

## Meeting Materials

# Meeting Minutes

## Certified Professional Guardianship Board

Monday, April 8, 2019 (9:00 am – 1:00 pm)  
SeaTac Office Center, 18000 International Blvd., Suite 1106,  
SeaTac, WA

### DRAFT Meeting Minutes

#### Members Present

Judge Rachelle Anderson, Chair  
Ms. Rosslyn Bethmann  
Judge Grant Blinn  
Ms. Rita Forster  
Ms. Amanda Froh  
Mr. Bill Jaback  
Ms. Victoria Kesala  
Commissioner Diana Kiesel (telephonically)  
Judge Robert Lewis  
Dr. K. Penney Sanders  
Ms. Susan Starrfield  
Ms. Amanda Witthauer  
Dr. Rachel Wrenn

#### Members Absent

#### Staff Present

Ms. Stacey Johnson  
Ms. Kathy Bowman  
Mr. Chris Fournier  
Ms. Jennifer Holderman  
Ms. Carla Montejo  
Ms. Kim Rood  
Ms. Eileen Schock

**Guests** – see list on last page

### 1. Meeting Called To Order, Roll Call and Approval of Minutes

Judge Rachelle Anderson called the meeting to order at 9:15 am. There were no suggested changes or corrections to the March 11, 2019 meeting minutes. A motion was made and seconded to approve the minutes as written. The motion passed. There were no abstentions.

**Motion:** *A motion was made and seconded to approve the March 11, 2019 meeting minutes as written. The motion passed. No abstentions.*

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

New Guardian Grievance Investigator Christopher Fournier was reintroduced and welcomed by the Board. Mr. Fournier previously externed with the Office of Guardianship and Elder Services in 2017.

### 3. Chair's Report

Judge Anderson provided an update on proposed legislation SSB5604, which would repeal, revoke and replace RCWs 11.88, 11.92 and Title 26. If this bill passes, all Board regulations will require revision, and the UW Certified Professional Guardian Certification Program would need to be updated. Suggestions were provided by AOC staff to identify a number of concerns. The hope is that there would be time to allow a

more thoughtful and thorough approach. One Board member noted feeling this bill is trying to “rebuild the boat, when all we needed was to adjust the GPS.”

#### **4. Public Comments**

None of the guests present elected to speak during the Public Comment portion of the Board Meeting.

#### **5. Education Committee Update**

Bill Jaback presented the Education Committee Report and reported that Staff has generated a matrix that will assist the Education Committee in their review of Continuing Education requirements. Continuing Education Regulation 201 was clarified and new language was introduced and approved for stakeholder comment. The Board will vote to adopt the new language at the next in-person meeting to be held in June.

#### **6. Grievance Update**

Staff spoke about the numbers on the monthly status report. With the inclusion of a third guardian grievance investigator, there has been an increase in the number of completed cases, and this trend is expected to be ongoing. Judge Anderson asked staff to review the Standards of Practice Committee (SOPC) process for resolving grievances.

An initial triage is performed weekly at the staff level. Grievances where the Board has no jurisdiction, or with insufficient facts to proceed are closed at this level. Investigative summaries of grievances are brought to the SOPC for review. If no actionable conduct is found, these cases are then closed. If actionable conduct has been found, the next level by the SOPC is a sanction, which then goes to an Agreement Regarding Discipline or Hearing. Considering the investigation, more urgency is given to cases posing imminent risk to the Incapacitated Person, and these cases are also referred to the court. CPGs with a pattern of violations and the oldest grievances are the next priority of cases for investigation.

#### **7. Executive Session – Closed to Public**

#### **8. Reconvene and Vote on Executive Session Discussion – Open to Public**

On behalf of the Standards of Practice Committee, Bill Jaback made the following motion regarding Charge d’Affaires and Sheila Brashear. The Standards of Practice Committee and Appeals Committee abstained.

**Motion:** *To adopt the Hearing Examiner’s recommendation of one year probation, requirement of quarterly reports, audit and restitution of fees and fines incurred. In addition to the Hearing Examiner’s recommendations, the scope of the audit will be extended to include systems management. The cost of the audit is to be paid by the CPG and the audit is to be completed within the first three months of signing the Order. Also, in addition, the CPG is prohibited from taking new cases for six months and the CPG is required to participate in additional training, to be selected by the CPG and approved by the Board. The motion was seconded by Judge Lewis. The motion passed.*

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

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

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

**Motion:** *A motion was made and seconded to uphold the finding of the Appeals Committee's denial of Halina Huber's application for certification. Voting in favor: Bill Jaback, Amanda Froh, Rita Forster. This motion will hold for Judge Blinn's vote. Majority vote holds. The Appeals Committee abstained.*

## 9. Wrap Up/Adjourn

The next Certified Professional Guardianship Board Meeting will take place telephonically on May 13, 2019. The meeting adjourned at 1:30 pm.

### Recap of Motions from April 8, 2019

Motion Summary		Status
<b>Motion:</b>	<i>A motion was made and seconded to approve the March 11<sup>th</sup>, 2019 meeting minutes as written. The motion passed. No abstentions</i>	Passed
<b>Motion:</b>	<i>A motion was made to adopt the Hearing Examiner's recommendation of one year probation, requirement of quarterly reports, audit and restitution of fees and fines incurred. In addition to the Hearing Examiner's recommendations, the scope of the audit will be extended to include systems management. The cost of the audit is to be paid by the CPG and the audit is to be completed within the first three months of signing the Order. Also in addition, the CPG is prohibited from taking new cases for six months and the CPG is required to participate in additional training, to be selected by the CPG and approved by the Board. The motion was seconded by Judge Lewis. The motion passed.</i>	Passed
<b>Motion:</b>	<i>A motion was made and seconded to conditionally approve Maija Druffel's application for certification, with transferrable legal skills, upon completion of the UW Certification Program. The motion passed.</i>	Passed

<b>Motion:</b>	<i>A motion was made and seconded to conditionally approve Melissa Johnson's application for certification, with transferrable social services and financial skills, upon completion of the UW Certification Program. The motion passed.</i>	Passed
<b>Motion:</b>	<i>A motion was made and seconded to uphold the finding of the Appeals Committee's denial of Halina Huber's application for certification. Voting in favor: Bill Jaback, Amanda Froh, Rita Forster. This motion will hold for Judge Blinn's vote. Majority vote holds. The Appeals Committee abstained.</i>	Hold for Judge Blinn's Vote

Guests:  
 Mindi Blanchard  
 Karen Newland  
 Glenda Voller

DRAFT

## Grievance Status Update

## Certified Professional Guardians Grievance Status

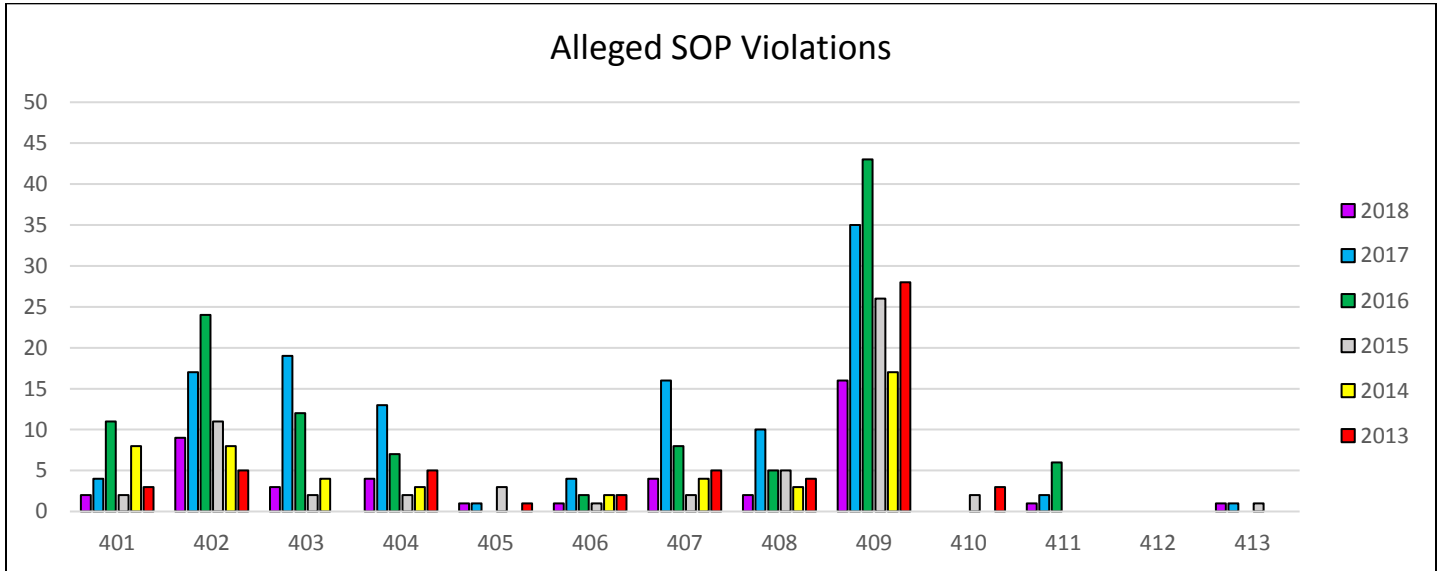
April 30, 2019

<b>Grievance Status by Year Received</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>	<b>Total</b>
Grievances Requiring Investigation – 3/30/19	10	45	45	31	11	7	2		151
New Grievances:	12								12
Voluntary Surrender <b>Pending:</b>									
ARD <b>Pending:</b>			1	3					4
Complaint/Hearing <b>Pending:</b>									
Grievances Resolved This Reporting Period:	1	1	4	5	2	2	1	1	4
Grievances Requiring Investigation – 4/30/19	21	44	41	26	7	5	2		146

<b>Grievance Resolutions:</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>	<b>Total</b>
Dismissal – No Jurisdiction	1								1
Dismissal – No Actionable Conduct		1	4	5	4	2			16
Dismissal – Insufficient Grievance									
Mediated – Dismissed									
ARD – No Sanction									
ARD - Admonishment									
ARD - Reprimand					2		1	1	4
ARD - Suspension									
Terminated – CPG Death									
Terminated – Voluntary Surrender									
Terminated – Administrative Decertification									
Terminated – Decertification									
<b>Total Resolved Grievances – 4/30/19</b>	1	1	4	5	6	2	1	1	21



<b>Grievance Resolutions</b>	<b>2019</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 To Date 4/30/19</b>	<b>26</b>	<b>85</b>	<b>104</b>	<b>104</b>	<b>65</b>	<b>64</b>	<b>57</b>	<b>505</b>
Dismissal – No Jurisdiction	4	21	32	24	14	17	13	125
Dismissal – No Actionable Conduct	1	13	22	32	21	18	22	129
Dismissal – Insufficient Grievance		2	1	1		2	1	7
Mediated – Dismissed					1			1
ARD – No Sanction							1	1
ARD - Admonishment					1			1
ARD – Reprimand				1	4		2	7
ARD - Suspension								
Termination – CPG Death					2			2
Termination – Administrative Decertification			1	2	13	11	3	30
Termination – Voluntary Surrender			6	13	2	11	10	42
Termination – Decertification							3	3
<b>Total Grievances Resolved To Date: 4/30/19</b>	<b>5</b>	<b>36</b>	<b>62</b>	<b>73</b>	<b>58</b>	<b>59</b>	<b>55</b>	<b>348</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

ID	Year Cert.	Open	Year(s) Grievances Received	Status
A	2015	2	2016 (1), 2018 (1)	
B	2011	2	2015 (1), 2018 (1)	
C	2011	4	2016 (2), 2017 (1), 2018 (1)	
D	2002	6	2014 (1), 2016 (1), 2017 (2), 2018 (2)	
E	2007	6	2015 (1), 2016 (1), 2017 (2), 2018 (1), 2019 (1)	
F	2014	2	2017 (1), 2019 (1)	
G	2010	2	2017 (1), 2018 (1)	
H	2005	5	2014 (2), 2016 (1), 2017 (1), 2018 (1)	
I	2007	2	2016 (1), 2018 (1)	
J	2004	6	2015 (1), 2016 (1), 2017 (2), 2018 (1), 2019 (1)	
K	2001	4	2018 (4)	
L	2001	4	2017 (1), 2018 (1), 2019 (1)	
M	2012	5	2016 (1), 2017 (4)	
N	2017	4	2018 (4)	
O	2010	5	2016 (3), 2017 (1), 2019 (1)	
P	2011	4	2016 (1), 2017 (1), 2018 (2)	
Q	2010	2	2014 (1), 2015 (1)	
R	2009	4	2018 (3), 2019 (1)	
S	2003	2	2016 (2)	
T	2001	14	2015 (1), 2016 (7), 2017 (1), 2018 (4), 2019 (1)	
U	2001	2	2018 (1), 2019 (1)	
V	2011	4	2017 (1), 2018 (2), 2019 (1)	
W	2016	2	2018 (1), 2019 (1)	
X	2013	4	2018 (3), 2019 (1)	
Y	2007	2	2016 (1), 2019 (1)	
Z	2001	2	2014 (1), 2015 (1)	
AA	2009	3	2017 (1), 2018 (1), 2019 (1)	
AB	2014	2	2016 (1), 2019 (1)	
AC	2016	2	2017 (1), 2019 (1)	
AD	2001	2	2016 (1), 2018 (1), 2019 (1)	
AE	2001	3	2016 (2), 2017 (1)	
AF	2009	4	2016 (1), 2017 (1), 2018 (1), 2019 (1)	
AG	2015	3	2016 (1), 2017 (2)	
AH	2010	2	2017 (2)	
	Total	122		

Of 146 currently open grievances; 122 concern 34 Agencies/CPGs with 2 or more open grievances.

Proposed Changes to Regulation 208  
Public Comments

**From:** [Christopher Fast](#)  
**To:** [AOC DL - Guardianship Program](#)  
**Subject:** CPG rule 208.2.1  
**Date:** Thursday, April 25, 2019 6:52:23 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Dear CPG Board:

I favor the proposed revision to Rule 208.2.1, as it provides some flexibility for meeting the continuing education requirements.

I would propose lengthening the deadline by an additional month or two, as there few CPG continuing education courses early in the year, particularly courses offering the difficult to find "emerging issues" credits.

Alternately, eliminate the emerging issues requirement. It is difficult to find courses that fulfill the requirement. None of the non-CPG specific trainings, e.g., KCBA Title 11 GAL training, Alzheimer's Association, or any number of CLEs, offer emerging issues credit, and if for whatever scheduling conflict a CPG misses one of the all-day CPG trainings, it is very difficult to make up the emerging issue credit.

Thank you for your consideration.

**Christopher J. Fast, CPG**

Paralegal  
Reed Longyear Malnati & Ahrens, PLLC



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