

Meeting Minutes



Certified Professional Guardianship Board

Monday, January 8, 2018
SeaTac Office Center – So. Tower
18000 International Blvd, Ste 1106
SeaTac, WA 98188
9:00 a.m. – 10:30 a.m.

DRAFT Meeting Minutes

Members Present

Judge James Lawler, Chair
Commissioner Rachelle Anderson
Dr. Barbara Cochrane
Mr. Jerald Fireman
Judge Gayle Harthcock
Mr. William Jaback
Dr. K. Penney Sanders
Ms. Barbara West

Members Absent

Ms. Rosslyn Bethmann
Ms. Annette Cook
Ms. Victoria Kesala
Commissioner Diana Kiesel
Ms. Amanda Witthauer

UW Continuum College:

Ms. Leesa Arthur
Ms. Lexie Lamborn
Mr. David Lord
Ms. Kate Lorenzen
Ms. Mary Schweikl

Staff

Mr. Ramsey Radwan, Director, AOC
Ms. Kathy Bowman
Ms. Carla Montejo
Ms. Kim Rood

Guests: see last page

1. Meeting Called to Order

With a quorum of members present, Judge James Lawler called the January 8, 2018 Certified Professional Guardianship Board meeting to order at 9:13 a.m.

2. Chair's Report

Judge Lawler asked for a motion to approve the November 13, 2017 CPG Board meeting minutes. Dr. Cochrane requested rewording a sentence regarding the end-of-course evaluations administered by the UW Continuum College. Mr. Fireman brought the misspelling of his name to the attention of staff. A motion was made and seconded to approve the November CPG Board meeting minutes as corrected. All present were in favor. The motion passed.

Motion: *A motion was made and seconded to approve the November 13, 2017 CPG Board meeting minutes as corrected. The motion passed.*

Mr. Ramsey Radwan, AOC Director of Management Services, reported that candidates with strong skills have been interviewed and it is anticipated the new Office of Guardianship and Elder Services Manager will be selected and hired near the end of January. Judge Lawler asked if there had been any decisions made about hiring additional guardian complaint investigators. Mr. Radwan replied that it may be possible to fund a part time or short term (1 year) position in approximately 18 months.

3. Public Comment Period

Public comments were received from Ms. Claudia Donnelly, please see written comments attached.

4. Grievance Update

Staff reported the past month's work on grievances. An Agreement Regarding Discipline (ARD) was drafted for a guardian with multiple grievances. The guardian has retained counsel and requested more time to decide whether or not to accept the ARD. The SOPC has prepared a Complaint as the next and final step in this guardian's case if the ARD is not accepted. It was also reported that another two guardians with multiple grievances have nearly completed the process of Voluntary Surrender of Certification. Commissioner Anderson repeated the Board's need for another Guardian Grievance Investigator on staff.

A question was asked if staff has identified patterns of complaints that could be addressed with WAPG and/or the UW, especially if those complaints concern guardians who have been recently certified. The annual Guardianship Report includes that information and reporting for 2017 will be compiled prior to the April 2018 Annual Planning meeting.

Methods for reducing the number of guardian grievances were explored. The idea of a mentorship program for new graduates of the UW CPG program was discussed. It was suggested an audit be done on the caseloads of those guardians with multiple complaints.

5. Request to Make Regulation 500 Effective March 1, 2018

Motion: *A motion was made and seconded to make updated Regulation 500 effective as of March 1, 2018. All were in favor. The motion passed.*

6. Annual Planning Meeting Topics

Judge Lawler asked the Board for planning meeting topics for discussion in April. A general recap of the Board's function and its role from both public policy and standards of practice perspectives should be included.

7. Executive Session (Closed to Public)

8. Reconvene and Vote on Executive Session Discussion (Open to Public)

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

Motion: *A motion was made and seconded to approve Connie Allison's application for certification. The motion passed.*

Motion: *A motion was made and seconded to conditionally approve David Swissa's application for certification upon completion of the UW Guardianship Certificate Program. The motion passed.*

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

The following Certified Professional Guardians were presented to the Board for Administrative Decertification for failure to comply with recertification requirements. Members of the Standards of Practice Committee abstained.

Motion: *A motion was made and seconded for the administrative decertification of Barbara Sturdevant. The motion passed.*

Motion: *A motion was made and seconded for the administrative decertification of Wayne Houston. The motion passed.*

9. Other Business

The Board will need to replace two Judicial Officers this year. Judge Harthcock must resign due to other commitments and Judge Lawler finishes his term in September. Dr. Cochrane announced she will step down after June 2018.

Mr. Jaback suggested that it might be appropriate to invite WAPG to the April Planning Committee. He asked the Board for advice on initiating that dialog. Judge Lawler agreed to send WAPG a letter, which will be drafted by Dr. Sanders and Mr. Jaback.

10. Adjourn

The meeting was adjourned at 12:00 pm. The next meeting of the Certified Professional Guardianship Board will take place by Teleconference on Monday, March 12, 2018. There will be no meeting of the Board in February.

Recap of Motions from January 8, 2018 Meeting

Motion Summary	Status
Motion: <i>A motion was made and seconded to approve the November 13, 2017 CPG Board meeting minutes as corrected. Motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to make updated Regulation 500 effective as of March 1, 2018. Motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to approve Connie Allison’s application for certification. Motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to conditionally approve David Swissa’s application for certification upon completion of the UW Guardianship Certificate Program. Motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to approve Stewart Wallin’s application for certification. Motion passed.</i>	Passed
Motion: <i>A motion was made and seconded for the administrative decertification of Barbara Sturdevant. Motion passed.</i>	Passed
Motion: <i>A motion was made and seconded for the administrative decertification of Wayne Houston. Motion passed.</i>	Passed

Good morning.

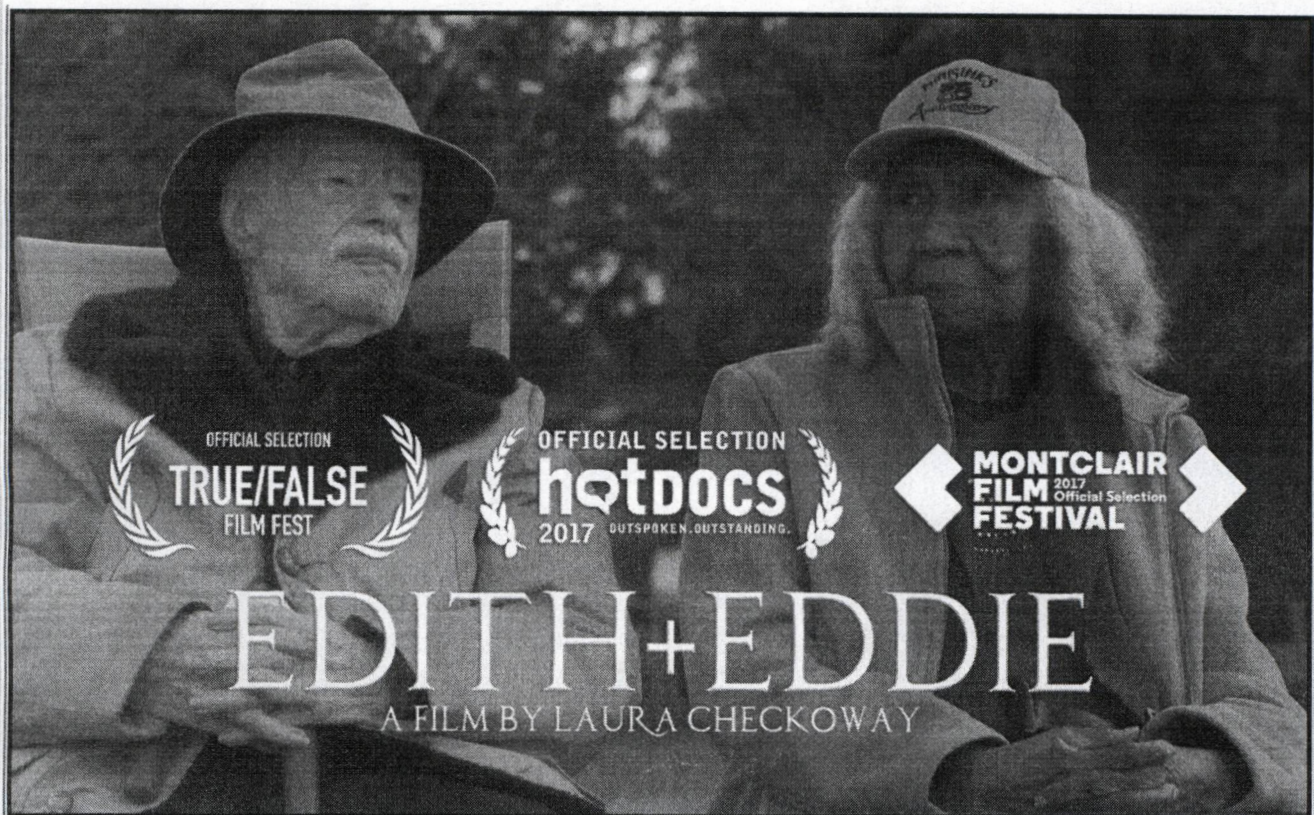
Most of you know how I feel about professional guardians – I would like to tell you about a documentary produced by a Mercer Island resident who doesn't know where his dad is buried because of a bad situation. He is in line to possibly receive an Oscar for a documentary he helped produce titled: "Edith and Eddie" a sweet and tender portrayal of elderly interracial love ^{that} transforms in a damning cry against institutionalized elder abuse."

There is ^{also} a second documentary being finalized called "Pursuit of Justice" about how WA seniors aren't being allowed their ADA rights. I saw the preview of the documentary in December. It will be released sometime in 2018. The person behind this documentary is Tom Coleman – from LA and it deals with abusive action by guardians in CA and WA and how our seniors ^{are} being denied their ADA rights. In fact, our State Supreme Court received some documents from him and I haven't seen any action taken by them to fix the problem. You told me that you care about how the elderly are treated.. 2018 should be an interesting year.

Have a good day.

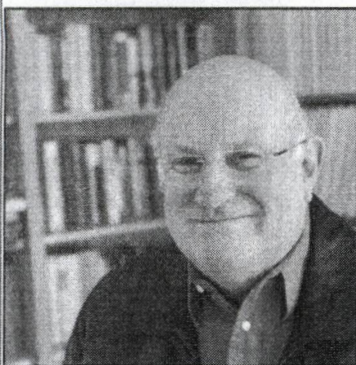
Thank you.

Last, but not least, there is a new person in town. There is a new U.S. Attorney ^{for} Elder Abuse in Seattle. Maybe she can get us some help?



A new documentary film – *Edith and Eddie* – provides yet another example of what the film’s executive producer calls a “broken and predatory” guardianship system. As it chronicles the love story of an interracial couple in their nineties, the film also provides a dramatic example of how state guardianship proceedings can be easily abused. See review at:

<http://www.columbiatribune.com/691b9492-fc3d-11e6-8c72-5b9f448a87e3.html>



Tom Wright, an advisor to the Disability and Guardianship Project, was one of the producers who worked on the film. He and lead producer Laura Checkoway will be in Washington D.C. on June 12-14 to participate in a project sponsored by the American Film Institute. Dr. Nora Baladerian and I hope to spend some time with Tom on the evening of June 11 while we are in DC with a group of Spectrum Institute supporters and advisors. Our team’s activities in DC are intended to advance our guardianship reform agenda and to promote the need for additional federal protections focused on the abuse of seniors and people with disabilities.

In collaboration with NBC Universal, AFI has chosen the producers of *Edith and Eddie* to participate in an “Impact Lab.” The Lab is described as follows: “This two-day intensive program is designed for filmmakers with issue-driven films who aim to create broader social and political change through the power of story and film. The Lab provides a select group of AFI DOCS filmmakers with unique training opportunities in the areas of advocacy, grassroots communications and grassroots engagement. In addition to exclusive training with some of Washington’s most sought-after tacticians, Lab participants are connected with policymakers and Congressional aides working on legislation relevant to their films.” https://www.afi.com/afidocs/impact_lab.aspx

Guests present:
Ms. Claudia Donnelly
Ms. Elaine Morgan

DRAFT

Letter to Washington Association of Professional Guardians (WAPG)

Certified Professional Guardianship Board

ADMINISTRATIVE OFFICE OF THE COURTS

Callie T. Dietz
State Court Administrator

January 9, 2018

Mr. Gary Beagle, President
Washington Association of Professional Guardians
5727 Baker Way NW, Suite 200
Gig Harbor, WA 98332

RE: CPG Board Annual Planning Meeting

Dear Mr. Beagle:

As chair of the Washington State Certified Professional Guardianship (CPGB) Board, I would like to officially extend an invitation to the Washington Association of Professional Guardian (WAPG) Board, or Executive Committee, to attend the Annual Planning Meeting.

The meeting is scheduled for April 23, 2018 at 9:00, to occur at the Administrative Office of the Courts (AOC) in SeaTac. A detailed agenda for this meeting, with specific location will be provided to all CPG's in advance of this meeting.

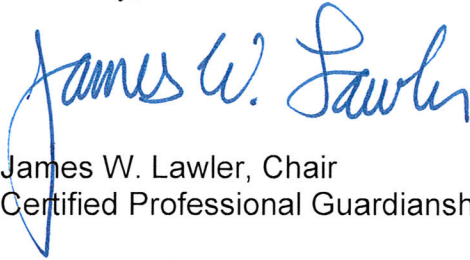
The purpose for this invitation is three-fold:

1. The Board would like to engage in a dialog with WAPG on what it perceives to be the most significant public-policy challenges confronting the practice of professional guardianship in Washington State.
2. As you are aware, the Board is confronted with a backlog of outstanding grievances and a growing number of new grievances. The Board is working with AOC to address staffing needs to support the Board to resolve this backlog of grievances and stay current with new grievances. In the meanwhile, the Board would like to explore other options to address this backlog. The board is interested in WAPG's input and we are open to all suggestions that could help with this problem.
3. The Board has determined that a significant number of grievances it receives are the result of either a lack of business planning by new CPG's or general problems with case administration by new CPG's. The Board believes that it would be helpful if a mentoring program for CPG's could be put in place to support recent graduates from the UW Certificate Program, and that WAPG could be well-suited to provide this sort of mentoring. The Board has explored options to support CPG's who provide and receive mentoring, including: offering CEU credits, and making a note in the CPG's

file that any mentoring provided or received could mitigate any violation of the Standards of Practice if a violation occurs. The Board is interested in actively exploring this idea with WAPG as well, to gauge WAPG's interest.

Thank you very much in advance for your consideration of this invitation. It would be very helpful if you would confirm WAPG's willingness to participate in the Annual Planning Meeting by February 28th, so we can add this to the agenda.

Sincerely,



James W. Lawler, Chair
Certified Professional Guardianship Board

Grievance Status Update

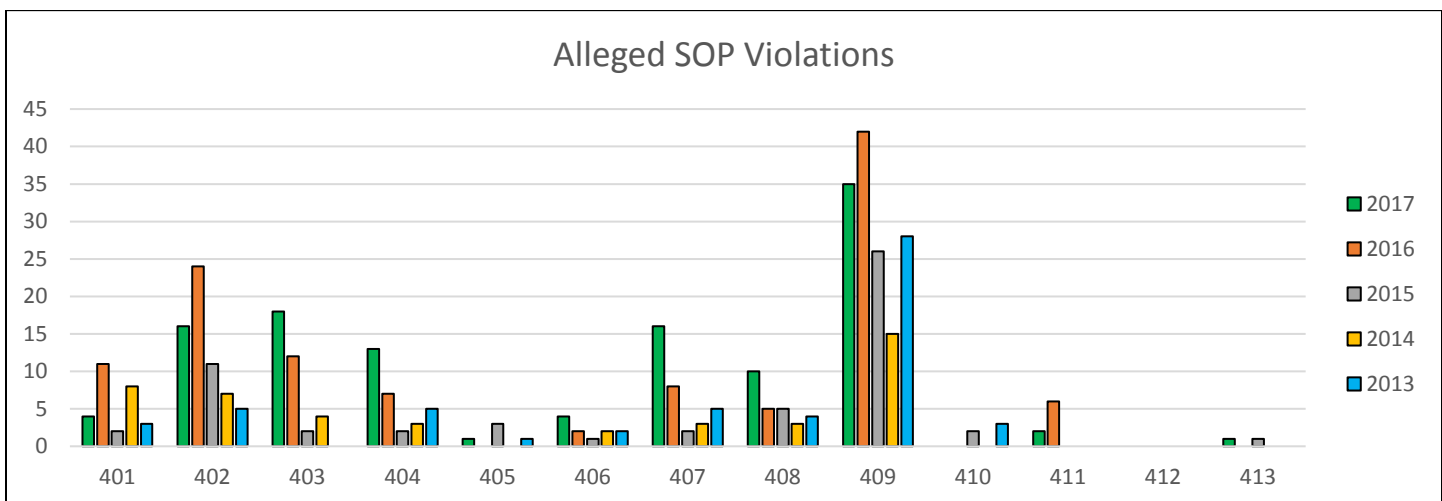
Certified Professional Guardians Grievance Status

January 1 – February 28, 2018

Grievance Status by Year Received	2018	2017	2016	2015	2014	2013	Total
Open Grievances as of December 31, 2017		65	45	16	9	3	138
New Grievances:	18						18
Voluntary Surrender Pending:		3	1		1		5
ARD Pending:		1	3				4
Complaint/Hearing Pending:		1		2		1	4
Grievances Resolved [this reporting period]:	[5]	[3]	[3]	[1]		[1]	[13]
Open Grievances as of February 28, 2018	13	62	42	15	9	2	143

Grievance Resolutions	2018	2017	2016	2015	2014	2013	Total
Dismissal – No Jurisdiction	5						5
Dismissal – No Actionable Conduct/Insufficient			2	1			3
Dismissal – Administrative							
Voluntary Surrender		2	1			1	4
Admonishment/Reprimand							
Suspension							
Administrative Decertification		1					1
Decertification							
Total Resolved Grievances YTD February 28, 2018:	5	3	3	1		1	13

Grievance Resolutions to Date 2013 – 2017:	2017	2016	2015	2014	2013	Total
Dismissal – No Jurisdiction	28	20	13	17	13	91
Dismissal – No Actionable Conduct/Insufficient	4	21	16	12	22	75
Dismissal – Administrative				2	1	3
ARD – No Sanction					1	1
Voluntary Surrender	2	12	2	10	10	36
Admonishment/Reprimand		1	2		1	4
Suspension						
Administrative Decertification	1	10	5	11	3	30
Decertification					3	3
Total Resolved Grievances 2013 - 2017:	35	64	38	52	54	243



400 Standards of Practice Regulations

- 401 Guardian’s Duty to Court
- 402 Guardian’s Relationship to Family and Friends of Incapacitated Person and to Other Professionals
- 403 Self-Determination of Incapacitated Person
- 404 Contact with the Incapacitated Person
- 405 General Decision Standards
- 406 Conflicts of Interest
- 407 Residential Decisions
- 408 Medical Decisions
- 409 Financial Management
- 410 Guardian Fees and Expenses
- 411 Changes of Circumstances/Limitation/Termination
- 412 Sale or Purchase of Guardianship Practice
- 413 Responsibilities of Certified Public Guardian Agencies

CPG ID	Year Certified	Open Cases	Year(s) Grievances Received	Status
A	2001	9	2015 (1) 2016 (7), 2017 (1)	ASSIGNED TO INVESTIGATOR
B	2014	8	2015 (1), 2016 (1) 2017 (3), 2018 (3)	
C	2015	7	2016 (3), 2017 (4)	
D	2010	7	2016 (3), 2017 (3), 2018 (1)	INVESTIGATION COMPLETE*
E	2005	6	2014 (2), 2015 (1), 2016 (1), 2017 (1), 2018 (1)	
F	2012	6	2016 (2), 2017 (4)	
G	2011	5	2014 (1), 2016 (3), 2017 (1)	ASSIGNED TO INVESTIGATOR
H	2007	5	2015 (1), 2016 (2), 2017 (2)	
I	2004	5	2015 (1), 2016 (1), 2017 (2), 2018 (1)	
J	2011	5	2015 (1), 2016 (1), 2017 (3)	ASSIGNED TO INVESTIGATOR
K	2001	4	2014 (1), 2016 (1), 2017 (2)	VOL. SURRENDER PENDING
L	2002	4	2014 (1), 2016 (1), 2017 (2)	
M	2015	3	2016 (1), 2017 (2)	
N	2010	3	2016 (1), 2017 (2)	
O	2003	3	2015 (1), 2016 (2)	
P	2010	3	2014 (1), 2015 (1), 2017 (1)	
Q	2001	3	2014 (1), 2015 (1), 2016 (1)	
R	2001	3	2016 (2), 2017 (1)	
S	2010	3	2015 (1), 2016 (1), 2017 (1)	
T	2014	2	2017 (2)	
U	2010	2	2017 (1), 2018 (1)	
V	2015	2	2016 (1), 2018 (1)	
W	2003	2	2015 (2)	
X	2011	2	2016 (1), 2017 (1)	
Y	2003	2	2016 (2)	
Z	2014	2	2016 (1), 2017 (1)	
AA	2007	2	2016 (2)	
AB	2001	2	2016 (1), 2018 (1)	

Total

Of a total 143 open grievances, 110 concern 28 Agencies/CPGs with 2 or more grievances.

	Year Certified	# of Guardians
Before UW Certificate Program 122	2001	6
	2002	1
	2003	3
	2004	1
	2005	1
	2006	
	2007	2
	2008	
	Total	14
UW Certificate Program 147		
	2009	
	2010	5
	2011	5
	2012	1
	2013	1
	2014	6
	2015	3
	2016	
	Total	22

Year	Grievance by Year
2014	7
2015	13
2016	44
2017	37
2018	9