

# Meeting Materials

# Meeting Minutes

# Certified Professional Guardianship Board

Monday, October 14, 2019

SeaTac Office

18000 International Blvd., Ste 1106

SeaTac, WA 98188-4251

9:00 am – 2:00 pm

## Proposed Meeting Minutes

### Members Present

Judge Rachelle Anderson  
Ms. Rosslyn Bethmann  
Judge Grant Blinn  
Ms. Rita Forster (telephonically)  
Ms. Amanda Froh  
Commissioner Diana Kiesel  
Judge Robert Lewis  
Ms. Lisa Malpass (telephonically)  
Mr. Dan Smerken  
Ms. Susan (Susie) Starrfield  
Ms. Amanda Witthauer (telephonically)  
Dr. Rachel Wrenn

### Members Absent

Dr. K. Penney Sanders (emergency call)

### Staff

Ms. Stacey Johnson  
Ms. Kathy Bowman  
Mr. Christopher Fournier  
Ms. Thai Kien  
Ms. Kay King  
Ms. Carla Montejo  
Ms. Kim Rood  
Ms. Eileen Schock

**Guests** – see list on last page

### 1. Meeting Called to Order

Judge Rachelle Anderson called the October 14, 2019 Certified Professional Guardianship Board (Board) meeting to order at 9:00 am.

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

Judge Anderson welcomed all those present. Hearing no suggested changes or corrections, a motion was made and seconded to approve the minutes of the Board meeting held on September 9, 2019 as written. The motion passed.

Motion: *A motion was made and seconded to approve the September 9, 2019 Certified Professional Guardianship Board meeting minutes as written. The motion passed. Judge Blinn, Judge Lewis and Amanda Witthauer abstained.*

### 3. Introduction, New Staff and Board Members

Newly appointed Board members Lisa Malpass and Dan Smerken, and new Staff members Thai Kien and Kay King were introduced and welcomed to the Board.

### 4. Chair's Report

Judge Anderson reported ongoing work and suggestions for improvements to the pending Uniform Guardianship Act.

Staff noted the currently vacant position of Vice Chair that must be filled per GR23 and Article V of the CPGB Bylaws. Staff will also review Judge Anderson's years of service on the Board and the year her final term expires.

## 5. Public Comment

In response to an earlier request by a member of the public, the Board has extended the time allowed for public comments to five minutes per person. Certified Professional Guardian Mr. Chris Neil and Certified Professional Guardian Ms. Glenda Voller each took the opportunity to speak to the Board. Materials provided to the Board by Mr. Neil are attached.

## 6. Education Committee Report

On behalf of the Education Committee, staff presented the following revisions to Continuing Education Regulations for Board approval. Added language is underlined and made bold: Regulation 201.12

To qualify for 'emerging issues credit' a course of subject must encompass training and information pertaining to a topic specifically identified by the Board. The Board will determine for each reporting period which emerging issue(s) should be addressed in guardianship education. Emerging Issues shall be identified by the Board at least five months prior to the topic's corresponding reporting period. **A CEU Sponsor may choose to include with their CEU application a written request that the Board approve a topic outside of the preapproved Emerging Issues categories as Emerging Issues credit. The request must provide explanation as to how the topic is of important significance to the guardianship profession and that the topic or issue has arisen during the current reporting period. AOC Staff have discretion to approve or deny a request for a topic to be approved as an Emerging Issues credit. Any approval or denial of a topic as Emerging Issues must be ratified by the Education Committee. A credit that is denied as an Emerging Issue may be approved as a General credit.**

Motion: *A motion was made and seconded to approve the change to Regulation 201.12, as presented. The motion passed unanimously.*

Regulation 205.6

**205.6, "The Board may, on its own behalf, approve a course or activity for Continuing Education Credit without an application for Continuing Education Credit from an active Guardian or sponsoring agency. A continuing education activity approved under this subsection must be granted or denied in accordance with the provisions of Regulation 207. Neither a credit approval fee nor an attendance list will be required for a continuing education activity approved under this subsection 205.6.**

**205.6.1 A guardian who chooses to participate in a continuing education activity approved under this subsection must provide the AOC with a certificate of completion, or some other documentation which demonstrates the guardian's participation in the activity.**

**205.6.2 A guardian or other third party must provide an application for approval of continuing education activity in compliance with subsection 205.1 through 205.4 of this section and cannot request the Board approve a continuing education activity on its own behalf in lieu of the third party submitted the required application."**

Motion: *A motion was made and seconded to approve the addition of a new section, Section 205.6, to the Continuing Education Regulations, as presented. The motion passed unanimously.*

## **7. CPG Qualifications – Substituting Experience for Education**

On behalf of the Applications Committee, Staff addressed the current minimum education requirements for CPG certification. Applications have been received from individuals who may have demonstrated experience as decision makers and using independent judgement on behalf of clients, but cannot be considered for lack of a college degree. It was stated that in previous years, CPG applicants were required to possess a high school diploma or equivalency. During the ensuing discussion, Staff was asked to follow up on the following questions raised by the Board.

- UW Education Requirements;
- Contact E&O Carriers Regarding Insurability;
- Follow up with Applicants/Letter Writers;
- Review CPG Board minutes for past requirements.

Other suggestions arising from discussion were that staff review CPG Application instructions for clarity and to perform telephonic exit interviews with guardians who have voluntarily surrendered certification. Commissioner Kiesel agreed to draft general questions for the exit interviews.

## **8. Grievance Status Update**

Staff reported a total of 73 open grievances at the end of September. Forty-three of the grievances are older than nine months. Nine (9) new grievances were received and five (5) grievances were closed in September. One grievance was dismissed administratively for failing to provide sufficient factual information. One grievance was dismissed for No Jurisdiction and two grievances were dismissed for No Actionable Conduct. One grievance was dismissed with a Regulation 507.1 Advisory Letter.

## **9. Regulations Committee**

The Regulations Committee has been reconvened for the purpose of reviewing and drafting Certified Professional Guardianship Board regulations to align with the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act. This committee is chaired by Commissioner Kiesel and staffed by Kay King, and will meet monthly, beginning November 20, 2019.

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

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

On behalf of the Applications Committee, Judge Lewis presented the following applications for Certified Professional Guardian. Members of the Application Committee abstained.

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

Motion: *A motion was made and seconded to approve Nancy Moriarty's application for certification with transferrable skills in Social Services and Financial Management. The motion passed.*

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

## 12. Wrap Up/Adjourn

The next CPG Board meeting will take place telephonically on Monday, November 18, 2019 at 8:00 am. As there was no other business to discuss, the October 14, 2019 meeting was adjourned at 1:30 p.m.

### Guests Present

Chris Neil  
Karen Newland  
Mark Vohr  
Glena Voller

Motion Summary	Status
Motion: <i>A motion was made and seconded to approve the September 9, 2019 Certified Professional Guardianship Board meeting minutes as written. The motion passed. Judge Blinn, Judge Lewis and Amanda Witthauer abstained.</i>	Passed
Motion: <i>A motion was made and seconded to approve the change to Regulation 201.12, as presented. The motion passed unanimously.</i>	Passed
Motion: <i>A motion was made and seconded to approve the addition of a new section, Section 205.6, to the Continuing Education Regulations, as presented. The motion passed unanimously.</i>	Passed
Motion: <i>A motion was made and seconded to approve Tiffany Malean's application for certification with transferrable skills in Social Services. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to approve Nancy Moriarty's application for certification with transferrable skills in Social Services and Financial Management. The motion passed.</i>	Passed

Motion: <i>A motion was made and seconded to approve Jared Sterling's application for certification with transferrable skills in Social Services. The motion passed.</i>	Passed
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Public Materials Provided by Mr. Chris Neil



2011 – 2013 Biennial Comparison						
Profession	Total Number	Complaints Received	Grievance to Professional	Disciplinary Actions Imposed	Complaints Closed with Sanction	Complaints Closed with no Action
Prof. Guardians	284	94	1 to 3	21	22%	78%
Attorneys <sup>i</sup>	31,126	4,246	1 to 7	145	3%	97%
LPN Nurses	13,060	814	1 to 16	133	16%	84%
RN	86,091	2871	1 to 30	386	13%	87%
Physicians	26,536	2751	1 to 10	238	9%	91%
Social Workers	100	10	1 to 10	1	10%	90%
Clinical Social Workers	3,578	153	1 to 23	12	8%	91%
Marriage and Family Therapist	1,286	52	1 to 24	6	12%	88%
Mental Health Counselor	5,515	235	1 to 4	26	11%	89%

Comparison data from DOH 2011- 2013 Uniform Disciplinary Act Biennial Report

<http://www.doh.wa.gov/Portals/1/Documents/2000/UDARReport2011-2013.pdf>

and

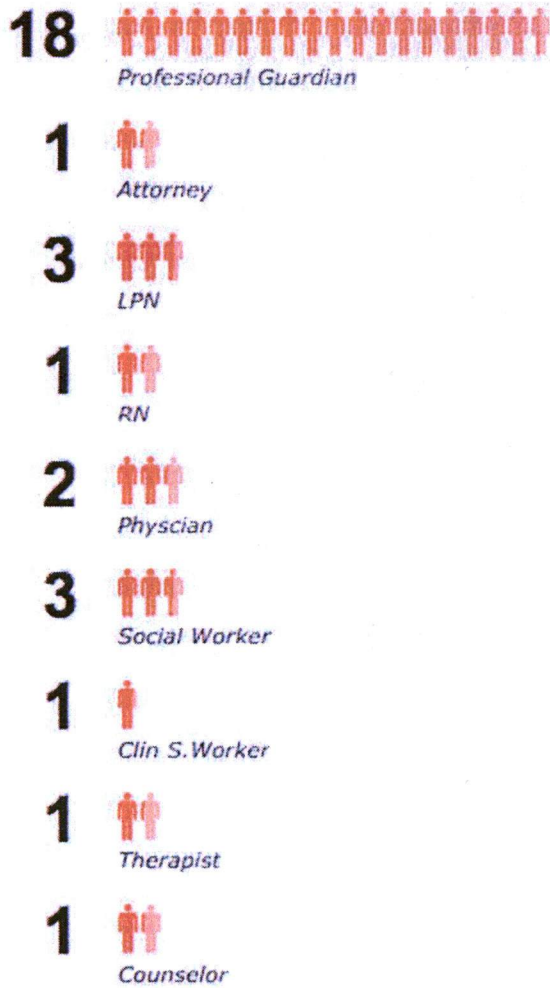
WSBA Annual Reports

<http://www.wsba.org/Licensing-and-Lawyer-Conduct/Discipline>

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<sup>i</sup> 2014 – 2015 timeframe

# BOARD SANCTIONS PER 250



Source: CPG Board 2011-2013 Biennial Comparison  
[http://www.courts.wa.gov/content/publicUpload/CPGB%20Meeting%20Materials/20161114\\_P.pdf](http://www.courts.wa.gov/content/publicUpload/CPGB%20Meeting%20Materials/20161114_P.pdf)

# Grievance Status Update

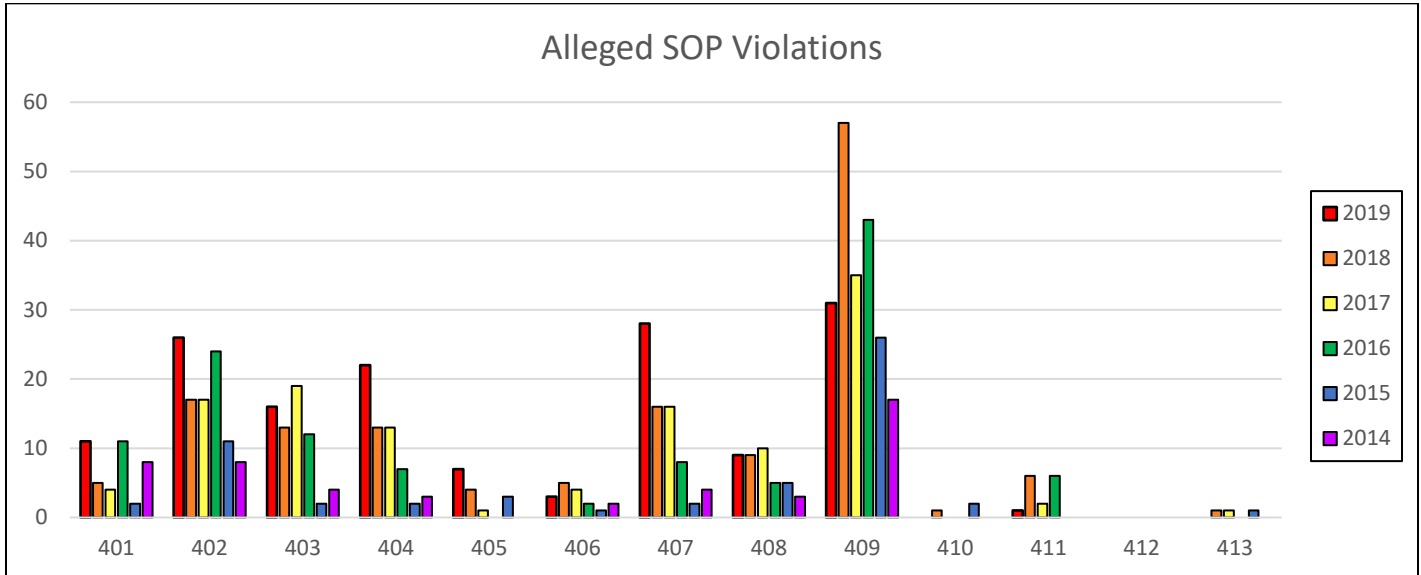
## Certified Professional Guardians Grievance Status

October 31, 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>Total</b>
Grievances Requiring Investigation – August 2019	30	25	12	6	0	0	73
New Grievances:	9						9
Voluntary Surrender <b>Pending:</b>	1	2	2	3		1	9
Conflicts Review Committee <b>Pending:</b>		1	1	1			3
ARD <b>Pending:</b>							
Complaint/Hearing <b>Pending:</b>				1			1
Grievances Resolved This Reporting Period:	4	5	3	2			14
Grievances Requiring Investigation – September 2019	35	20	9	4	0	0	68

<b>Grievance Resolutions September 2019:</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>Total</b>
Dismissal – No Jurisdiction	2						2
Dismissal – No Actionable Conduct	2	5	2	2			11
Dismissal – Insufficient Grievance							
Mediated – Dismissed							
Advisory Letter 507.1			1				1
ARD - Admonishment							
ARD - Reprimand							
ARD - Suspension							
Terminated – CPG Death							
Terminated – Voluntary Surrender							
Terminated – Administrative Decertification							
Terminated – Decertification							
<b>Total Resolved Grievances – October, 2019</b>	<b>4</b>	<b>5</b>	<b>3</b>	<b>2</b>			<b>14</b>

<b>Grievance Resolutions</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>Total</b>
<b>Total Grievances Received To Date 10/31/2019</b>	<b>60</b>	<b>85</b>	<b>104</b>	<b>104</b>	<b>65</b>	<b>64</b>	<b>473</b>
Dismissal – No Jurisdiction	13	22	29	20	13	17	112
Dismissal – No Actionable Conduct	8	36	52	52	29	22	188
Dismissal – Insufficient Grievance	2	3	1	2		2	10
Mediated – Dismissed					1		1
Advisory Letter 507.1	1		1	1			2
ARD - Admonishment					1		1
ARD – Reprimand			1	4	4		9
ARD - Suspension							
Termination – CPG Death					2		2
Termination – Administrative Decertification			1	2	13	11	27
Termination – Voluntary Surrender			6	13	2	11	32
Termination – Decertification							
<b>Total Grievances Resolved To Date: 10/31/2019</b>	<b>24</b>	<b>61</b>	<b>91</b>	<b>94</b>	<b>65</b>	<b>63</b>	<b>398</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	2012	3	2018 (1), 2019 (2)	
B	2014	2	2017 (1), 2019 (1)	
C	2010	2	2017 (1), 2019 (1)	
D	2001	3	2018 (3)	
E	2001	5	2017 (1), 2018 (1), 2019 (3)	
F	2014	2	2017 (1), 2019 (1)	
G	2017	3	2018 (3)	
H	2001	2	2018 (1), 2019 (1)	
I	2007	2	2019 (2)	
J	2009	3	2018 (2), 2019 (1)	
K	2001	2	2018 (1), 2019 (1)	
L	2001	2	2018 (1), 2019 (1)	
M	2011	4	2017 (1), 2018 (2), 2019 (1)	
N	2013	2	2018 (1), 2019 (1)	
O	2007	2	2019 (2)	
P	2009	2	2017 (1), 2019 (1)	
Q	2001	3	2016 (1), 2018 (1), 2019 (1)	
R	2001	3	2016 (2), 2019 (1)	
S	2009	3	2016 (1), 2017 (1), 2018 (1)	
<b>Total</b>		<b>50</b>		

**Of 68 currently open grievances, 50 concern 19 Agencies or CPGs with 2 or more open grievances.**

	Year Guardian Certified	# of Guardians
<b>Before UW Certificate Program (56)</b>	2001	7
	2002	
	2003	
	2004	
	2005	
	2006	
	2007	2
	2008	
	<b>Total</b>	<b>9</b>
<b>UW Certificate Program (79)</b>	2009	3
	2010	1
	2011	1
	2012	1
	2013	1
	2014	2
	2015	
	2016	
	2017	1
	2018	
	<b>Total</b>	<b>10</b>

# Regulations Committee Update



## Regulations Committee Update – CPG Board Meeting 11-18-19

- ❖ Meetings scheduled November 26, December 18, and 4<sup>th</sup> Wednesday of the month in 2020 (time TBD)
  
- ❖ Regulation Amendment and Adoption Timeline – @ 5 month timeline for basic process (add time for: AG review, substantial revisions requiring additional comment periods, multiple committee or board meetings required, meeting volume capacity limits, 2020 additional legislative changes)
  
- ❖ Due to process requirements, unrealistic that all necessary new regulations and revised regulations can be adopted by January 1, 2021 effective date of WA UGA
  
  
- ❖ December 2020 CPG Board meeting may be required – date setting
  
  
- ❖ General Rule 23 Revision – necessary predicate to certain aspects of regulations for WA UGA
  
  
- ❖ Priority of Regulation Drafting and Amendment – Regulations Committee Meeting Discussion
  
  
- ❖ Estimate of Regulations to be Amended: AOC staff is reviewing and compiling
  
  
- ❖ Estimate of Regulations to be Drafted: AOC staff is reviewing and compiling