

# Meeting Materials

# Meeting Minutes

# Certified Professional Guardianship Board

Monday, January 13, 2020

SeaTac Office

18000 International Blvd., Ste 1106

SeaTac, WA 98188-4251

9:00 am – 2:00 pm

## DRAFT Meeting Minutes

### Members Present

Judge Rachelle Anderson  
Ms. Rosslyn Bethmann  
Judge Grant Blinn  
Ms. Rita Forster (by phone)  
Ms. Amanda Froh  
Commissioner Diana Kiesel  
Judge Robert Lewis  
Ms. Lisa Malpass  
Dr. K. Penney Sanders  
Mr. Dan Smerken  
Ms. Amanda Witthauer  
Dr. Rachel Wrenn (by phone)

### Members Absent

Ms. Susan (Susie) Starrfield

### Staff

Ms. Stacey Johnson  
Ms. Kathy Bowman  
Mr. Christopher Fournier (by phone)  
Ms. Thai Kien  
Ms. Kay King  
Ms. Tamara Maddox  
Ms. Kim Rood  
Ms. Eileen Schock

**Guests – See List on Last Page**

### 1. Meeting Called to Order

Judge Rachelle Anderson called the January 13, 2020 Certified Professional Guardianship Board (Board) meeting to order at 9:04 am.

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

Judge Anderson welcomed all those present. AOC Extern Tamara Maddox was introduced and welcomed to the Board. It was announced staff member Carla Montejo has separated employment with the AOC. Hearing no suggested changes or corrections, a motion was made and seconded to approve the minutes of the November 18, 2019 Board meeting as written. The motion passed.

Motion: *A motion was made and seconded to approve the November 18, 2019 Certified Professional Guardianship Board meeting minutes as written. The motion passed. Judge Lewis abstained.*

### 3. Chair's Report

Judge Anderson reported on proposed trailer legislation that has been introduced to improve the Uniform Guardianship Act, and the next Hearing regarding the UGA is scheduled on January 28, 2020.

#### **4. Public Comment**

Certified Professional Guardian Mr. Chris Neil distributed a graphical representation of professional guardians appointed annually in Washington (see attached). Mr. Neil said he believes the data suggests that less restrictive alternatives to guardianship are being used by GALs and the courts.

#### **5. Grievance Update**

Staff provided an update on the number of grievances received and closed during November and December, 2019. The Standards of Practice Committee was unable to resolve grievances in November, lacking a quorum of members. Twenty one (21) grievances were resolved in December. Two percent (2%) of all grievances received in 2019 resulted in a reprimand to the CPG. Four percent (4%) resulted in an Advisory Letter Regulation 507.4.

A Board member suggested the Education Committee review the Standards of Practice that are most often cited in grievances and incorporate greater education around those specific areas.

Office of Public Guardianship Coordinator Jennifer Holderman noted her interest in looking at alleged SOP violations, the investigative process and how sanctions are determined, bringing this content more into the light and engaging for CPG education. Ms. Holderman also reported The Guardian Institute has invited participation in their CEU agenda. Judge Anderson extended an invitation for The Guardian Institute to attend regular Board meetings either in person or by telephone.

Dan Smerken shared the feeling among CPGs that the Board needs to see what “a day in the life” is like. CPGs are fearful of the Board and don’t see the Board as helpful, but an entity to avoid. Changing that dynamic will be positive. Stacey Johnson felt the continued reduction of open grievances and the elimination of the backlog in 2020 should benefit this relationship.

#### **6. Regulations Committee**

The Regulations Committee was thanked for their engagement. Staff reported the committee has reviewed a draft of GR23 for compatibility with the UGA. Changes in CPG qualifications have been discussed. Among those was “crimes of moral turpitude”, a term that is falling out of favor. For example, moral character is important for positions of high public trust, but it must be a very individualized consideration. The committee will continue to review and anticipates providing a proposed version of GR23 at the next Board meeting. Once approved by the Board, the updated draft GR23 will be submitted to the Supreme Court. Staff also reported the committee is focusing on the 000 series of the UGA. Regulations are in the works, but GR23 should be completed before moving too far. Commissioner Kiesel commented her goal is to come back to the Board with model rules of professional conduct, including comments that will help guide CPGs.

It was announced Judge Anderson and Stacey Johnson have been invited to present at The Guardian Institute’s Annual Fall Conference in Spokane.

**7. Executive Session (Closed to the Public)**

**8. Reconvene and Vote on Executive Session Discussion (Open to the Public)**

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

Motion: *A motion was made and seconded to table Halina Catlett's application for certification until the next Certified Professional Guardianship Board meeting. The motion passed.*

Motion: *A motion was made and seconded to conditionally approve Jolin Lowry's application for certification upon completion of the UW Certification Program, with transferrable skills in Social Services and Legal. The motion passed.*

Motion: *A motion was made and seconded to approve Madlin Misaghi's application for certification, with transferrable skills in Health Care. The motion passed.*

Motion: *A motion was made and seconded to conditionally approve Hilary Snodgrass' application for certification upon completion of the UW Certification Program, with transferrable skills in Legal. The motion passed.*

Motion: *A motion was made and seconded to conditionally approve Karina Tharge's application for certification upon completion of the UW Certification Program, with transferrable skills in Social Services and Financial. The motion passed.*

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

Motion: *A motion was made and seconded to Administratively Decertify Kim Murillo for non-renewal of annual Certification. The motion passed.*

Motion: *A motion was made and seconded to Administratively Decertify Joyce Richards for non-renewal of annual Certification. The motion passed. Commissioner Diana Kiesel and Rosslyn Bethmann abstained.*

Motion: *A motion was made and seconded to Administratively Decertify Sarah Tremblay for non-renewal of annual Certification. The motion passed.*

**9. Wrap Up/Adjourn**

The Board does not meet in February. The next CPG Board meeting will take place telephonically on Monday, March 9, 2020 at 8:00 am. As there was no other business to discuss, the January 13, 2020 meeting was adjourned at 12.25 pm.

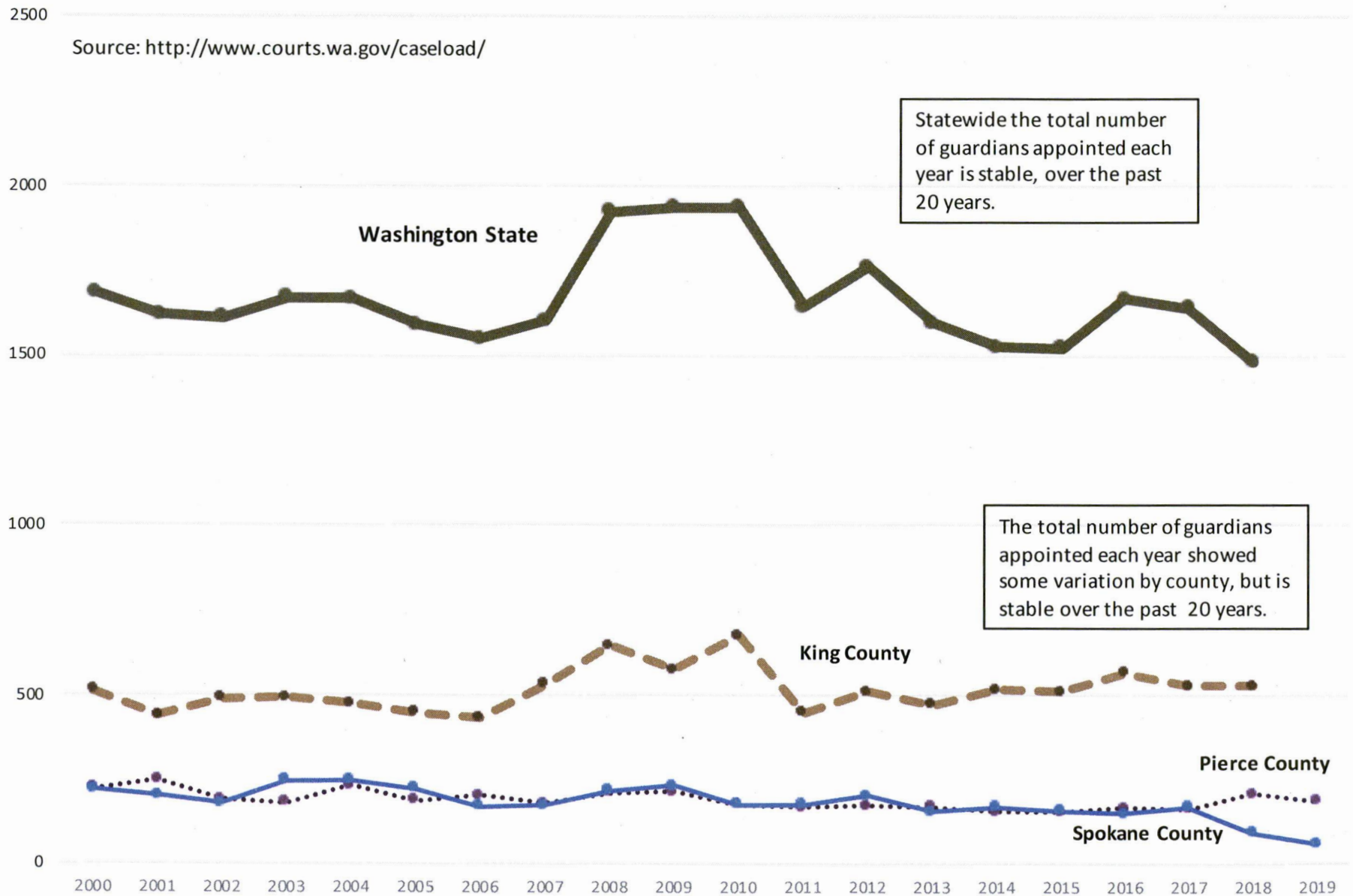
Motion Summary		Status
Motion:	<i>A motion was made and seconded to approve the November 18, 2019 Certified Professional Guardianship Board meeting minutes as written. The motion passed. Judge Lewis abstained.</i>	Passed
Motion:	<i>A motion was made and seconded to table Halina Catlett's application for certification until the next Certified Professional Guardianship Board meeting. The motion passed.</i>	Passed
Motion:	<i>A motion was made and seconded to conditionally approve Jolin Lowry's application for certification upon completion of the UW Certification Program, with transferrable skills in Social Services and Legal. The motion passed.</i>	Passed
Motion:	<i>A motion was made and seconded to approve Madlin Misaghi's application for certification, with transferrable skills in Health Care. The motion passed.</i>	Passed
Motion:	<i>A motion was made and seconded to conditionally approve Hilary Snodgrass' application for certification upon completion of the UW Certification Program, with transferrable skills in Legal. The motion passed.</i>	Passed
Motion:	<i>A motion was made and seconded to conditionally approve Karina Tharge's application for certification upon completion of the UW Certification Program, with transferrable skills in Social Services and Financial. The motion passed.</i>	Passed
Motion:	<i>A motion was made and seconded to approve Jay Wilson's application for certification, with transferrable skills in Social Services and Financial. The motion passed.</i>	Passed
Motion:	<i>A motion was made and seconded to Administratively Decertify Kim Murillo for non-renewal of annual Certification. The motion passed.</i>	Passed
Motion:	<i>A motion was made and seconded to Administratively Decertify Joyce Richards for non-renewal of annual Certification. The motion passed. Commissioner Diana Kiesel and Rosslyn Bethmann abstained.</i>	Passed
Motion:	<i>A motion was made and seconded to Administratively Decertify Sarah Tremblay for non-renewal of annual Certification. The motion passed.</i>	Passed

**Guests Present:**

Ramsey Radwan  
Chris Neil

# Guardians Appointed in Washington, by Year

Source: <http://www.courts.wa.gov/caseload/>



Statewide the total number of guardians appointed each year is stable, over the past 20 years.

The total number of guardians appointed each year showed some variation by county, but is stable over the past 20 years.



501(c)3 Public Non-Profit  
Improving the lives of vulnerable adults  
PO Box 3159  
Sequim, WA 98382

Date: January 9, 2020  
To: Certified Professional Guardian Board  
From: Mindi R. Blanchard, M.Ed., CPG  
President of the Board  
Re: Guardian Certification Program

I am writing regarding the future of the Guardian Certification Program. My understanding is that the contract with the University of Washington expires this year. The Guardian Institute had submitted a proposal only to be told that we need to wait for an RFP to be sent out. Time is running short. If the Guardian Board wants a smooth transition, they need to be sending out an RFP very soon. It will take any new contractor, even the UW, some months to get everything set up to start a new program. I am urging the Guardian Board to address this as soon as possible.

Also, I want to address the topic that has been brought up regarding the education requirements for certified professional guardians. Formal education is not a guarantee of a good professional guardian. However, it can be a good way of screening an interested person. I would propose that the Guardian Board entertain an exception for guardian agencies who have long-term employees who wish to become certified as professional guardians. The owner of the agency would have to shoulder the consequences of any problems. I believe that any responsible agency owner would weigh the responsibility carefully before facilitating the cost of getting an employee certified as a professional guardian.

Thank you for considering these requests.

Respectfully submitted,

*Mindi Blanchard*



# **Grievance Updates**

## Certified Professional Guardians Grievance Status

Month-End

February 29, 2020

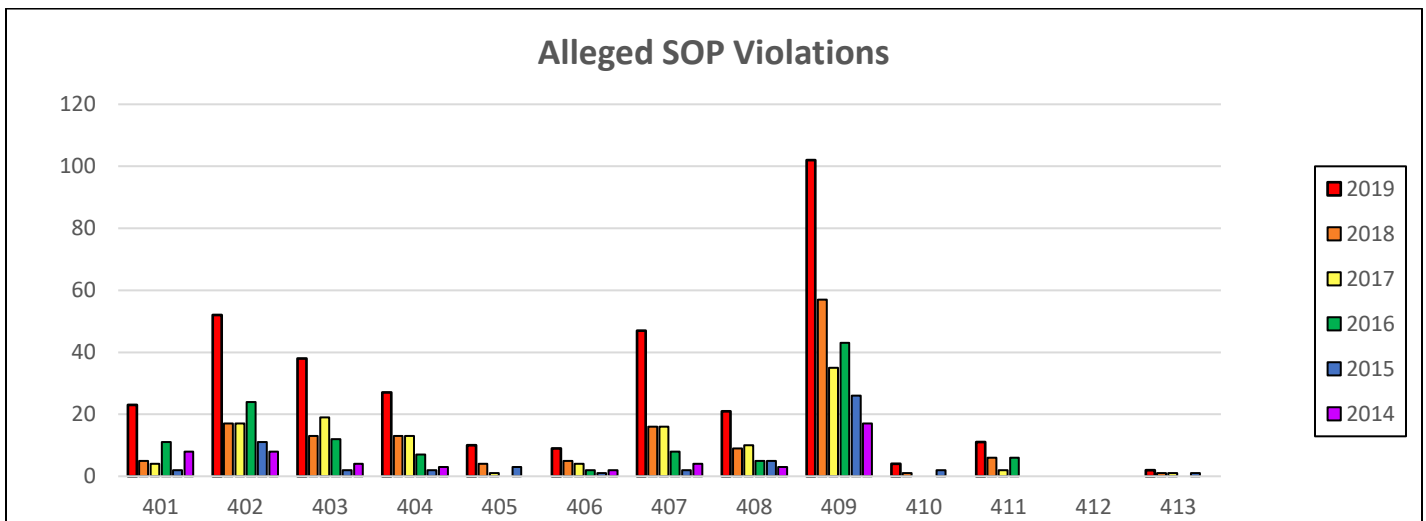
Grievance Status – February 29, 2020	2020	2019	2018	2017	2016	2015	2014	Total
New Grievances Received:	7	0	0	0	0	0	0	7
Grievances Resolved this Month:	[4]	[10]	[6]	[3]	[1]		[1]	[25]
Grievances Requiring Investigation*:	10	31	6	2				49

Grievances <b>Pending*</b>	2020	2019	2018	2017	2016	2015	2014	Total
Voluntary Surrender:					1			1
Conflicts Review Committee:		2	1	1	1			5
ARD:								
Complaint/Hearing:					1			1
Administrative Decertification:		1	2	1	1			5
<b>Total Pending:</b>		3	3	2	4			12

**[\*Grievances in Pending status are not counted as Grievances Requiring Investigation.]**

Resolution of Grievances – February 29, 2020	2020	2019	2018	2017	2016	2015	2014	Total
Dismissal – No Jurisdiction	2							2
Dismissal – No Actionable Conduct	1	10	4	1				16
Dismissal – Insufficient Grievance	1							1
Mediated – Dismissed								
Advisory Letter 507.1								
ARD - Admonishment								
ARD - Reprimand								
ARD - Suspension								
Terminated – Voluntary Surrender			2	2	1		1	6
Terminated – Administrative Decertification								
Terminated – Decertification								
<b>Total Resolved Grievances: February 29, 2020</b>	4	10	6	3	1		1	25

<b>Grievance Resolutions</b>	<b>2020</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</b>	<b>16</b>	<b>77</b>	<b>85</b>	<b>104</b>	<b>104</b>	<b>65</b>	<b>64</b>	<b>515</b>
Dismissal – No Jurisdiction	4	15	22	30	20	13	17	121
Dismissal – No Actionable Conduct	1	20	47	58	54	29	22	231
Dismissal – Insufficient Grievance	1	5	3	1	2		2	14
Mediated – Dismissed						1		1
Advisory Letter 507.1		1	3	2	4			10
ARD - Admonishment						1		1
ARD – Reprimand				1	4	4		9
ARD - Suspension								
Termination – CPG Death						2		2
Termination – Administrative Decertification		2	1	1	2	13	11	30
Termination – Voluntary Surrender			2	8	15	2	12	39
Termination – Decertification								
<b>Grievances Resolved To Date: 02/29/2020</b>	<b>6</b>	<b>43</b>	<b>78</b>	<b>101</b>	<b>101</b>	<b>65</b>	<b>64</b>	<b>458</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	2001	7	2017 (1), 2018 (1), 2019 (5)	
B	2014	3	2017 (1), 2019 (1), 2020 (1)	
C		5	2016 (1), 2017 (1), 2018 (2), 2019 (1)	
D	2007	3	2019 (2), 2020 (1)	
E	2001	2	2018 (1), 2019 (1)	
F	2011	4	2017 (1), 2018 (2), 2019 (1)	
G	2013	2	2018 (1), 2019 (1)	
H	2004	2	2019 (2)	
I	2015	2	2020 (2)	
	TOTAL	30		

**Of 49 currently open grievances, 30 grievances concern 9 Agencies/CPGs with 2 or more open grievances.**