

Minutes



Certified Professional Guardianship Board
Monday, October 17, 2016 (9:00 a.m. – 1:00 p.m.)
SeaTac Office Center, 18000 International Blvd., Suite 1106
SeaTac, WA

Proposed Meeting Minutes

Members Present

Judge James Lawler, Chair
Commissioner Rachelle Anderson
Ms. Rosslyn Bethmann
Dr. Barbara Cochran
Judge Gayle Harthcock
Mr. William Jaback
Commissioner Diana Kiesel
Dr. K. Penney Sanders
Ms. Amanda Witthauer

Members Absent

Mr. Jerald Fireman
Ms. Carol Sloan
Ms. Barbara West

Staff

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

1. Call to Order

Judge Lawler called the meeting to order at 9:00 a.m.

2. Chair's Report

• **Welcome, Roll Call & Approval of Minutes**

Judge Lawler welcomed the Board members and the public to the meeting, with a special welcome to new Board member, Dr. K. Penney Sanders.

• **Approval of Minutes**

Judge Lawler inquired if there were any changes or corrections to the proposed minutes from the September 12, 2016 meeting. Hearing none, he requested a motion to approve the minutes of the meeting.

Motion: *A motion was made and seconded to approve the September 12, 2016 meeting minutes. The motion passed. Ms. Rosslyn Bethmann and Commissioner Kiesel abstained.*

3. Public Comment Period

Ms. Claudia Donnelly addressed the Board as a member of the public. A copy of her comments are attached to these minutes.

4. Grievances

Staff noted the month began with 103 open grievances. The increase in the number of grievances is due in part to the implementation of a court complaint

procedure that requires courts to send complaints regarding a certified professional guardian to the Board. Judge Lawler noted that because of this change, it appears as though the concerns about the conduct of professional guardians is increasing; however this is simply a perception and not a fact. A significant number of these complaints are summarily dismissed due to non-jurisdiction by the CPG Board.

Four grievances have been closed during the past reporting period, two for no actionable conduct and two for no jurisdiction. A table reporting guardians with multiple grievances was reviewed. Eighteen grievances associated with a single CPG have been closed as that guardian's certification was not renewed. Another CPG with 10 grievances has agreed to voluntary surrender certification. A board member asked if the non-renewals by these CPGs were voluntary or were they guided in this direction. Staff answered that it was assumed that one CPG did not wish to comply with the sanctions agreed to by the CPG Board. It was also staff's opinion that the other individual was likely too ill to comply. While these grievances will now be closed, they would be reopened if either CPG were to apply for recertification in the future.

5. Updates

WINGS Update

WINGS has now been active for 18 months. Staff presented recommendations submitted by the WINGS Standards and Practice Committee and approved by the WINGS Steering Committee to simplify language and to use respectful language by adopting new terms.

The WINGS Steering Committee approved replacing "Title 11 Guardian ad Litem" with "Court Investigator", "alleged incapacitated person" with "respondent" and "incapacitated person" with "individual in a guardianship."

The WINGS Steering Committee also approved requesting support and collaboration to implement the use of Guardianship Patterns Forms. The Pattern Forms Committee has adopted 54 Guardianship Pattern Forms and additional forms have been requested. Spokane County currently utilizes 95 Guardianship Forms. WINGS has recommended making the Spoken forms available state-wide. The Chair of the Guardianship Pattern Forms Committee agreed to work with WINGS, and either Ms. Bondon or a designee will serve on that committee. Making these model forms available can be helpful in the education and training of guardians.

A board member asked whether AOC will be adopting electronic reporting as is used in Minnesota. Staff responded that while AOC is supportive, it decided not to pursue this at this time, because it has significant resources dedicated to implementing several court case management systems and lacked resources to devote to this effort.

The WINGS Steering Committee also approved submitting proposed guardian standards of practice to the CPG Board. The proposed standards were submitted to address the following:

1. **Question:** Is it appropriate for an attorney to represent the petitioner and the professional guardian ?

Proposed Standard:

Any certified professional guardian (CPG) nominated as guardian in a petition to establish a guardianship not filed by the nominated CPG shall only retain legal counsel in that guardianship who does not represent any other party in the guardianship past or present, unless a waiver is obtained by the attorney.

Proposed Standard:

A professional guardian who self-petitions to be guardian for someone must obtain a signed statement from the attorney general stating the reason the attorney general's office will not petition for guardianship; and, engage in an investigation that:

- (1) identifies alternative nominees and provides information as to why alternate nominees who are available are not suitable or able to serve;
- (2) provides a written request from the party requesting the guardianship, which identifies the basis for the request and the basis for the decision by that party not to petition;
- (3) provides documentation from third parties of the facts set out in the petition (such documentation can include statements from care providers, family members, friends, or others with knowledge of the circumstances of the incapacitated person);
- (4) provides documentation that the certified professional guardian has met with the alleged incapacitated person, the results of that meeting, and an opinion by the certified professional guardian of the capacity issues faced by the alleged incapacitated person; and
- (5) discloses to the court any relationship the certified professional guardian may have with a care facility and any practice the care facility may have involving the referral of residents to the certified professional guardian.

Alternative language proposed for the first paragraph in the proposed standard above:

“A professional guardian who self-petitions to be guardian for someone must obtain a signed statement from the attorney general stating the reason the attorney general's office will not petition for guardianship; **except in exigent circumstances**, and, engage in an investigation that.”

2. **Question:** May a guardian who is an attorney provide legal services to an individual in a guardianship?

Proposed Revision to Standard of Practice

406.5 A guardian who is an attorney may provide legal services to the incapacitated person only when doing so best meets the needs of the incapacitated person and is approved by the court following full disclosure of the conflict of interest. (Adopted 1-9-12)

406.5 (1) A guardian who is also an attorney shall only represent the guardian in their fiduciary capacity as guardian with respect to the administration of the guardianship for the person under guardianship. The guardian shall account to the court for the costs of its services as guardian and as attorney for the guardian separately.

406.5(2) A guardian for a person under guardianship or an attorney who is also the guardian shall not initiate legal action on behalf of the person under guardianship, or respond to legal action initiated against the person under guardianship, without the express approval of the court with local jurisdiction.

406.5(3) A guardian or an attorney who is a guardian shall not serve as attorney for the person under guardianship.

3. **Question:** Is it appropriate for a professional guardian to serve as a guardian in a case where he or she served as a Guardian ad litem?

Proposed Standard:

A Certified Professional Guardian shall not serve as a guardian and as a guardian ad litem in the same guardianship matter.

Judge Lawler asked the Standards of Practice Committee to review the proposed standards and report to the Board.

Legislation Proposed by Rep. Jinkins

Representative Jinkins has a workgroup focused on developing legislation to address concerns about guardians prohibiting contact between an individual in a guardianship and his or her family or friends. The proposed legislation would prohibit restricting contact without a court order.

Other Updates

The Board's Nominating Committee reviewed the attorney applications received by the Washington State Bar Association to fill the current vacant seat.

6. Proposed Policies, SOPs

Staff explained that most of the language of the draft proposed board bylaws was pulled from General Rule 23, Board Administrative Regulations, Disciplinary Regulation 500 and other board policies. Several unwritten policies were documented in the bylaws: (1) allowing the Department of Social and Health Services and the Washington State Bar Association to nominate representatives to the Board; (2) specific guidance regarding board duties; and (3) the official address of the Board should be AOC.

A board member asked if something should be specifically included about confidentiality. It was generally agreed by the Board that every board member should sign a confidentiality agreement annually. The proposed bylaws will be voted on by the board after the confidentiality section has been added.

7. Reconvene and Vote on Executive Session Discussion

The Board discussed disqualifying applicants based on their credit history. Commissioner Kiesel asked if it was known how many CPGs who have been sanctioned had questionable credit scores. Judge Lawler suggested that this should be the topic of a future agenda item.

Applications Committee

On behalf of the Applications Committee, Mr. Jaback presented the following applications for Board Approval. Members of the Application Committee abstained.

Motion: *A motion was made and seconded to deny Daniel Bayla's application for certification due to demonstrated poor financial responsibility. The motion passed.*

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

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

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

Certification Noncompliance

Staff advised the Board that notices of pending decertification were sent via certified mail to 12 CPGs who had not completed their annual recertification nor

paid the annual certification fee. These individuals were allowed a 10-day response time, which had passed.

Board action was requested on the following:

Motion: *A motion was made and seconded, dependent on correspondence that may have been received over the weekend, to decertify those CPGs previously noted to have not completed their annual recertification. The motion passed.*

Grievances

Motion: *A motion was made and seconded to approve extending a Letter Proposing Corrective Measures under DR 506.4 in CPGB Grievance 2015-012. The motion passed.*

Motion: *A motion was made and seconded to present an Agreement Regarding Discipline proposing a Letter of Reprimand in the matter of CPGB 2015-053 which would proceed to Complaint if the Guardian fails to agree, and to issue a Complaint regarding the same in the matter of CPGB 2012-034, 2013-006, 2015-036. The motion passed.*

8. Wrap Up/Adjourn

Judge Lawler adjourned the meeting at 12:25 p.m. The next meeting is scheduled via Teleconference at 8:00 a.m. on November 14, 2016.

Recap of Motions from October 17, 2016 Meeting

Motion Summary	Status
Motion: <i>A motion was made and seconded to approve the minutes of the September 12, 2016 meeting. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to deny Daniel Bayla’s application for certification. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to conditionally approve Nancy MacDonald’s application for certification. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to conditionally approve Lynn Paulsen’s application for certification. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to conditionally approve Kourtney Wytko’s application for certification. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to approve an agreement regarding discipline (ARD) in the matter of CPGB 2015-53 which would proceed to a Complaint if the CPG declines the ARD; and to proceed with a Complaint in CPGB 2012-034, 2013-006, and 2015-036. The motion passed.</i>	Passed

Motion: <i>A motion was made and seconded to approve extending a Letter Proposing Corrective Measures under DR 506.4 in CPGB Grievance 2015-012. The motion passed.</i>	<i>Passed</i>
Motion: <i>A motion was made and seconded, to decertify the 12 CPGs who have not completed annual recertification, dependent on correspondence that may have been received over the weekend. The motion passed.</i>	<i>Passed</i>

DRAFT

Good morning:

The mission of this board is:

Mission

The Certified Professional Guardianship Board develops, adopts and implements regulations governing certification, minimum standards of practice, training, and discipline of professional guardians, to protect the public and facilitate the delivery of competent and

ethical guardianship services.

Yet, from the August meeting minutes it says that there is one guardian who has 17 alleged complaints against him or her., and another has nine and another has 7. How are you protecting the vulnerable adults in your care from abuse when you can't even do your own job? In 2007, attorney Margaret Dore wrote a piece for the April 2007 WSBA newsletter where she wrote that maybe this board should be supervised by the Executive Dept. And the discipline of

guardians should be done by DOL? You are not protecting the elderly by not doing anything to this guardian who has 17 complaints. It's no wonder that state residents have no faith in our Judiciary. You aren't protecting the elderly – just the guardians.

How many doctors in this state are still practicing medicine with 17 complaints against them?

aren't filing complaints against guardians.

Thank you.

Claudia Donnelly

Reports

CERTIFIED PROFESSIONAL GUARDIAN GRIEVANCES

31-Oct-16

Grievances (Investigations)	2016	2015	2014	2013	Total
Open Needing Investigation September 30, 2016	44	30	27	2	103
Resolved w/o ARD or Hearing	4	1	3		8
Resolved w/ARD					
Resolved w Hearing					
Reopened Grievances					
New Grievances (opened since late report)	11				11
Open Needing Investigation October 31, 2016	51	29	24	2	106
Closed/Terminated	4	1	3		8

Year Received (Resolutions)	2016	2015	2014	2013	Total
Dismissal - Administrative					
Dismissal - No actionable conduct	1	1	2		4
Dismissal - No jurisdiction	2				2
Dismissal - Insufficient					
Admonishment					
Reprimand (Previously Investigated)					
Suspension					
Decertification					
Termination	1		1		2
Closed Since Last Report	4	1	3		8

Summary Current Activity	2016	2015	2014	2013	Total
Opened since last report	11				11
Closed w/o ARD/Hearing	4	1	3		8
Closed w ARD					
Closed w Hearing					0

Pending Grievances Involving Guardians with Multiple Grievances
October 31, 2016

CPG ID	Year Certified	Grievances	Year(s) Grievances Received	Status
A	2007	4	2014 (1), 2016 (3)	
B	2002	3	2014 (1), 2016 (2)	
C	2011	2	2015 (1), 2016 (1)	
D	2005	3	2014 (2), 2015 (1)	
E	2007	2	2014 (1), 2016 (1)	
F	2009	3	2015 (1), 2016 (2)	Gdn will either voluntarily surrender certification, or will be decertified. All grievances will be terminated.
G	2001	18	2013 (2), 2014 (7), 2015 (8), 2016 (1)	Gdn has been decertified. All grievances will be terminated.
H	2001	4	2012 (1), 2013 (1), 2015 (2)	
I	2014	2	2016 (2)	
J	2012	3	2016 (3)	
K	2004	2	2016 (2)	
L	2014	4	2015 (2), 2016 (2)	
M	2001	3	2014 (1), 2015 (1), 2016 (1)	
N	2011	2	2015 (1), 2016 (1)	
O	2003	2	2015 (2)	
P	2007	2	2014 (2)	Gdn has submitted a Notice of Intent to Voluntarily Surrender her certification. Surrender is pending.
Q	2003	3	2015 (1), 2016 (2)	
R	2001	2	2016 (2)	
S	2001	3	2016 (3)	
T	2011	2	2016 (2)	Gdn has submitted Intent to Voluntarily Surrender certification. Surrender is pending.
U	2001	6	2014 (1), 2015 (1), 2016 (4)	
V	2014	3	2015 (2), 2016 (1)	
W	2001	2	2014 (2)	
X	2014	2	2015 (1), 2016 (1)	

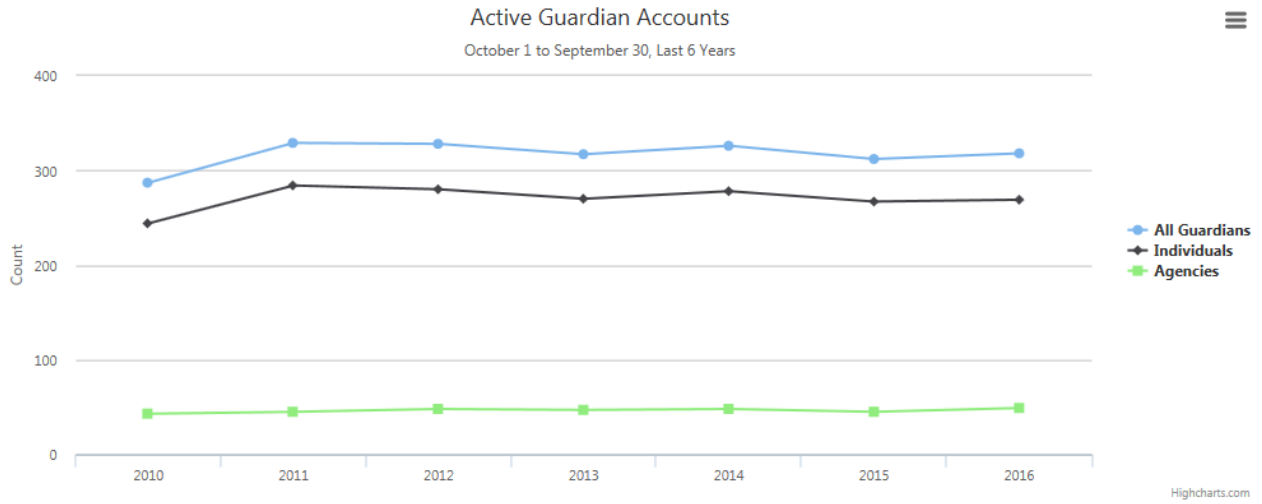
Total 82

Pending Grievances Involving Guardians with Multiple Grievances
October 31, 2016

	Year Certified	# of Guardians
Before UW Certificate Program 122	2001	7
	2002	1
	2003	2
	2004	1
	2005	1
	2006	
	2007	3
	2008	
	Total	15
UW Certificate Program 147	2009	1
	2010	
	2011	3
	2012	1
	2013	
	2014	4
	2015	
	2016	
	Total	9

Year	Grievance by Year
2012	1
2013	3
2014	18
2015	24
2016	36

Certified Professional Guardian Year to Year Grievance Comparison			
YEAR	TOTAL ⁱ CPGs	TOTAL GRIEVANCES OPENED ⁱⁱ	GRIEVANCE to CPG RATIO
2016	267	66 (to date)	1 to 4.04
2015	269	65	1 to 4.13
2014	278	61	1 to 4.55
2013	270	56	1 to 4.82
2012	280	49	1 to 5.71
2011	284	45	1 to 6.31
2010	244	33	1 to 7.39



ⁱ September 30

ⁱⁱ December 31

2011 – 2013 Biennial Comparison						
Profession	Total Number	Complaints Received	Grievance to Professional	Disciplinary Actions Imposed	Complaints Closed with Sanction	Complaints Closed with no Action
Prof. Guardians	284	94	1 to 3	21	22%	78%
Attorneys ⁱ	31, 126	4,246	1 to 7	145	3%	97%
LPN Nurses	13,060	814	1 to 16	133	16%	84%
RN	86,091	2871	1 to 30	386	13%	87%
Physicians	26,536	2751	1 to 10	238	9%	91%
Social Workers	100	10	1 to 10	1	10%	90%
Clinical Social Workers	3,578	153	1 to 23	12	8%	91%
Marriage and Family Therapist	1,286	52	1 to 24	6	12%	88%
Mental Health Counselor	5,515	235	1 to 4	26	11%	89%

Comparison data from DOH 2011- 2013 Uniform Disciplinary Act Biennial Report

<http://www.doh.wa.gov/Portals/1/Documents/2000/UDARreport2011-2013.pdf>

and

WSBA Annual Reports

<http://www.wsba.org/Licensing-and-Lawyer-Conduct/Discipline>

ⁱ 2014 – 2015 timeframe

Bylaws

Certified Professional Guardianship Board

BYLAWS

ARTICLE I: Certified Professional Guardianship Board (Board)

ARTICLE II: Purpose

January 25, 2000, the Supreme Court created the Certified Professional Guardianship Board (Board) with the adoption of General Rule (GR) 23. The Board was created to regulate professional guardians. According to GR 23, the Board's regulation shall include (1) processing applications for certification; (2) adopting and implementing policies or regulations setting forth minimum standards of practice for professional guardians; (3) adopting and implementing regulations establishing a professional guardian training program; and (4) adopting and implementing procedures to review any allegation that a professional guardian violated an applicable statute, fiduciary duty, standard of practice, rule, regulation or other requirement governing the conduct of professional guardians.

According to GR 23, regulation of professional guardians may include (1) adopting and implementing regulations governing the preparation and administration of certification examinations; (2) adopting and implementing regulations for continuing education; (3) investigating to determine whether an applicant for certification meets the certification requirements or to determine whether a professional guardian violated any statute, duty, standard of practice, rule, regulation or other requirement governing the conduct of professional guardians; and (4) adopting regulations pertaining to the orderly conduct of a hearing.

ARTICLE III: Governing Body

The Washington State Supreme Court will govern the activities of the Certified Professional Guardianship Board. The Supreme Court shall appoint 12 or more members to the Board.

ARTICLE IV: Membership

Section 1: Members

Members of the Certified Professional Guardianship Board shall include representatives from the following areas of expertise: professional guardians; attorneys; advocates for incapacitated persons; courts; state agencies; and those employed in medical, social,

health, financial, or other fields pertinent to guardianships. No more than one-third of the Board membership shall be practicing professional guardians.

Section 2: Terms of Appointment

The term for a member of the Board shall be three years. No member may serve more than three consecutive full three-year terms, not to exceed nine consecutive years, including any unfilled term. Terms shall be established such that one-third shall end each year. All terms of office begin October 1 or when a successor has been appointed, whichever occurs later, and end September 30.

Section 3: Vacancies

Any vacancy occurring in the terms of office of Board members shall be filled for the remaining time of an unexpired term.

Section 4: General Duties

Duty of Care:

A board member has the obligation to exercise reasonable care when he or she makes a decision for the Board. Reasonable care is what an "ordinarily prudent" person in a similar situation would do.

Duty of Loyalty:

A board member must never use information gained through his/her position for personal gain and must always act in the best interests of the Board and the public. Determining public interest in a particular situation can be complex, but on a practical level, a Board member's public duty can best be fulfilled by focusing on the Board's duty to protect the public by ensuring that guardianship services are provided by certified professional guardians in a competent and ethical manner.

Duty of Obedience:

A board member must be faithful to the Board's purpose. He or she cannot act in a way that is inconsistent with the Board's goals. The public trusts the board to make sure the Board abides by the rules, regulations, and laws governing its actions.

Duty of Confidentiality:

A board member shall respect and maintain the confidentiality of any and all information relating to discussions at board and committee meetings, including any and all materials, e.g. correspondence, reports, etc., unless compelled by legal process to disclose such information, or as otherwise agreed by the Board. While Board members are free to discuss actions adopted by the Board, disclosing or distributing any information concerning any confidential discussion of such items during the Board meeting is prohibited. Annually in October, each board member will sign a confidentiality agreement in which he or she acknowledges a duty of confidentiality.

Article V: Officers

Section 1: Chair and Vice Chair

Appointment: The Supreme Court shall appoint the Board Chair. By a majority vote, the Board shall elect a Vice Chair from its members.

Removal: The Board may petition the Supreme Court to remove a chair for failure to comply with any statute, duty, standard of practice, rule, regulation bylaw or other requirement governing his or her conduct.

Leave of Absence: Any Board member who is the subject of a disciplinary investigation by the Board may be asked to take a leave of absence from the Board. The Board Chair shall have the sole discretion to decide whether the Board member should take a leave of absence from the Board and when the Board member may return to the Board. A Board member may not continue to serve as a member of the Board if the Supreme Court has imposed a final disciplinary sanction on the Board member.

Section 2: Specific Duties of Chair and Vice Chair

The Chair shall set the agenda for and preside at all meetings of the Board, performing the duties usually incident to such office, and shall be the official spokesperson for the Board. The chair shall appoint the chairs of all committees. The vice chair shall perform the duties of the chair in the absence or incapacity of the Chair or at the Chair's request.

The Chair of the Board shall have the power to issue subpoenas and may make pre-hearing or other orders as are necessary for the orderly conduct of any hearing.

Article VI: Members

Section 1:

Appointment: The Board will solicit members and shall nominate all members with two exceptions, one member of the Board will be a representative of the Department of Social and Health Service (DSHS) nominated by DSHS; two members of the Board will be members of the Washington Bar Association (WSBA) nominated by WSBA. The Board shall review the qualifications of potential representatives from DSHS and WSBA and make a recommendation to DSHS and WSBA before a nomination is submitted to the Supreme Court. The Supreme Court shall appoint all board members.

Removal: The Board Chair may petition the Supreme Court to remove a board member, including the vice chair, for failure to comply with any statute, duty, standard of practice, rule, regulation bylaw or other requirement governing his or her conduct.

Section 2: Specific Duties of Members

Each member shall serve on one or more committees.

Article VII: Committees

Standing committees, as well as ad hoc committees and task forces of the Board, shall be established by majority vote. Each committee shall have such authority as the Board deems appropriate. The Chair will appoint the chair of all committees created by the Board. The terms of ad hoc and task force committee members will have terms as determined by their charge.

Article VIII: Meeting

The Board shall hold meetings as determined to be necessary by the chair.

Section 1: Regular Meeting

Regular meetings will be open to the public.

Section 2: Special Meeting

Executive session, review panel, or disciplinary meetings before the filing of a disciplinary complaint will be closed to the public.

Section 3: Quorum

A majority of the board is required for a quorum. A quorum must be present on the phone, online or in person for voting to occur. When a quorum is established, a motion will be approved by a majority of those present.

Section 4: Attendance

Board members are required to participate in a minimum of 80% [to be rounded down] of full Board meetings held during the calendar year. A board member may not have more than two unexcused absences during a calendar year and continue to serve on the Board. An absence resulting due to an emergency will be excused. Absences will also be considered excused if a board member informs the chair or AOC staff via phone or e-mail of his or her expected absence at least 24 hours before the meeting start time.

Section 5: Votes

Committee action will be taken by voting. Whenever a vote is not unanimous, the Chair may call for a show of hands. Members participating, in-person, online or on the phone may vote. No member will be allowed to cast a vote by proxy.

Article IX: Public Input

Section 1: Public Comment

Each regularly scheduled in-person meeting shall include a public comment period. The public comment period shall be the first item on the agenda after the chair's report. The comment period shall not exceed thirty minutes total and will be subject to the following general guidelines:

1. Speakers must sign in to speak and must list name and topic.

2. Only one speaker at a time.
3. Only the Chair may interrupt a speaker.
4. No personal attacks or accusations.
5. Comments will be limited to three minutes per speaker.
6. No repetition of comments from previous meetings.
7. Written comments may be submitted in lieu of, or in addition to public comments.

A written copy of public comments provided to AOC staff during or immediately following the meeting staff will be attached to meeting minutes.

Regulation 600, the procedure for adoption, amendment and repeal of regulation also provides an opportunity to provide written comments.

Section 2: Public Meeting

Annually, the Board holds a planning meeting to discuss emerging issues in guardianship practice and long-term projects. Before the planning meeting, the public is invited to a moderated discussion with the Board.

Section 3: Communication

To effectively and efficiently perform its regulatory mission, the Board uses a Communications Plan¹, adopted to facilitate the consideration of diverse perspectives in an environment that supports and respects differences and commitment to group initiatives.

Article X: Conflict of Interest²

To address conflicts of interest board members should:

- a) Fully disclose their relationships with any and all individuals and organizations when matters involving those entities come before the board;
- b) Avoid participating in quasi-legislative matters involving their own specific, substantial, and readily identifiable financial interests, except where the financial interest is shared equally by other Board members;

¹ For additional guidance regarding the Communications Plan see <http://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.cpg&content=rules>

² For additional guidance review the memo dated August 1, 2014, RE: Conflicts Review/Recusal Process <http://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.cpg&content=rules>

- c) Not participate in rulemaking when the organization in which they have a personal interest is the petitioner for the rule in question; and
- d) Not participate in grievances and complaints or other quasi-judicial proceedings involving individuals and organizations with which they are personally interested or where their impartiality might reasonably be questioned as a result of their association with those entities.

Article XI: Amendments and Repeal of Bylaws

Bylaws may be amended or modified by majority vote at any regular meeting of the Board.

Article XII: Board Member Expenses

Board members shall not be compensated for their services. Consistent with the Office of Financial Management rules, Board members may be reimbursed for actual and necessary expenses incurred in the performance of their duties.

Article XIII: Address of the Board

Administrative Office of the Courts
ATTN: Certified Professional Guardianship Board
PO Box 41170
Olympia, WA 98504

Confidentiality Agreement for Members of the Certified Professional Guardianship Board (Board)

As a member of the Certified Professional Guardianship Board, I understand that I may participate in confidential discussions and have access to confidential information and records in files and databases such as application files and disciplinary records. By signing this statement, I affirm my understanding of my responsibilities to maintain confidentiality and agree to the following:

1. I understand that the application files and disciplinary records may contain confidential, as well as public, information.
2. I understand that I may access, read or handle confidential information to the extent required in, and for the purpose of, performing my assigned duties as a member of the Certified Professional Guardianship Board.
3. I agree not to divulge, publish, or otherwise make known to unauthorized persons or to the public any confidential information obtained from in the course of my term as a Board member.
 - a. I may divulge confidential information to board members, AOC staff, Board counsel, Board disciplinary counsel and hearing officers as necessary to perform my board member duties.
 - b. I may divulge confidential information to others only if specifically authorized to do so by statute, court rule, or court order.
 - c. Maintaining confidentiality includes not discussing confidential information outside of board general, executive and committee meetings.
 - d. After I am no longer a member of the Board I may not divulge confidential information obtained during the course of my service on the Board.
4. I agree to consult the Board chair or staff of the Administrative Office of the Courts on any questions I may have concerning whether particular information may be disclosed.
5. I understand that a breach of confidentiality may be grounds for disciplinary or action, and may include termination of my service on the Board.

**Confidentiality Agreement for
Members of the Certified
Professional Guardianship Board**

6. I agree to notify the Board chair immediately should I become aware of an actual breach of confidentiality or a situation which could potentially result in a breach, whether this be on my part or on the part of another person.

Signature

Date

Print Name