievance, undermines guardians' efforts to resolve the issues and destroys their credibility with the complainant. Once the complainant thinks that they have the ear of the CPG Board, they feel that they no longer have to work with the guardian and any hope the guardian might have in finding a resolution is gone. This practice of the CPG Board is making the guardian's job of dealing with issues related to client family and friends impossible. I have personally had this happen twice in less than a year and a half.

It is very common for family members to have high emotions when a third party guardian is appointed. Oftentimes, the guardian can make the family feel better about the situation by educating them regarding the process of establishing the guardianship and the guardian's responsibilities once the guardian is appointed. Some family respond in a positive way very quickly. Other family require more dialog and patience from the guardian. A small percentage seem to be determined to be unhappy no matter what the guardian does. In all cases, the guardian needs time to work through the issues with the family/friends.

If someone has a complaint, they should be told how to file a formal grievance and then the determination of whether a grievance case should be opened would be made according to the facts submitted. The representative that a complainant talks with should be telling the complainant that they cannot hear the complaints without a grievance being filed. CPGs should not have to worry about getting calls from a representative of the CPG Board or hear that said representative has been calling and asking questions of individuals associated with the guardianship in question whenever an unhappy person calls and complains. If the complainant doesn't want to file a formal complaint, that caller should be referred back to the CPG. This issue needs to be addressed immediately. Again, there needs to be clear policies and procedures developed so that we all know our rights and responsibilities regarding the grievance process and so that the process cannot be abused.

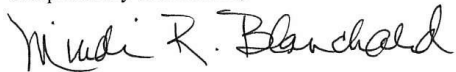
3. **Continuing Education:** I continue to have problems getting the categories I request approved for continuing education events. For example, for the March Bremerton conference I submitted the application but when I received the approval letter, a category had been changed without discussing it with me. It took several days to get it corrected. This happens on a regular basis.

I propose that the CE Committee change the rules so that the categories are less rigid. It would be easier on everyone. I propose that instead of the rigid three categories, that a CPG would need a *minimum* of 4-hours Ethics and 4-hours Emerging Issues each reporting period. Any additional Ethics and Emerging Issues credits would be put into the General category up to 24-credit hours per reporting period. Then the carry forward rule would be followed. This would save a tremendous amount of time and frustration for all involved.

4. **The Guardian Institute:** I started the Guardian Institute in 2013 and it was approved as a 501(c)3 public charity non-profit right before the 2016 New Year. This non-profit has been developed to provide much needed support for low income guardianship clients as well as being a clearinghouse for much needed resources and support for all guardians, lay and professional.

When I initially started the Guardian Institute and introduced the concept to the CPG Board, I was told that the Board wanted to be kept apprised. The best way for the Board to be kept apprised would be for the Board to receive the monthly newsletter. However, when I sent a newsletter to Shirley Bondon with a request to send it along to the Board, I was told that this could not be done. I would suggest that you change this policy so that the Board can follow what the Guardian Institute is doing because I think that we will be doing some pretty exciting things.

Respectfully Submitted,



Mindi R. Blanchard, M.Ed., CPG