

Meeting Materials

Meeting Minutes



Certified Professional Guardianship Board

Monday, May 13, 2019

Teleconference

8:00 am – 9:00 am

DRAFT Meeting Minutes

Members Present

Judge Rachelle Anderson
Ms. Rosslyn Bethmann
Judge Grant Blinn
Ms. Amanda Froh
Mr. William Jaback
Ms. Victoria Kesala
Judge Robert Lewis
Dr. K. Penney Sanders
Ms. Susan (Susie) Starrfield

Members Absent

Ms. Rita Forster
Commissioner Diana Kiesel
Ms. Amanda Witthauer
Dr. Rachel Wrenn

Staff

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

Online Guests – see list on last page.

1. Meeting Called to Order

Judge Rachelle Anderson called the May 13, 2019 Teleconference to order at 8:01 am.

2. Welcome, Roll Call and Approval of Minutes

Roll was taken and Board members were welcomed. With no suggested changes or corrections, a motion was made and seconded to approve the minutes of the Certified Professional Guardianship Board meeting held on April 8, 2019 as written. The motion passed.

Motion: *A motion was made and seconded to approve the April 8, 2019 meeting minutes as written. The motion passed. No abstentions.*

3. Chair's Report

Judge Anderson provided a legislative update, advising Second Substitute Senate Bill 5609, Uniform Guardianship Act, has passed both House and Senate and will next go to the Governor for signature, which is anticipated. The Act is to become effective January, 2021. Judge Anderson has asked all interested individuals to analyze the statute and make recommendations for submittal at the next legislative session. The UGA will not affect current RCWs or CPG Board Regulations before 2021.

Another concern for the Board is the declining number of active CPGs due to retirement or the voluntary surrender of certification. It is also concerning that fewer than normal applications for CPG have been received to date in 2019. The contract with the UW Certification Program is up for renewal in 2020. While the UW's current training curriculum remains valid through the 2019-2020 academic term, there is concern about the changes required to reflect the new UGA.

Judge Anderson asked the Board for help getting the word out that more CPGs are needed. Bill Jaback, as Chair of the Education Committee, offered to brainstorm for ideas at their next committee meeting.

Judge Anderson next thanked Commissioner Diana Kiesel, Jennifer Holderman and Stacey Johnson for their assistance with recent presentations at the Judicial Spring Conference.

4. Grievance Status Update

Staff presented the Guardian Grievance status update. A total of twenty-one (21) grievances were resolved in April 2019. Sixteen cases were dismissed for no actionable conduct and one grievance was dismissed for no jurisdiction. Four grievances that were in Hearing Status have been resolved with a Letter of Reprimand. Twelve new grievances were received in April for a total of 146 open grievances requiring investigation. Guardian Grievance Investigators remain focused on completing investigations of the oldest grievances and also on cases where CPGs have multiple grievances.

Staff next reported the inadvertent posting to the public website of an internal working report naming Certified Professional Guardians with two or more open grievances. This report is typically provided to the Board for discussion, but the names of CPGs would not be included. No materials were included with this report and the document was removed from the website within minutes of recognizing the mistake. A letter regarding this issue was received from a guardian late Friday prior to this meeting. The guardian's letter will be provided to Board members for review, and a responsive letter to the guardian will be drafted for Judge Anderson's signature.

5. Proposed Changes to Regulation 208 – Public Comments

Staff provided an update regarding the proposed revision to Continuing Education Regulation 208.2.1, which was posted on April 25, 2019 for public comment. The revision was proposed in order to allow Certified Professional Guardians filing *late* Compliance Reports to complete CEU reporting requirements by taking classes offered in the *new* reporting cycle. Members of the Board requested the actual language of the proposed revision be provided for their vote at the next Board Meeting on June 10.

6. Executive Session (Closed to Public)

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

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

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

8. Wrap Up/Adjourn

The next Certified Professional Guardianship Board Meeting will be held in person at the SeaTac office on Monday, June 10, 2019. As there was no other business to discuss, the meeting was adjourned at 8:58 am.

Recap of Motions from May 13, 2019

Motion Summary		Status
Motion:	<i>A motion was made and seconded to approve the April 8, 2019 meeting minutes as written. The motion passed. No abstentions.</i>	Passed
Motion:	<i>A motion was made and seconded to conditionally approve Theresa Southwick's application for certification, with transferrable financial skills, upon completion of the UW Certification Program. The motion passed. Members of the Applications Committee abstained.</i>	Passed

Guests Telephonically

Chris Neil
Christopher Fast
Karen Newland
Mark Vohr
Glenda Voller

DRAFT

Regulation 204.6 CEU Interactivity Requirement

Certified Professional Guardianship Board

Date: April 29, 2019

To: Education Committee

From: Christopher Fournier, Staff

RE: CEU Interactivity Requirement

During both the March Education Committee Meeting and the April Board Meeting, members of the Board and Committee asked staff to prepare proposed language regarding possible removing or modifying the Board's current requirement that online or audio/visual courses have an interactive element.

Background

Education Regulation policy 204.6 currently states that "[n]o course will be approved which involves solely television viewing in the home or office or correspondence work or self-study. Video, motion picture, sound tape, or online presentations may be approved, provided they include a method of student-teacher interactive involvement."

During the 2017-2018 reporting period the Board approved 90 CEU courses. Only seven of these 90 courses were online or otherwise on-demand. Of the seven approved webinars, three are sponsored by the AOC and only awarded credit for CPG's who attended the webinar while it was live. As of April 29, 2019 AOC staff have only approved one online CEU course, the WSBA's Elder Law Conference which allows both in-person and online live attendance.

Proposal

Staff believe that one possible method to increase the number of webinar CEU's available to CPGs is to adopt the model used by the Washington State Bar Association. The Bar association currently allows its members to utilize online and on-demand courses to fulfill their continuing legal education requirements. The WSBA only requires that an online or on-demand course meet the same standards of approval that an in-person course would have to meet and requires that a pre-recorded course cannot be five years or older at the time the WSBA member views the course for credit.

Following the WSBA's model, Staff believe that the following changes to the Education Regulations could increase the CPG's access to CEU opportunities:

- Revise Regulation 203.2 to read "[a] credit shall be awarded for each hour actually spent by an active Guardian or an inactive guardian who is planning to become active within the next 12 months in attendance at an approved education activity, **provided that any pre-recorded audio/visual course, including online webinars, is less than five years old.**"
- Strike the current language in Regulation 204.6 in its entirety as follows: ~~"[n]o course will be approved which involves solely television viewing in the home or office or correspondence work~~

~~or self-study. Video, motion picture, sound tape, or online presentations may be approved, provided they include a method of student-teacher interactive involvement."~~

Please let me know if you have any questions would like any further information.

Christopher M. Fournier

Regulation 208.2.1

208.2.1 Submitting by April 1 the affidavit called for by Regulation 208.1, the Affidavit Reporting CEUs, setting forth therein the extent of the active Guardian's compliance with the minimum education requirement. All continuing education activities submitted on the Late Compliance Report must have transpired either (a) during the two-year reporting cycle or (b) by March 31st immediately following the reporting cycle, with the exception of earned carry-forward credits as described in 202.3. Credits reported on the Late Compliance Report form under 208.2.1(b) may not be used to comply with the minimum education requirement for any other reporting period.

Grievance Status Update

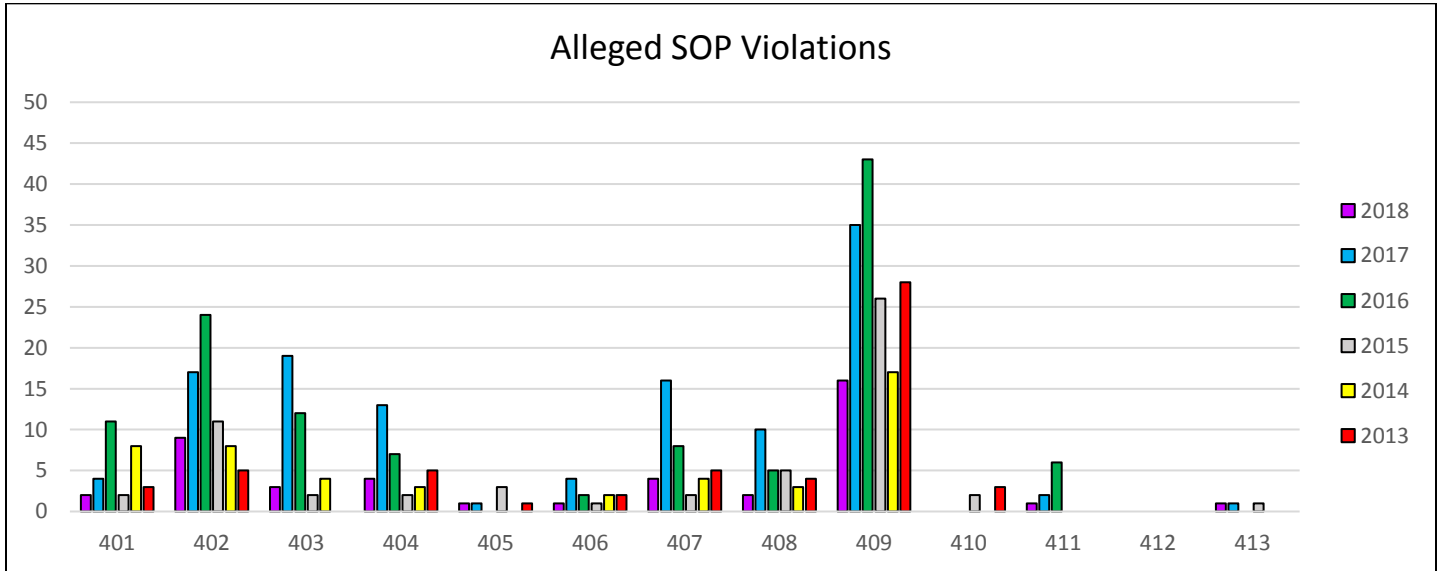
Certified Professional Guardians Grievance Status

May 31, 2019

Grievance Status by Year Received	2019	2018	2017	2016	2015	2014	2013	Total
Grievances Requiring Investigation – 4/30/19	21	44	41	26	7	5	2	146
New Grievances:	5							5
Voluntary Surrender Pending:		2	2	1		1		6
ARD Pending:			1	3				4
Complaint/Hearing Pending:								0
Grievances Resolved This Reporting Period:	1	2	14	2		1		20
Grievances Requiring Investigation – 5/31/19	25	40	24	23	7	4	2	125

Grievance Resolutions:	2019	2018	2017	2016	2015	2014	2013	Total
Dismissal – No Jurisdiction	1							1
Dismissal – No Actionable Conduct		2	14	2		1		19
Dismissal – Insufficient Grievance								0
Mediated – Dismissed								0
ARD – No Sanction								0
ARD - Admonishment								0
ARD - Reprimand								0
ARD - Suspension								0
Terminated – CPG Death								0
Terminated – Voluntary Surrender								0
Terminated – Administrative Decertification								0
Terminated – Decertification								0
Total Resolved Grievances – 5/31/2019	1	2	14	2	0	1	0	20

Grievance Resolutions	2019	2018	2017	2016	2015	2014	2013	Total
Total Grievances Received To Date 5/31/19	31	85	104	104	65	64	57	510
Dismissal – No Jurisdiction	5	22	29	20	13	17	13	119
Dismissal – No Actionable Conduct	1	18	40	39	22	18	22	160
Dismissal – Insufficient Grievance		3	1	2		2	1	9
Mediated – Dismissed					1			1
ARD – No Sanction							1	1
ARD - Admonishment					1			1
ARD – Reprimand				1	4		2	7
ARD - Suspension								0
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
Total Grievances Resolved To Date: 5/31/19	6	43	77	77	58	59	55	375



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
May 31, 2019

CPG ID	Year Cert.	Open Cases	Year(s) Grievances Received	Status
A	2015	2	2018 (1), 2019 (1)	
B	2011	2	2015 (1), 2018 (1)	
C	2011	2	2016 (2)	
D	2002	6	2014 (1), 2016 (1), 2017 (2), 2018 (2)	Voluntary Surrender in Work
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	2010	2	2017 (1), 2019 (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 (2)	
M	2017	3	2018 (3)	
N	2010	5	2016 (3), 2017 (1), 2019 (1)	Four Cases in ARD status
O	2011	4	2016 (1), 2017 (1), 2018 (2)	
P	2007	2	2019 (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	2004	2	2016 (1), 2019 (1)	
AC	2001	3	2016 (1), 2018 (1), 2019 (1)	
AD	2001	3	2016 (2), 2017 (1)	
AE	2009	3	2016 (1), 2017 (1), 2018 (1)	
	Total	109		

Of the 125 currently open grievances; 109 concern 31 Agencies/CPGs with 2 or more open grievances.

SSB 5604, Article 7 of UGA

Person subject to Guardian/Conservator
 guardianship/
 conservatorship

Name:	Name:
Address:	Address:
Phone:	Phone:
Facsimile:	Facsimile:

Interested Parties	Address	Relation

ARTICLE 7

CERTIFIED PROFESSIONAL GUARDIANSHIP BOARD OF RESOLUTION GRIEVANCES

NEW SECTION. **Sec. 701.** CERTIFIED PROFESSIONAL GUARDIANSHIP BOARD RESOLUTION OF GRIEVANCES. (1) The certified professional guardianship board must resolve grievances against professional guardians and/or conservators within a reasonable time for alleged violations of the certified professional guardianship board's standards of practice.

(a) All grievances must initially be reviewed within thirty days by certified professional guardianship board members, or a subset thereof, to determine if the grievance is complete, states facts that allege a violation of the standards of practice, and relates to the conduct of a professional guardian and/or conservator, before any investigation or response is requested from the professional guardian or the superior court. Grievances must provide the dates of the alleged violations and must be signed and dated by the person filing the grievance. Grievance investigations by the board are limited to the allegations contained in the grievance unless, after review by a majority of the members of the certified professional guardianship board, further investigation is justified.

(b) If the certified professional guardianship board determines the grievance is complete, states facts that allege a violation of

1 the standards of practice, and relates to the conduct of a
2 professional guardian and/or conservator, the certified professional
3 guardianship board must forward that grievance within ten days to the
4 superior court for that guardianship or conservatorship and to the
5 professional guardian and/or conservator. The court must review the
6 matter as set forth in section 128 of this act, and must direct the
7 clerk of the court to send a copy of the order entered under this
8 section to the certified professional guardianship board. The
9 certified professional guardianship board must act consistently with
10 any finding of fact issued in that order.

11 (2) Grievances received by the certified professional
12 guardianship board must be resolved within one hundred eighty days of
13 receipt.

14 (3) If the grievance cannot be resolved within one hundred eighty
15 days, the certified professional guardianship board must notify the
16 professional guardian and/or conservator. The professional guardian
17 or conservator may propose a resolution of the grievance with facts
18 and/or arguments. The certified professional guardianship board may
19 accept the proposed resolution or determine that an additional ninety
20 days are needed to review the grievance. If the certified
21 professional guardianship board has not resolved the grievance within
22 the additional ninety days the professional guardian or conservator
23 may:

24 (a) File a motion for a court order to compel the certified
25 professional guardianship board to resolve the grievance within a
26 reasonable time; or

27 (b) Move for the court to resolve the grievance instead of being
28 resolved by the certified professional guardianship board.

29 (4) The court has authority to enforce the certified professional
30 guardianship board's standards of practice in this article to the
31 extent those standards are related to statutory or fiduciary duties
32 of guardians and conservators.

33 (5) Any unresolved grievances filed with the certified
34 professional guardianship board at the time of the effective date of
35 this section must be forwarded to the superior court for that
36 guardianship or conservatorship for review by the court as set forth
37 in section 128 of this act.

38

ARTICLE 8

39

MISCELLANEOUS PROVISIONS