

Meeting Materials

Meeting Minutes

	<p>Certified Professional Guardianship Board Monday, April 13, 2020 Annual Planning Meeting Teleconference 9:00 a.m. – 1:00 p.m.</p>
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DRAFT Meeting Minutes

Members Present:	Members Absent:
Judge Rachelle Anderson	Dr. Rachel Wrenn
Ms. Rosslyn Bethmann	
Judge Grant Blinn	Staff Present:
Ms. Rita Forster	Ms. Stacey Johnson
Ms. Amanda Froh	Ms. Kathy Bowman
Commissioner Diana Kiesel	Mr. Christopher Fournier
Judge Robert Lewis	Ms. Thai Kien
Ms. Lisa Malpass	Ms. Kay King
Dr. K. Penney Sanders	Ms. Kim Rood
Mr. Dan Smerken	Ms. Eileen Schock
Ms. Susie Starrfield	
Ms. Amanda Witthauer	Guests: See list on last page

1. Meeting Called to Order

Judge Rachelle Anderson called the April 13, 2020 Certified Professional Guardianship Board (Board) teleconference to order at 8:02 a.m.

2. Welcome, Roll Call and Approval of Minutes

Board members, members of the public, guests and staff were welcomed and roll was taken. This annual planning meeting, typically held in-person, is by teleconference due to coronavirus distancing directives. Judge Anderson asked for additions or corrections to the March 9, 2020 Board meeting minutes. Hearing none, a motion was made and seconded to approve the minutes as written. There were no abstentions. The motion passed.

3. Chair's Report

Judge Anderson acknowledged and appreciated the vital work being accomplished during these uncertain times, noting how difficult it is to have meaningful conversations and discussions during this time of emergency.

The legislature moved implementation back for most of the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGA) to January, 2022. The only portion of the UGA to become effective January, 2021 is Article 2, Guardianship of Minor. Regulations and other changes are in progress, including with the University of Washington Continuum College. Staff added that work on suggested changes to GR23 is still at the committee level. Since GR 23 is a Supreme Court rule, the Supreme Court's rulemaking process applies and not the more familiar Board regulation adoption process. Board Regulations are also in process of being updated at the committee level. The University of Washington is planning to continue their program for the next academic year and is working on new training. Lay guardian training and pattern forms updates are also in progress. With the minor guardianship portion of the law becoming effective in less than a year, the focus is on minor guardianship forms as that is due first. The Administrative Office of the Courts is

instructed by statute to participate in the Court Visitor and Guardian ad Litem training advisory group, and has reached out to DSHS and the King County Bar Association, DSHS's delegate. Kay King is working on developing materials for lay guardians and minor guardianship, speaking with stakeholders, and developing FAQs and other training tools for kinship navigators, kinship caregivers and other stakeholders. The impact of Covid has meant that these stakeholder groups are subject to more pressing demands for the moment, but efforts will continue to provide information on this major change in law and the repeal of the non-parental custody statute.

4. Public Comments

Member of the public, Ms. Claudia Donnelly elected to speak to the Board about the isolation of an incapacitated person in Washington State. Judge Anderson offered that she would need additional specific facts about the case in order to correctly answer Ms. Donnelly's questions and to provide appropriate avenues for finding assistance. There were no written materials presented.

5. Regulations Committee Report

Commissioner Kiesel said the work is challenging but she is working with "rock star" committee members and staff. Kay King agreed the work is complex and shared some updates of the committee's work. UGA effective dates are somewhat more complicated than a simple adults in 2022 /minors in 2021 bifurcation. Article 4, (covering adult and minor conservatorship) and Article 5, (covering other protective arrangements in lieu of adult guardianship and in lieu of adult or minor conservatorships) will not take effect until January, 2022. Further, the general provisions of the Act become effective with respect to minors only in 2021, and this may generate some public confusion.

Ms. King expanded on the discussion of the difference between the Supreme Court rulemaking process governed by Supreme Court General Rule 9 and the more familiar Board regulation process that is governed by Series 600 of the Board regulations. The general parameters of the GR 9 process were presented, including the introduction of a Suggested Rule, and the two required instances of Supreme Court solicitation of stakeholder input pursuant to GR 9. It was also noted that potential rule changes are circulated to various court associations and the WSBA, and subject to publication and comment requirements. An oral hearing is also an option for the Supreme Court under GR 9. By contrast, Board regulations are subject to Series 600 requirements. After committee review, the Board must follow its notice and comment procedures in Series 600 before making a decision to change Board regulations. Judge Anderson underscored the work is mammoth. Judge Anderson also noted that Certified Professional Guardians have been and continue to be encouraged to reach out to members of the Board to share their thoughts.

6. Break

7. Annual Report

Chris Fournier presented the 2019 Annual Report of the Certified Professional Guardianship Board, which has been expanded from past reports to illustrate the breadth of the work of the Board. The work of all Board committees has been included, providing a brief overview of main accomplishments for Applications, Education, Standards of Practice and Regulations.

8. Grievance Review

In 2019, there was an overall reduction of outstanding grievances. The Board has closed 137 of 168 grievances that were opened prior to 2019. There are currently 58 grievances opened in 2019 that remain open for investigation. Ninety percent (90%) of the grievances closed in 2019 were without discipline or sanction (no actionable conduct). The majority of complaints were forwarded by Adult Protective Services, followed by family, and then facilities. Alleged grievances were mainly regarding financial decision-making, the relationship of a Certified Professional Guardian with family and residential placement. Certified Professional Guardians or Guardianship Agencies with multiple (2 or more) open grievances have been reduced from 38 to 11.

Judge Anderson shared she was impressed with the work of staff and the Standards of Practice Committee. The reduction in numbers of outstanding grievances and the thoroughness of the information presented. She noted it is significant that 90% of grievances were closed with no actionable conduct found. Family dynamics and high emotions lend to the vast majority of grievances and it is important to acknowledge this. While the majority of grievances are found not to be actionable, all grievances must still be carefully reviewed for merit.

9. Executive Session – Closed to the Public

The public teleconference line was placed on hold during the closed Executive Session. A roll of Board members was retaken.

10. Break

11. Reconvene and Vote on Executive Session Discussion – Open to Public

On behalf of the Applications Committee, Judge Lewis presented the following motions. Members of the Applications Committee abstained.

Motion: A motion was made and seconded to conditionally approve Nicole Fink’s application upon completion of the UW Certification program, with transferrable skills in health care. The motion passed.

Motion: A motion was made and seconded to approve Dan Jackson’s application for certification, with transferrable skills in financial services. The motion passed.

Motion: On remand of appeal, a motion was made and seconded to conditionally approve Tracy Bauhs’ application upon completion of the UW Certification program, with transferrable skills in financial and social services. The motion passed.

12. Wrap Up and Adjourn

The next Certified Professional Guardianship Board meeting will be held by teleconference on May 11, 2020 at 8:00 a.m. Judge Anderson asked members of the public for additional comments or questions. Hearing none, the April 13, 2020 meeting was adjourned at 12:13 p.m.

Motions Summary	Status
A motion was made and seconded to approve the March 9, 2020 CPG Board meeting minutes as written. The motion passed.	Passed

A motion was made and seconded to conditionally approve Nicole Fink's application upon completion of the UW Certification program, with transferrable skills in healthcare. The Applications Committee abstained. The motion passed.	Passed
A motion was made and seconded to approve Dan Jackson's application, with transferrable skills in financial services. The Applications Committee abstained. The motion passed.	Passed
On remand of appeal, a motion was made and seconded to conditionally approve Tracy Bauh's application upon completion of the UW Certification program, with transferrable skills in financial and social services. The Applications Committee abstained. The motion passed.	Passed

Guests:

Mr. Ramsey Radwan, Director, Administrative Office of the Courts
 Ms. Miriam Doyle, University of Washington Continuum College

DRAFT

Chair's Report

Certified Professional Guardianship Board

ADMINISTRATIVE OFFICE OF THE COURTS

Dawn Marie Rubio
State Court Administrator

To: Certified Professional Guardianship Board
From: Staff
Date: May 1, 2020
RE: Supreme Court Order No. 25700-B-617
Order re: Visitation of Certified Professional Guardians

- In light of Governor Inslee's proclamation of a state of emergency with the onset of the COVID-19 outbreak, CPG Board Chair Judge Anderson issued a memo with guidance for CPGs regarding alternate methods of visitation on March 3, 2020. On March 24, 2020, Judge Anderson issued a subsequent memo addressing the safety imperatives in the discharge of guardians' duties.
- Pursuant to requests for additional guidance from some Certified Professional Guardians and advocates, a request was made to the Washington Supreme Court to consider issuing guidance with respect to CPGs' fiduciary duties in the time of COVID-19.
- The Supreme Court issued Supreme Court Order No. 25700-B-617, Order re: Visitation of Certified Professional Guardians on April 23, 2020. Please see the attached copy of the order.
- The Supreme Court order was distributed electronically on the same day of issuance, April 23, by the AOC to all stakeholders.
- The order reiterates guardians' obligation to fulfill their fiduciary duty to be adequately informed in order to make decisions regarding the care and safety of incapacitated persons. The order explicitly acknowledges the permissive use of alternative means of visitation and outreach, and the importance of documenting the means and the circumstances.
- The Supreme Court order is in harmony with Board Regulation 404.1, which is specifically cited in the order.

- The order explicitly acknowledges that courts may develop and implement jurisdiction specific procedures.
- The order covers the time period of the state of emergency and remains effective until further order of the Washington Supreme Court.

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF STATEWIDE RESPONSE) ORDER RE: VISITATION OF
BY WASHINGTON STATE COURTS TO THE)
COVID-19 PUBLIC HEALTH EMERGENCY) CERTIFIED PROFESSIONAL
)
) GUARDIANS
)
)
) No. 25700-B-617

WHEREAS, on February 29, 2020, Governor Inslee proclaimed a state of emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington; and on March 13, 2020, President Trump declared a national emergency due to the COVID-19 outbreak across the United States; and

WHEREAS, during this state of emergency, the Centers for Disease Control and Prevention and the Washington State Department of Health have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public spaces; and

WHEREAS, consistent with these recommendations, Governor Inslee issued and extended a “Stay Home, Stay Healthy” order directing non-essential businesses to close, banning public gatherings, and requiring Washingtonians to stay home except to pursue essential activities through at least May 4, 2020; and

WHEREAS, the Certified Professional Guardianship Board (“Board”) via a memo from its Chair dated March 3, 2020, recognized the public health emergency and the importance of

avoiding in-person visits by certified professional guardians (“CPGs”) as circumstances dictate and the use of informed judgement; and

WHEREAS, the Board memo also stated the Board expectation that CPGs document their reason for not visiting an incapacitated person in person and the outreach that was done instead in accordance with Board Regulation 404.1; and

WHEREAS, preventing the further spread of COVID-19 continues to be a compelling concern, as well as CPGs’ fiduciary duty to be informed and make decisions about the care and safety of incapacitated persons.

NOW, THEREFORE, pursuant to the Supreme Court’s plenary authority with respect to guardianship practice and CPGs in their role as officers of the court, and the duty to ensure the safety of incapacitated persons, CPGs, and the public.

IT IS HEREBY ORDERED:

1. Certified Professional Guardians of the person must continue to be adequately informed to make decisions with respect to the care and safety of incapacitated persons. In accordance with Certified Professional Guardianship Board Regulation 404.1, the Certified Professional Guardian may use an alternative means of visitation such as: live video conferencing; telephone calls; interviews with third party experts such as medical providers; or interviews with care providers. CPGs shall continue to document the alternative means of visitation and outreach, along with documentation of the circumstances.

2. Nothing in this order prevents courts from developing and implementing jurisdiction specific procedures that meet the directives outlined herein.
3. This order shall cover the time period of the state of emergency due to COVID-19 and shall remain in effect until further order of the Washington Supreme Court.

DATED at Olympia, Washington this 23rd day of April, 2020.

For the Court


CHIEF JUSTICE

UW Program Hiatus

Office of Guardianship and Elder Services

OFFICE OF PUBLIC GUARDIANSHIP
Stacey Johnson, Manager

May 4, 2020

Dear Certified Professional Guardianship Board, Certified Professional Guardians, and stakeholders:

The University of Washington Continuum College (UWCC) has advised the Administrative Office of the Courts (AOC) that UWCC must put the Guardianship Certificate Program (the Program) on hiatus for the 2020-2021 school year. The year will be used to redevelop the Program to reflect the newly passed Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGA). The UWCC also plans to use this time to move to an exclusively online format to improve accessibility to students across the state. Providing greater accessibility to potential enrollees from all parts of Washington aligns with demographic trends and the need for entrants to the profession.

The AOC and the UWCC have been in discussions regarding the factors affecting the timeline for the redevelopment of the Guardianship Certificate Program. The UWCC previously planned on putting the program on hiatus for the 2021-2022 academic year. However, recent events and information have brought forth additional impactful considerations.

The effect of the COVID-19 pandemic has left uncertainty in the landscape of the 2020-2021 academic year. The social and economic impacts of the COVID-19 outbreak are unknown but expected to be significant. The potential for lower enrollment in the 2020-2021 academic year is substantial. UWCC informed the AOC that low enrollment would cause the UWCC to place the Program on hold for that particular academic year. While the future remains undefined for all at present, uncertainty is likely to decline over time.

The AOC made a 2020 session legislative request for Program redevelopment funding with input from the UWCC. The Program redevelopment funds request was premised on keeping tuition for the course at the current rate. The Legislature's appropriation for program redevelopment is only available in State fiscal year 2021 (July 1, 2020 to June 30, 2021). Washington State vulnerable adult demographics strongly indicate a continuing need for guardianship services in the state. Maintaining an affordable professional certification course is a critical issue, and ties directly to this appropriation.

May 4, 2020
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The AOC is sharing this information about the 2020-2021 academic year hiatus with all stakeholders as it is understood that this decision impacts all of the guardianship community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stacey Johnson', with a stylized, cursive script.

Stacey Johnson, Manager
Office of Guardianship and Elder Services

Grievance Report

Certified Professional Guardians Grievance Status

Month-End

April 30, 2020

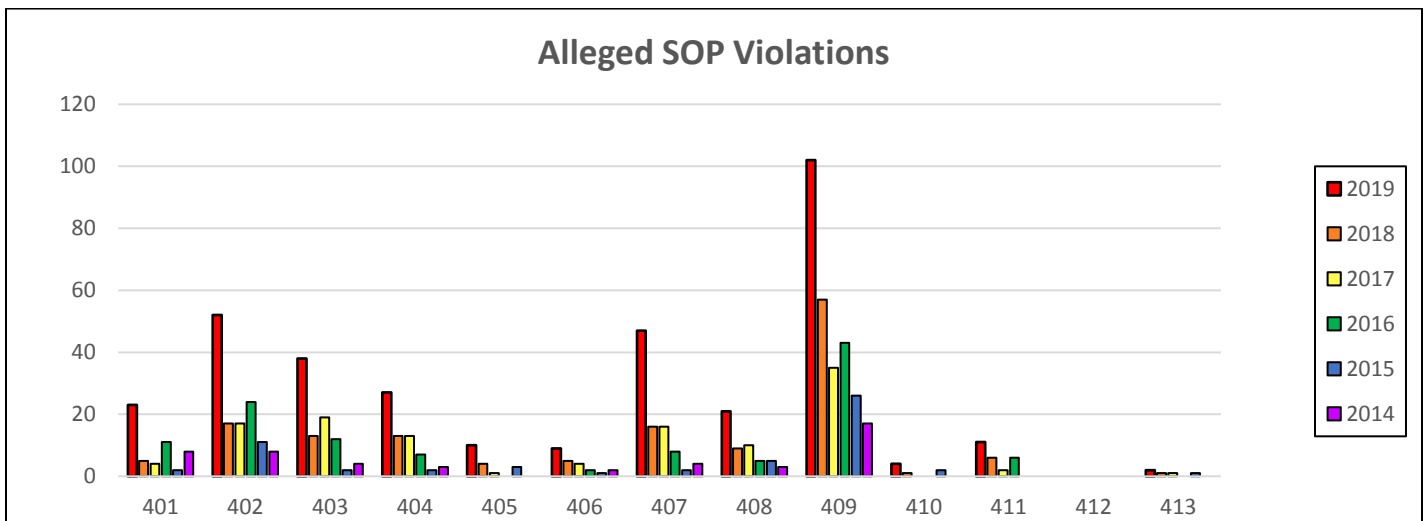
Grievance Status – April 30, 2020	2020	2019	2018	2017	2016	2015	2014	Total
New Grievances Received:	4	0	0	0	0	0	0	4
Grievances Resolved this Month:	[4]	[6]	[1]					[11]
Grievances Requiring Investigation*:	14	25	4	2	0	0	0	45

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

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

Resolution of Grievances – April 30, 2020	2020	2019	2018	2017	2016	2015	2014	Total
Dismissal – No Jurisdiction	1							1
Dismissal – No Actionable Conduct	3	6	1					10
Dismissal – Insufficient Grievance								
Mediated – Dismissed								
Advisory Letter 507.1								
ARD - Admonishment								
ARD - Reprimand								
ARD - Suspension								
Terminated – Voluntary Surrender								
Terminated – Administrative Decertification								
2Terminated – Decertification								
Total Resolved Grievances: April 30, 2020	4	6	1					11

Grievance Resolutions	2020	2019	2018	2017	2016	2015	2014	Total
Total Grievances Received	26	77	85	104	104	65	64	525
Dismissal – No Jurisdiction	7	15	22	30	20	13	17	124
Dismissal – No Actionable Conduct	4	26	49	59	55	29	22	244
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		3	3	1	4	13	11	35
Termination – Voluntary Surrender			2	8	15	2	12	39
Termination – Decertification								
Grievances Resolved To Date: 03/31/2020	12	50	81	102	104	65	64	472



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	2004	2	2020 (2)	
B	2001	7	2017 (1), 2018 (1), 2019 (5)	
C	2014	3	2017 (1), 2019 (1), 2020 (1)	
D	2007	3	2019 (2), 2020 (1)	
E	2001	2	2018 (1), 2019 (1)	
F	2015	2	2020 (2)	
	TOTAL	19		

Of 45 currently open grievances requiring investigation, 19 concern 6 Agencies/CPGs with 2 or more open grievances.

	Year Guardian Certified	# of Guardians
Before UW Certificate Program (56)	2001	2
	2002	
	2003	
	2004	1
	2005	
	2006	
	2007	1
	2008	
	Total	4
UW Certificate Program (79)	2009	
	2010	
	2011	
	2012	
	2013	
	2014	1
	2015	1
	2016	
	2017	
	2018	
		Total