

Meeting Minutes



Certified Professional Guardianship Board

Monday, June 11, 2018
SeaTac Office Center – So. Tower
18000 International Blvd, Suite 1106
SeaTac, WA 98188
9:00 a.m. – 2:00 p.m.

DRAFT Meeting Minutes

Members Present

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

Staff

Mr. Ramsey Radwan, Director, AOC
Ms. Stacey Johnson
Ms. Kathy Bowman
Ms. Jennifer Holderman
Ms. Carla Montejo
Ms. Kim Rood
Ms. Eileen Schock

Guests: see last page

Members Absent

Ms. Rosslyn Bethmann
Dr. Barbara Cochran
Mr. Jerald Fireman

1. Meeting Called to Order

Certified Professional Guardianship Board Chair Judge James Lawler called the June 11, 2018 meeting to order at 9:05 a.m.

2. Chair's Report

a. Approval of Minutes

Motion: A motion was made and seconded to approve the May 14, 2018 minutes as written. The motion passed.

b. Board Membership and Committees

Judge Lawler announced the Supreme Court has appointed Commissioner Rachel Anderson as new Chair of the Board effective October 2018. Judge Lawler's term with the Board ends September 2018.

Staff reported that Board member Annette Cook, representing the Department of Social and Health Service (DSHS), stepped down effective June 1. DSHS has nominated Rita Forster as Ms. Cook's replacement on the Board. Also reported, it is still unknown when Board member Jerry Fireman will be able to return to the Board.

New Standing Committee assignments were announced as follows:

- Barbara West has agreed to serve on the Standards of Practice Committee (SOPC). At the time current SOPC Chair Commissioner Anderson assumes the role of CPG Board Chair, Barbara West will serve as SOPC Chair.
- Victoria Kesala has agreed to serve as Chair of the Application/Certification Committee;
- Rita Forster (August, 2018) and Judge Grant Blinn (October, 2018) have been asked to serve on the SOP Committee.

c. Biennial Budget Update

Judge Lawler asked Ramsey Radwan, AOC Director of Management Services, to update the Board regarding the budget. Mr. Radwan mentioned that current budget work is for the next biennium, beginning July 2019. The Board was provided a link to the Draft 2019-2021 Judicial Branch Budget Request. Presentations have been made to the Supreme Court budget committee and funding recommendations will be brought to the Supreme Court in October. Funding for the Office of Public Guardianship is supported by the Supreme Court and AOC, but must also get legislative support. Mr. Radwan invited letters to legislators be written through him.

3. Public Comment

Karen Newland, representing Puget Sound Guardians and Washington Association of Professional Guardians (WAPG), presented CPG feedback that was collected by WAPG's spring conference questionnaire, and a letter to the CPG Board from WAPG President Gary Beagle, announcing WAPG has approved the establishment of an advisory board for the purpose of providing input to the CPG Board and AOC staff.

4. Memo regarding Washington Association of Professional Guardians (WAPG)

Concerns and recommendations previously presented by Mr. Gary Beagle, President of Washington Association of Professional Guardians, were addressed by staff. One concern identified by WAPG is the apparent lack of CPGs who are willing to serve for indigent or low income persons. Staff answered that when a request for guardian is received by this office all CPG's are notified by inclusion in an email listserv. Of the approximately 83 requests sent through the listserv during the past year, only 14 requestors reported being unable to locate a guardian. For those unable to locate a guardian, contributing factors were identified as locations in areas of the state with few or no CPGs, many CPGs are already at maximum caseloads, and the maximum number of cases a Public Guardian is allowed is limited to 20.

Another concern raised by WAPG is CPG's frustration with the grievance process, and the time it takes for Guardian Grievance Investigators to complete grievance investigations. It was acknowledged the frustration is understandable, but this Board does not have the authority to give oversight to another agency. The establishment of an advisory board at WAPG is seen as a great opportunity to increase understanding between CPGs and the CPG Board.

5. Dispute Resolution Contract

Staff reported that the mediation agreement with the Dispute Resolution Center has been renewed. The mediation process is not intended to be considered disciplinary, but rather for use when appropriate to resolve a grievance. Staff will work on retooling the message in order to clear up any misunderstandings by CPGs. The renewed contract is for up to 12 mediations during the contract year. During the past contract year, one mediation was accepted which did resolve the complaint.

6. Education Committee

Bill Jaback advised the Board that the Education Committee has agreed to begin meeting monthly in order to work on issues that have been raised by UW Continuum College and others.

Following a status meeting with the UW Advisory Committee and Kate Lorenzen, it was announced long time instructor Leesa Arthur is resigning her position at the end of the current training session. The UW has posted the open position. Applicants should have a minimum of five years as a practicing Certified Professional Guardian, or be recently retired from the profession. The position is part-time and pays \$3,500 per quarter. Mr. Jaback mentioned he knows of certain CPGs who may be interested.

Direct feedback continues to be difficult to collect from UW Continuum College students. It is apparent not all graduates are moving into active practice after completion of the course. A question is why some students drop out midway through the course. A possible reason suggested was the UW has increased its emphasis on the business aspect of the work at the beginning of the course, providing a realistic view of what is required of a CPG. This may not be the professional outlook and/or outcome expected by the student.

The Education Committee is acting proactively in its evaluation of the current program and its goal is to reduce barriers to certifying more CPGs. A question was asked about what could be done to expand training to reach other parts of the state. Even if the program were able to expand, the contract the CPG Board has with UW is exclusive and no other agency can be given authority to provide the Certification Program. Marketing could be focused on bringing more CPGs to the program, however, UW has limited capacity of 35-40 students per session. There are two years remaining on the current contract with UW Continuum College. This is a solid program, but other interested provider proposals have been received and the Education Committee has agreed to review proposals as like-to-like as far as standards, thresholds for success and access to students statewide. The Committee's position is that this must be very carefully evaluated, and if moving to another certification program is seriously considered, a request for proposals should go out.

Other questions regarding the certification program were regarding the time commitment, the cost of the program, and determining whether the program is too vigorous, or not vigorous enough. The initial two-day training has grown to what some consider an inaccessible eight-month commitment. It does not appear that the Certification Program has reduced the number of grievances. Mr. Radwan asked who made the decision to increase the program, the Board or UW? Dr. Sanders responded that rather than looking at the program, the UW simply added on to address requests from the Board. Another board member suggested there be an alternative to the education component, and perhaps real experience could be transferrable.

Jennifer Holderman, Training Coordinator, has been tasked by the recent passage of HB 1402 with designing a training program around Title 11 guardians and substitute decision makers, their duties and responsibilities, and remedial measures. The first webinar has already been presented to the legal community, attorneys and guardian monitoring programs. The next training module will address Powers of Attorney and will help define when it may be appropriate to isolate. The webinar trainings will be made available to CPGs, initially for General credit. January 2019 will be the beginning of the next reporting period for continuing education credit and the training could potentially be approved as a topic for Emerging Issue credit.

Karen Newland remarked that WAPG hosts two conferences annually and Ms. Holderman was invited to present at their next conference. Dr. Sanders also mentioned the need to begin thinking about working with Tribal Courts.

7. Grievance Status Report

Staff reported 11 new grievances were received and five grievances were closed in the month of May. Three of the new grievances did not involve a CPG and were immediately dismissed for no jurisdiction. Two grievances were brought to the Standards of Practice Committee and were dismissed for no actionable conduct.

Of the 153 currently unresolved grievances, 13 cases are pending:

- Five grievances are anticipated for closure when the CPG completes a Voluntary Surrender in lieu of discipline.
- An Agreement Regarding Discipline is likely to resolve four (potentially seven) grievances.
- A Hearing held this month is expected to resolve four grievances.

8. Break for Working Lunch

9. Executive Session (Closed to Public)

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

Applications:

On behalf of the Applications Committee, Barbara West presented the following applications for Certified Professional Guardian Certification. Members of the Applications Committee abstained.

Motion: *A motion was made and seconded to approve Nadifa Dahir's application for certification, with transferrable skills in Social Services. The motion passed.*

Motion: *A motion was made and seconded to conditionally approve Erin Stevens' application for certification, with transferrable skills in Social Services, upon completion of the UW Certification Program. Victoria Kesala abstained. The motion passed.*

10. Wrap Up and Adjourn

Board members were reminded this was the last in-person meeting to be attended by Judge Gayle Harthcock and Judge James Lawler. There will be no Board meeting held in July. The next CPG Board meeting will be held via Teleconference on Monday, August 13. With no other business to discuss, the meeting was adjourned at 12:25 pm.

Recap of Motions from June 11, 2018

Motion Summary	Status
Motion: <i>A motion was made and seconded to approve the May 14, 2018 minutes as written.</i>	Passed
Motion: <i>A motion was made and seconded to approve Nadifa Dahir's application for certification, with transferrable skills in Social Services.</i>	Passed
Motion: <i>A motion was made and seconded to conditionally approve Erin Stevens' application for certification, with transferrable skills in Social Services, upon completion of the UW Certification Program. Victoria Kesala abstained.</i>	Passed

Guests:

Karen Newland

James Michel

DRAFT

Jerry Fireman Update

Certified Professional Guardianship Board

ADMINISTRATIVE OFFICE OF THE COURTS

Callie T. Dietz
State Court Administrator

August 2, 2018

To: Certified Professional Guardianship Board
From: Stacey Johnson per procuracionem Jerry Fireman
Subject: Resignation from the CPG Board

Dear CPG Board,

I regret to inform the CPG Board that Mr. Fireman has made the decision to resign from the Board. This difficult decision was made to allow Mr. Fireman to take time focus on his health and recovery. It has been determined that Mr. Fireman's recovery will be lengthy and the severity of his condition significantly restricts his ability to participate in the Board's activities. Mr. Fireman was grateful for the experience to serve on the CPG Board. He sends his well wishes regarding the Boards future endeavors. Mr. Fireman has graciously agreed to nominate a successor to serve in his place.

Jerry is recommending Susan Starrfield. Jerry has known and worked with Susan for over 20 years. Susan took over as the Supervisor of Snohomish County Long-term Care and Aging after Jerry retired from that position. Jerry believes that Susan would be a good addition to the board.

This letter has been delivered with the consent and review of Mr. Jerry Fireman and his wife Lynda Fireman.

Respectfully,



Stacey Johnson
Manager, Office of Guardianship and Elder Service

Committee Member Update

Regulation Clarification

From: [Rood, Kim](#)
To: "CERTIFIEDGUARDIANS@LISTSERV.COURTS.WA.GOV"
Bcc: [Montejo, Carla](#); [Schock, Eileen](#)
Subject: Appointment of Standby Guardians
Date: Thursday, July 05, 2018 11:12:16 AM

This message is being sent to you by Carla Montejo and Eileen Schock, Senior Policy Analysts for the Certified Professional Guardianship Board.

Board staff has noticed that some agencies are appointing one of their designated guardians as Standby Guardian for the purposes of RCW 11.88.125.

- (1) Any individual or professional guardian appointed by the court as either guardian appointed by the court as either guardian or limited guardian of the person and/or estate of an incapacitated person shall file in writing with the court, within ninety days from the date of appointment, a notice designating a standby guardian or standby limited guardian to serve as guardian or limited guardian at the death, legal incapacity, or planned absence of the court-appointed guardian or limited guardian.

The powers of the agency reside in the designated guardians. 702.2 Certified Maintenance Regulations "Designated CPG means the certified professional guardians within an agency who have the final decision-making authority for incapacitated persons or their estate on behalf of the agency." 706.1 Pursuant to General Rule of Court (GR) 23, a certified agency must have at least two individual certified professional guardians designated as having final decision-making authority for incapacitated persons or their estates (designated guardians.) Therefore, the designated guardians are the agents for the agency. If an "agency" were to be rendered unable to serve by death, legal incapacity, or planned absence, it would necessarily be the designated guardians who would be unable to serve due to these disqualifying conditions.

It would not appear to be effective, or serve the intent of the statute, for an agency to appoint one of its designated guardians to serve as the Standby Guardian. Instead, the agency must appoint a Certified Professional Guardian who does not serve the agency as a designated guardian to serve for the agency in the emergency situation identified by RCW 11.88.125.

Kim Rood | Program Assistant | Office of Guardianship and Elder Services
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Fax (360) 956-5700 http://www.courts.wa.gov/Mgmt_Services_Division

Grievance Status Report

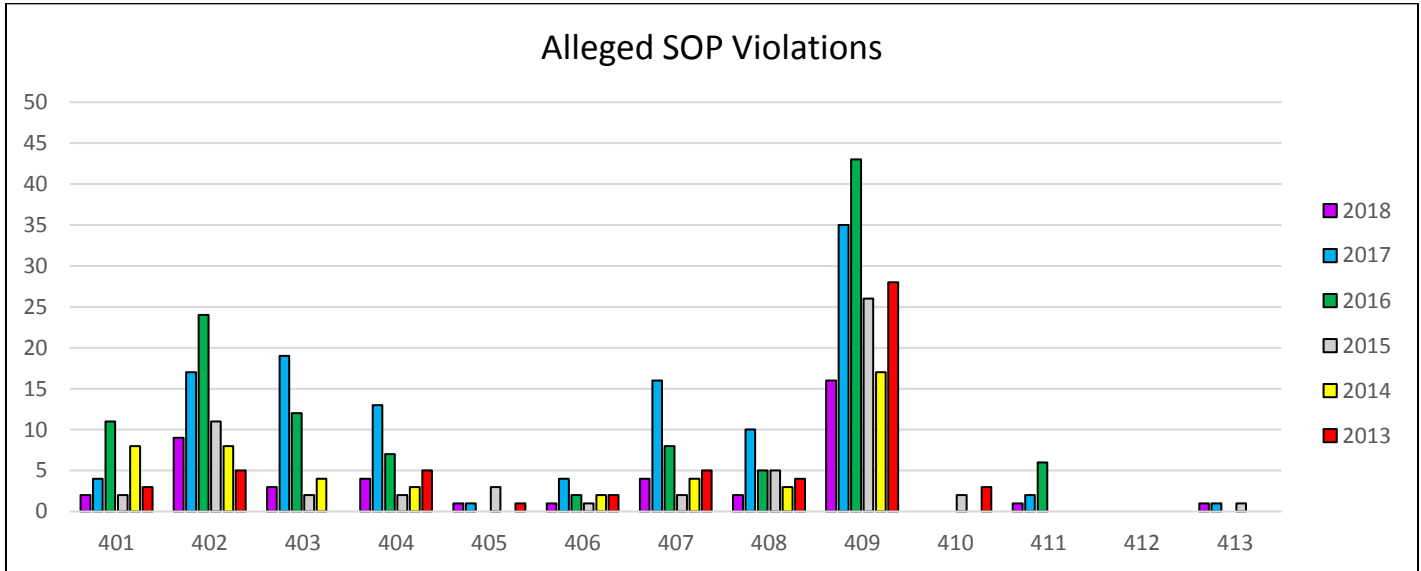
Certified Professional Guardians Grievance Status

July 31, 2018

Grievance Status by Year Received	2018	2017	2016	2015	2014	2013	2012	Total
Grievances Requiring Investigation – 5/31/2018	30	61	39	14	7	2		153
New Grievances:	13							13
Voluntary Surrender Pending:		2	1		1			4
ARD Pending:		1	3					4
Complaint/Hearing Pending:				2		1	1	4
Grievances Resolved This Reporting Period:	[3]	[3]		[1]				[7]
Grievances Requiring Investigation – 7/31/2018	40	58	39	13	7	2		159

Grievance Resolutions:	2018	2017	2016	2015	2014	2013	2012	Total
Dismissal – No Jurisdiction	2							2
Dismissal – No Actionable Conduct	1	2						3
Dismissal – Insufficient Grievance								
Mediated – Dismissed				1				1
ARD – No Sanction								
ARD - Admonishment								
ARD - Reprimand								
ARD - Suspension								
Terminated – CPG Death								
Terminated – Voluntary Surrender		1						1
Terminated – Administrative Decertification								
Terminated – Decertification								
Total Resolved Grievances May 31, 2018	3	3		1				7

Grievance Resolutions	2018	2017	2016	2015	2014	2013	Total
Total Grievances Received 2013 – 2018:	55	104	104	65	64	57	449
Dismissal – No Jurisdiction	14	28	20	13	17	13	105
Dismissal – No Actionable Conduct	1	10	24	16	16	23	90
Dismissal – Insufficient Grievance			1		2		3
Mediated – Dismissed				1			1
ARD – No Sanction						1	1
ARD - Admonishment				1			1
ARD – Reprimand			1	2		2	5
ARD - Suspension							
Termination – CPG Death				2			2
Termination – Administrative Decertification		1	2	13	11	3	30
Termination – Voluntary Surrender		4	12	2	10	9	37
Termination – Decertification						3	3
Total Grievances Resolved 2013 – 2018:	15	43	60	50	56	54	278



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

Pending Grievances Involving Guardians with Multiple Grievances
July 31, 2018

CPG ID	Year Certified	Open Cases	Year(s) Grievances Received	Status
A	2015	10	2016 (3), 2017 (4), 2018 (3)	
B	2011	2	2015 (1), 2018 (1)	
C	2011	4	2014 (1), 2016 (2), 2017 (1)	
D	2002	5	2014 (1), 2016 (1), 2017 (2), 2018 (1)	
E	2007	6	2015 (1), 2016 (2), 2017 (2), 2018 (1)	
F	2015	3	2016 (1), 2017 (2)	
G	2014	2	2017 (2)	
H	2010	2	2017 (1), 2018 (1)	
I	2015	3	2016 (1), 2018 (2)	
J	2010	4	2016 (1), 2017 (2), 2018 (1)	
K	2005	5	2014 (2), 2015 (1), 2016 (1), 2018 (1)	
L	2004	5	2015 (1), 2016 (1), 2017 (2), 2018 (1)	
M	2001	3	2017 (1), 2018 (2)	
N	2001	6*	2012 (1), 2013 (1), 2015 (2), 2017 (1), 2018 (1)	*4 cases in Hearing status
O	2012	6	2016 (2), 2017 (4)	
P	2014	12	2015 (1), 2017 (3), 2018 (8)	
Q	2017	2	2018 (2)	
R	2010	6*	2016 (3), 2017 (3)	*4 cases in ARD status
S	2011	3	2016 (1), 2017 (1), 2018 (1)	
T	2003	3	2015 (1), 2016 (2)	
U	2010	3	2014 (1), 2015 (1), 2017 (1)	
V	2003	2	2016 (2)	
W	2001	10	2015 (1) 2016 (7), 2017 (1), 2018 (1)	
X	2011	7	2015 (1), 2016 (1), 2017 (3), 2018 (2)	
Y	2001	4*	2014 (1), 2016 (1), 2017 (2)	*4 cases pending Vol. Surrender
Z	2013	2	2018 (2)	
AA	2007	2	2016 (2)	
AB	2014	2	2016 (1), 2017 (1)	
AC	2001	2	2016 (1), 2018 (1)	
AD	2001	3	2016 (2), 2017 (1)	
AE	2009	3	2016 (1), 2017 (1), 2018 (1)	
AF	2010	3	2015 (1), 2016 (1), 2017 (1)	
	Total	135		

Of 159 open grievances; 135 concern 32 Agencies/CPGs with 2 or more open grievances.

Pending Grievances Involving Guardians with Multiple Grievances
July 31, 2018

	Year Certified	# of Guardians
Before UW Certificate Program 56	2001	6
	2002	1
	2003	2
	2004	1
	2005	1
	2006	
	2007	2
	2008	
	Total	13
UW Certificate Program 79	2009	1
	2010	5
	2011	4
	2012	1
	2013	2
	2014	3
	2015	3
	2016	
	2017	1
	Total	19

Year	Grievance by Year
2013	1
2014	6
2015	13
2016	40
2017	42
2018	33

Fee Schedule for New Guardians



Certified Professional Guardianship Board

ADMINISTRATIVE OFFICE OF THE COURTS

Callie T. Dietz
State Court Administrator

July 30, 2018

To: Certified Professional Guardianship Board

From: Stacey Johnson, Guardianship and Elder Services Manager

Subject: Recertification Fee Schedule for Newly Certified Guardians

It has recently come to my attention that newly certified guardians are paying the annual recertification fee of \$250.00 regardless of when they obtained official CPG status. The Office of Guardianship and Elder Services has identified a case where the guardian paid her initial certification fee and then six weeks later received a notice of, and subsequently paid, renewal fee.

The timeline below illustrates the guardian's experience:

1. Guardian completes the UW course in June 2017
2. Guardian applies for certification on January 18, 2018 and pay \$240 application fee
3. Board approves application
4. Guardian notified of Board approval triggering requirement to pay certification fee
5. Guardian pays \$350 certification fee on May 11, 2018
6. Supreme Court approves applicant
7. The AOC sends the guardian a notice that her annual recertification is due by August 1, 2018.
8. Guardian pays \$250 recertification fee on July 3, 2018

This practice occurs due to the requirements outlined in Rule 703. This practice may be an unavoidable cost burden to the new guardian who is attempting to establish her/his professional practice.

Recommendations

In an effort to reduce barriers, support new guardians, and ensure that fees are fair it is recommended that CPG Board adopt a pro-rated fee scale for newly certified guardians during annual recertification.

Pro-Rated Fee Scale For new CPGs who qualify for Exemption

CPGs who are exempt from requirements to have Errors and Omissions (E & O) Insurance are permitted to pay lower annual certification renewal fees, To qualify, a CPG must have 25 or fewer guardianship case appointments at one time, and with less than \$500,000 total countable guardianship assets under management. (CPG Regulation 704.3)

Month Certified	Requirement	Cost	Due Date	Documentation	CPG Regulation
August	Certification renewal and E & O Insurance Declarations	\$229.13	August 1 every year <i>(Failure to pay by August 1 will subject the guardian or agency to the standard late fee)</i>	• Fee Payment	703.2
September		\$208.30			703.3
October		\$187.47		• GR 23 Declaration	704.3
November		\$166.64			704.5
December		\$145.81		• E&O Insurance Declaration	
January		\$124.98			
February		\$104.15			
March		\$83.32			
April		\$62.49			
May		\$41.66			
June		\$20.83			
July		\$250.00			