

# Proposed Meeting Minutes

## Certified Professional Guardianship Board

Monday, October 15, 2018 (9:00 am – 1:00 pm)  
SeaTac Office Center, 18000 International Blvd., Suite 1106,  
SeaTac, WA

### Proposed Meeting Minutes

#### Members Present

Commissioner Rachelle Anderson, Chair  
Ms. Rosslyn Bethmann  
Ms. Rita Forster  
Commissioner Diana Kiesel  
Judge Robert Lewis  
Dr. K. Penney Sanders  
Ms. Amanda Witthauer  
Dr. Rachel Wrenn

#### Members Absent

Judge Grant Blinn  
Ms. Amanda Froh  
Ms. Susan Starrfield

#### Staff Present

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

**Guests** – see list on last page

#### 1. Meeting Called To Order

Commissioner Rachelle Anderson called the meeting to order at 9:06 am.

#### 2. Welcome, Roll Call and Approval of Minutes

Commissioner Anderson welcomed those present and asked Board members to briefly introduce themselves. Commissioner Anderson called for a motion to approve the minutes of the September 10, 2018 teleconference. A motion was made and seconded to approve the minutes as presented. The motion passed unanimously. Ms. Bethmann, Judge Lewis and Dr. Wrenn abstained.

**Motion:** *A motion was made and seconded to approve the September 10, 2018 minutes as presented. The motion passed. Ms. Bethmann, Judge Lewis and Dr. Wrenn abstained.*

#### 3. Public Comment

Commissioner Anderson invited members of the public to comment to the Board. Ms. Claudia Donnelly, Ms. Jamie Shirley, Ms. Glenda Voller and Ms. Karen Newland accepted the invitation to speak. No written materials were provided. Commissioner Anderson requested the agenda for the next in-person Board meeting include time for dialog with the public.

#### 4. Chair's Report

- The last meeting of the calendar year will be held telephonically on Monday, December 3, 2018 beginning at 8:00 a.m. The proposed 2019 Board Meeting Calendar has been distributed and members were asked to notify staff of any known conflict. It was reported WAPG has been invited to attend the CPG Board's Annual Planning Meeting in April 2019.

- Board members are asked to sign a Confidentiality Agreement annually, and the Agreements were distributed to all Board members for signature. Completed documents were collected by staff.

## **5. Education Committee Survey of UW Graduates**

On behalf of the Education Committee, staff reported that approximately 200 Certified Professional Guardians were invited to participate in a survey about their experience with the UW Certification program. The survey includes questions designed to learn more about student attrition, and reasons for releasing certification (i.e. Voluntary Surrender). The survey remains open through the end of October and staff anticipates presenting survey results at the December 2018 Board meeting.

## **6. Office of Guardianship & Elder Services**

### **• Initiatives in Guardianship**

Ms. Johnson reported the number of CPGs with the Office of Public Guardianship is decreasing due to retirement and other reasons, and stated she is interested in reducing barriers to recruiting CPGs interested in working with OPG. DSHS has proposed assistance through providing scholarships to the UW Certificate program. There has also been discussion with administrators of the UW Certification program to expand the program.

### **• SCJA – GPC Update**

The Joint Legislation Education Committee is collaborating on guardianship and the Uniform Guardianship Act. The Uniform Guardianship Act, as proposed by Senator Jamie Pederson, would replace RCW 11.88 and RCW 11.92. Ms. Johnson has been invited by the House of Representatives to provide perspectives, SOPCs and analysis between Washington State laws versus other states. One state has adopted and two other states have considered a Uniform Act. It is felt Washington State has robust eligibility and certification standards for Certified Professional Guardians and that existing RCWs cover most issues. The Board recognized that the SCJA-GPC would be the body to recommend or discourage any such change, rather than the CPG Board Staff provided a summary of the Uniform Guardianship Act and copies were made available to the Board. It was suggested the Board invite Rob Nettleton to present on the Uniform Guardian Act at the Board's January, 2019 meeting. Commissioner Anderson asked the Board to consider unintended consequences of adopting the Unified Act.

## **7. Grievance Update**

Staff provided the Board with a Grievance Summary. There are currently 165 open complaints requiring investigation. Pending grievances have increased by seven this month. One case was quickly resolved as having No Jurisdiction. Two cases from 2017 were resolved as having No Actionable Conduct. Several cases are pending resolution. Four cases are anticipated to resolve via Voluntary Surrender of the CPG. An Agreement Regarding Discipline is in the works that will resolve four open cases. Four cases remain in Hearing status.

A Board member suggested the Board take a greater role in the initial review of grievances. Members of the Board were reminded that Guardian Grievance Investigators triage all incoming complaints, prioritizing those where harm or potential harm could come to the IP. If immediate action is needed, these cases are referred to the court, or to APS, as our Board is focused on certification standards. Judge Lewis asked staff when a court rules that a case brought before it has no merit, does the CPG Board continue to review? Staff responded that the SOPCs are not reviewed by the court. The investigator's role is to determine whether the facts substantiate or do not substantiate the complaint where case law looks at whether the law has been followed.

## **8. Executive Session (Closed to Public)**

Commissioner Anderson made a request that future Board meeting agendas include time for Board Committees to report during Executive Session. Committee assignments were reviewed. Commissioner Anderson suggested anyone wishing to be added or removed from a committee to let her know in writing.

## **9. 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 conditionally approve Morgan Latimer's application for certification, subject to completion of the UW Certification program. The motion passed.*

## **10. Wrap Up/Adjourn**

With no other business to discuss, the meeting was adjourned at 1:45 pm. There is no Certified Professional Guardianship Board meeting scheduled in November.

**The next meeting will be held telephonically on Monday, December 3, 2018 at 8:00 am.**

### **Recap of Motions from October 15, 2018 Meeting**

**Motion:** *A motion was made and seconded to approve the September 10, 2018 minutes as presented. The motion passed. Ms. Bethmann, Judge Lewis and Dr. Wrenn abstained.*

**Motion:** *A motion was made and seconded to conditionally approve Morgan Latimer's application for certification, subject to completion of the UW Certification program. The motion passed.*

### **Guests Present:**

Claudia Donnelly  
Karen Newland  
Jamie Shirley  
Glenda Voller

# Grievance Status Report

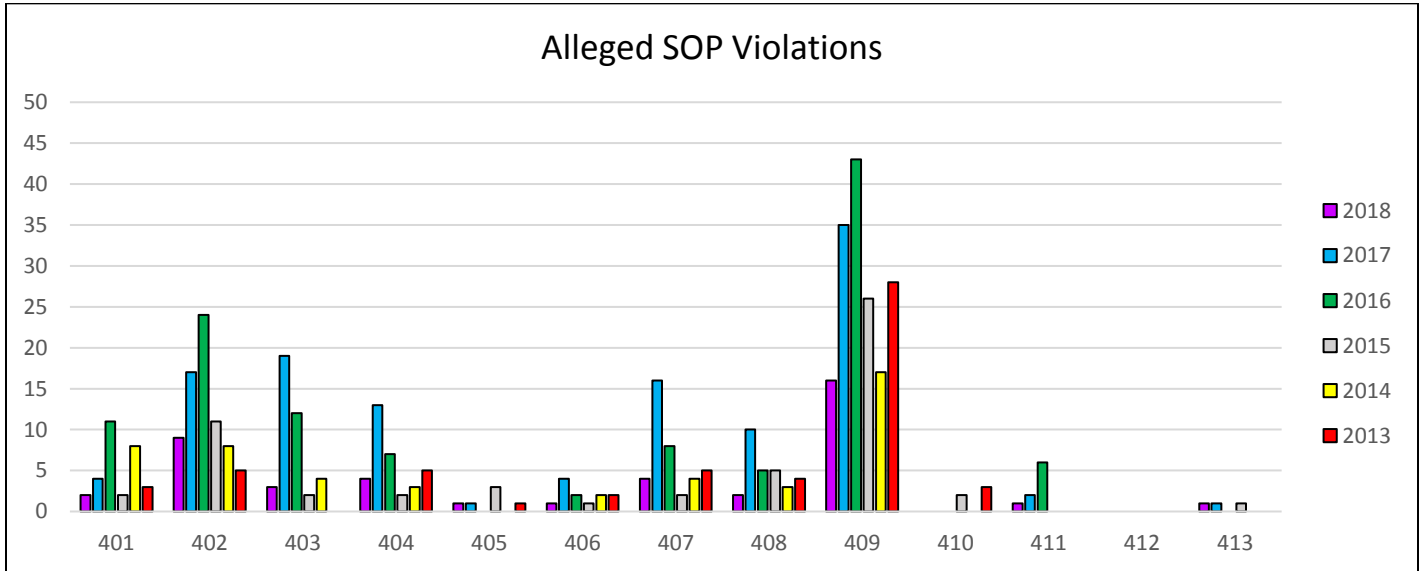
## Certified Professional Guardians Grievance Status

November 27, 2018

<b>Grievance Status by Year Received</b>	2018	2017	2016	2015	2014	2013	2012	<b>Total</b>
Grievances Requiring Investigation – 10/31/2018	<b>52</b>	<b>54</b>	<b>38</b>	<b>12</b>	<b>7</b>	<b>2</b>		<b>165</b>
New Grievances:	<b>3</b>							<b>3</b>
Voluntary Surrender <b>Pending:</b>								
ARD <b>Pending:</b>		<b>1</b>	<b>3</b>					<b>4</b>
Complaint/Hearing <b>Pending:</b>				<b>2</b>		<b>1</b>	<b>1</b>	<b>4</b>
Grievances Resolved This Reporting Period:	<b>[8]</b>	<b>[2]</b>	<b>[1]</b> <b>[1]</b>		<b>[1]</b>			<b>[9]</b>
Grievances Requiring Investigation – 11/27/2018	<b>47</b>	<b>54</b>	<b>37</b>	<b>12</b>	<b>7</b>	<b>2</b>		<b>159</b>

<b>Grievance Resolutions:</b>	2018	2017	2016	2015	2014	2013	2012	<b>Total</b>
Dismissal – No Jurisdiction	<b>1</b>							<b>1</b>
Dismissal – No Actionable Conduct	<b>5</b>							<b>5</b>
Dismissal – Insufficient Grievance	<b>2</b>		<b>1</b>					<b>3</b>
Mediated – Dismissed								
ARD – No Sanction								
ARD - Admonishment								
ARD - Reprimand								
ARD - Suspension								
Terminated – CPG Death								
Terminated – Voluntary Surrender		<b>2</b>	<b>2</b>		<b>1</b>			<b>4</b>
Terminated – Administrative Decertification								
Terminated – Decertification								
<b>Total Resolved Grievances: 11/27/2018</b>	<b>8</b>	<b>2</b>	<b>2</b>		<b>1</b>			<b>13</b>

<b>Grievance Resolutions</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>Total</b>
<b>Total Grievances Received 2013 – 2018: 10/31/2018</b>	<b>77</b>	<b>104</b>	<b>104</b>	<b>65</b>	<b>64</b>	<b>57</b>	<b>471</b>
Dismissal – No Jurisdiction	19	28	20	13	17	13	110
Dismissal – No Actionable Conduct	7	14	25	17	16	22	101
Dismissal – Insufficient Grievance	2		2		2	1	7
Mediated – Dismissed				1			1
ARD – No Sanction						1	1
ARD - Admonishment				1			1
ARD – Reprimand			1	2		1	4
ARD - Suspension							
Termination – CPG Death				2			2
Termination – Administrative Decertification		1	2	13	11	3	30
Termination – Voluntary Surrender		6	13	3	10	10	38
Termination – Decertification						3	3
<b>Total Grievances Resolved 2013 – 2018: 11/27/2018</b>	<b>28</b>	<b>49</b>	<b>63</b>	<b>52</b>	<b>56</b>	<b>54</b>	<b>302</b>



**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  
November 28, 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	5	2014 (1), 2016 (2), 2017 (1), 2018 (1)	
D	2002	6	2014 (1), 2016 (1), 2017 (2), 2018 (2)	
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	2018 (2)	
J	2010	4	2016 (1), 2017 (2), 2018 (1)	
K	2005	6	2014 (2), 2015 (1), 2016 (1), 2017 (1), 2018 (1)	
L	2004	5	2015 (1), 2016 (1), 2017 (2), 2018 (1)	
M	2001	2	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	4	2018 (4)	
Q	2017	3	2018 (3)	
R	2010	6	2016 (3), 2017 (3)	4 Cases = ARD in Process
S	2011	5	2016 (1), 2017 (1), 2018 (3)	
T	2003	3	2015 (1), 2016 (2)	
U	2010	3	2014 (1), 2015 (1), 2017 (1)	
V	2009	3	2018 (3)	
W	2003	2	2016 (2)	
X	2001	12	2015 (1) 2016 (7), 2017 (1), 2018 (3)	
Y	2011	7	2015 (1), 2016 (1), 2017 (3), 2018 (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	133		

Of 160 currently open grievances; 133 concern 32 Agencies/CPGs with 2 or more open grievances.



Pending Grievances Involving Guardians with Multiple Grievances  
November 28, 2018

	Year Guardian Certified	# of Guardians
<b>Before UW Certificate Program (56)</b>	2001	5
	2002	1
	2003	2
	2004	1
	2005	1
	2006	
	2007	2
	2008	
	<b>Total</b>	<b>12</b>
<b>UW Certificate Program (79)</b>		
	2009	2
	2010	5
	2011	4
	2012	1
	2013	2
	2014	3
	2015	3
	2016	
	2017	1
	<b>Total</b>	<b>20</b>

Year	Grievances by Year Certified
2013	1
2014	5
2015	12
2016	39
2017	37
2018	32