

Meeting Materials

Meeting Minutes



Certified Professional Guardianship Board

Monday, August 13, 2018

Teleconference

8:00 am – 9:00 am

DRAFT Meeting Minutes

Members Present

Judge James Lawler, Chair
Commissioner Rachelle Anderson
Ms. Rosslyn Bethmann
Dr. Barbara Cochrane
Ms. Rita Forster
Mr. William Jaback
Ms. Victoria Kesala
Commissioner Diana Kiesel (joined @ 8:52)
Dr. K. Penney Sanders
Ms. Amanda Witthauer

Members Absent

Judge Gayle Harthcock
Ms. Barbara West

Staff

Ms. Stacey Johnson
Ms. Kathy Bowman
Ms. Carla Montejo
Ms. Kim Rood
Ms. Eileen Schock

Online Guests – see list on last page.

1. Meeting Called to Order

With a quorum of board members present telephonically, Judge James Lawler called the August 13, 2018 meeting to order at 8:05 am.

2. Welcome, Roll Call and Approval of Minutes

Roll was taken. Judge Lawler requested a motion to approve the minutes of the June 11, 2018 CPG Board meeting. Commissioner Anderson requested a corrected spelling of her name. A motion was made and seconded to approve the minutes as corrected. The motion passed. Ms. Forster abstained.

Motion: *A motion was made and seconded to approve the June 11, 2018 minutes as corrected. The motion passed.*

3. Chair's Report

Staff reported on several changes in the CPG Board membership. Jerry Fireman has submitted his resignation from the Board in order to focus on regaining his health following an accident. He has recommended Susie Starfield to replace him. Ms. Starfield has written a letter of interest detailing her experience with aging and long term care. WSBA has recommended Amanda Fro to take a place on the Board, she will be joining in September. Bill Jaback will chair the Standards of Practice Committee (SOPC). Dr. Cochrane said she is reaching out to find a replacement for her position on the Board. Judge Lewis, Clark County, and Judge Blinn, Pierce County will join in October. Appointment Letters will be prepared for the Supreme Court to send to these new members.

Stacey Johnson reported that an advisory message had been sent to all CPGs in response to Guardian Grievance Investigators recognizing a trend in CPG practices regarding standby guardians. In future, any communication regarding clarification of guardianship Regulations will be presented to the SOPC for review prior to distribution. Judge Lawler suggested this topic for

discussion at the next SOPC meeting. Results of that discussion will be shared at the next Board meeting.

4. Grievance Status Update

Carla Montejo gave an update on the status of open grievances. Ms. Montejo noted a number of grievances that are near resolution: four cases have gone to Hearing, an Agreement Regarding Discipline (ARD) is in work to resolve four cases and four cases will be terminated when the CPG completes a Voluntary Surrender.

5. Fee Schedule for New Guardians

Stacey Johnson proposed a fee schedule for new guardians to be on a pro-rated monthly basis. There was general agreement with this proposal and Ms. Johnson was asked to solicit CPG comments and include this topic on the next Board Meeting agenda.

6. Executive Session (Closed to Public)

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

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

Motion: *A motion was made and seconded to approve Suzanne Bartleson's application for certification, with legal transferrable skills. The motion passed.*

Motion: *A motion was made and seconded to approve Cathy Bly's application for certification, with legal transferrable skills. The motion passed.*

Motion: *A motion was made and seconded to approve John Gardner's application for certification, with financial transferrable skills. The motion passed. Bill Jaback abstained.*

Motion: *A motion was made and seconded to conditionally approve Crystal Joseph's application for certification, upon completion of the UW Certification Program, with transferrable skills in health care and social services. The motion passed.*

Motion: *A motion was made and seconded to conditionally approve Deborah Meyer's application for certification, upon completion of the UW Certification Program, with transferrable skills in health care. The motion passed.*

Motion: *A motion was made and seconded to conditionally approve Carmen Morback's application for certification, upon completion of the UW Certification Program, with transferrable skills in health care. The motion passed.*

Motion: *A motion was made and seconded to conditionally approve Tomiko Suhara's application for certification, upon completion of the UW Certification Program, with financial transferrable skills. The motion passed.*

Motion: *A motion was made and seconded to deny Jay Wilson's application for certification, on the grounds he lacks transferrable skills and has not demonstrated independent judgment for the benefit of others. The motion passed supporting the denial.*

8. Wrap Up and Adjourn

The Education Committee is proposing an Emerging Issue CEU regarding HB 1402, involving isolation of the incapacitated person and less restrictive alternatives. Staff noted the need for Board approval no later than this August meeting, and agreed to forward the proposal to Board members for vote by email.

The next CPG Board meeting will take place by teleconference on Monday, September 10 beginning at 8:00 am. As there was no other business, the meeting was adjourned at 9:07 am.

Recap of Motions from August 13, 2018 Meeting

- Motion:** *A motion was made and seconded to approve the June 11, 2018 minutes as corrected. The motion passed.*
- Motion:** *A motion was made and seconded to approve Suzanne Bartleson's application for certification, with legal transferrable skills. The motion passed.*
- Motion:** *A motion was made and seconded to approve Cathy Bly's application for certification, with legal transferrable skills. The motion passed.*
- Motion:** *A motion was made and seconded to approve John Gardner's application for certification, with financial transferrable skills. The motion passed. Bill Jaback abstained.*
- Motion:** *A motion was made and seconded to conditionally approve Crystal Joseph's application for certification, upon completion of the UW Certification Program, with transferrable skills in health care and social services. The motion passed.*
- Motion:** *A motion was made and seconded to conditionally approve Deborah Meyer's application for certification, upon completion of the UW Certification Program, with transferrable skills in health care. The motion passed.*
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- Motion:** *A motion was made and seconded to conditionally approve Tomiko Suhara's application for certification, upon completion of the UW Certification Program, with financial transferrable skills. The motion passed.*
- Motion:** *A motion was made and seconded to deny Jay Wilson's application for certification, on the grounds he lacks transferrable skills and has not demonstrated independent judgment for the benefit of others. The motion passed supporting the denial.*

Online Guests:

Rita Loveland
Susan Dickinson-Fears
Karen Newland
Karen Mount
Rick S.

Susan Shepherd
Mary Marrs
Caroline Wood
Donavon Prom
Holly Surface

Robert Lewis
Katie Hurt
Tom Goldsmith

Grievance Status Report

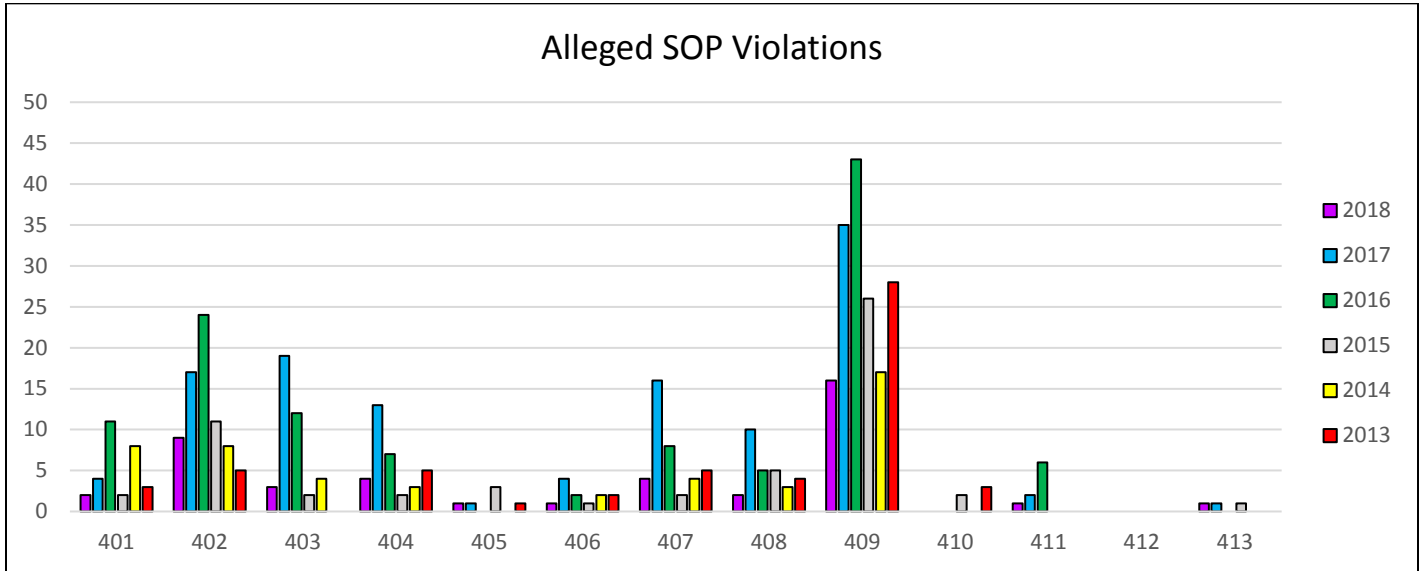
Certified Professional Guardians Grievance Status

August 31, 2018

Grievance Status by Year Received	2018	2017	2016	2015	2014	2013	2012	Total
Grievances Requiring Investigation – 5/31/2018	40	58	39	13	7	2		159
New Grievances:	8							8
Voluntary Surrender Pending:		2	1		1			4
ARD Pending:		1	3					4
Complaint/Hearing Pending:				2		1	1	4
Grievances Resolved This Reporting Period:	[4]	[1]	[1]	[1]				[7]
Grievances Requiring Investigation – 8/31/2018	44	57	38	12	7	2		160

Grievance Resolutions:	2018	2017	2016	2015	2014	2013	2012	Total
Dismissal – No Jurisdiction	3							3
Dismissal – No Actionable Conduct	1	1	1	1				4
Dismissal – Insufficient Grievance								
Mediated – Dismissed								
ARD – No Sanction								
ARD - Admonishment								
ARD - Reprimand								
3ARD - Suspension								
Terminated – CPG Death								
Terminated – Voluntary Surrender								
Terminated – Administrative Decertification								
Terminated – Decertification								
Total Resolved Grievances August 31, 2018	4	1	1	1				7

Grievance Resolutions	2018	2017	2016	2015	2014	2013	Total
Total Grievances Received 2013 – 2018:	63	104	104	65	64	57	449
Dismissal – No Jurisdiction	17	28	20	13	17	13	108
Dismissal – No Actionable Conduct	2	11	25	16	16	23	93
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:	19	44	61	50	56	54	284



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
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	2	2016 (1), 2018 (1)
J	2010	4	2016 (1), 2017 (2), 2018 (1)
K	2005	5	2014 (2), 2015 (1), 2016 (1), 2018 (1)
L	2004	6	2015 (1), 2016 (1), 2017 (2), 2018 (2)
M	2001	2	2018 (2)
N	2001	6*	2012 (1), 2013 (1), 2015 (2), 2017 (1), 2018 (1)
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)
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	11	2015 (1) 2016 (7), 2017 (1), 2018 (2)
X	2011	7	2015 (1), 2016 (1), 2017 (3), 2018 (2)
Y	2001	4*	2014 (1), 2016 (1), 2017 (2)
Z	2013	3	2018 (3)
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	136	

Of 160 open grievances; 136 concern 32 Agencies/CPGs with 2 or more open grievances.

	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	39
2017	41
2018	36

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			