

Meeting Materials
November 9, 2020

**Meeting Minutes
October 12, 2020**



Certified Professional Guardianship Board
Monday, October 12, 2020
Zoom Video Conference
9:00 a.m. – 1:00 p.m.

DRAFT Meeting Minutes

Members Present:

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

Members Absent:

Ms. Susie Starrfield

Staff Present:

Ms. Stacey Johnson
Ms. Kathy Bowman
Mr. Christopher Fournier
Ms. Jennifer Holderman
Ms. Thai Kien
Ms. Kay King
Mr. Ramsey Radwan
Ms. Kim Rood
Ms. Eileen Schock
Ms. Rhonda Scott

Guests: See list on last page

1. Meeting Called to Order

Judge Anderson called the October 12, 2020 Certified Professional Guardianship Board meeting to order at 9:04 am.

2. Welcome, Roll-Call And Approval of Minutes

Members of the Board and the public were welcomed.

Motion: A motion was made and seconded to approve the September 14, 2020 meeting minutes as written. There were none opposed and no abstentions.

3. Chair's Report

Judge Anderson announced the Board is sad to be losing staff member Kim Rood, who is retiring at the end of the month of October. Kim will be terribly missed but was she was congratulated on her opportunities to spend time with her grandkids and other interests. Ms. Bethmann said she appreciated all Kim's work on passwords and travel assistance.

The Certified Professional Guardianship Board meeting calendar was included in the meeting materials. The meetings held in March, May, August, September and November are one hour in length, from 8:00 a.m. to 9:00 a.m. Longer meetings are held in January, April (the annual planning meeting), June, and October, from 9:00 a.m. to 1:00 p.m. All meetings are assumed to be held via Zoom Video Conference at this time. Judge Anderson asked the Board, when we are able to meet again in person, would Board members prefer to continue holding meetings via Zoom or in person. Judge Anderson asked for feedback to either herself or to staff.

Judge Anderson reported the biggest issue currently in process is the implementation of the Uniform Guardianship Act, effective in January 2021 for minor guardianship. Training and pattern form development are underway.

4. Grievance Report

Staff reported on the status of Certified Professional Guardian grievances. There were 7 new grievances received and 3 grievances closed in September, 2020. A total 52 grievances remain open in investigation status. Twenty Eight (28) of these were received in 2020. Eighteen (18) remain open from 2019. Board members asked staff to clarify the dispositions used in the monthly Certified Professional Guardians Grievance Status report.

The Board had previously asked staff how many of the 302 currently active Certified Professional Guardians were certified before the UW Continuum College Certification program was established. Having researched the question, staff reported 135 currently working CPGs were certified in 2008 or earlier and 167 CPGs who were certified after 2008.

5. Office of Public Guardianship Update

Jennifer Holderman presented on the history and current work of the Office of Public Guardianship. The Office of Public Guardianship (OPG) currently serves 95 individuals, who represent approximately 3% of the need. A Board member asked if Lay Guardians could be considered for assignment to an OPG case, even it were for a single individual. Ms. Holderman responded that per statute, the Office of Public Guardianship must work with Certified Professional Guardians. A Board member asked if there was a pro-bono requirement for Certified Professional Guardians, such as for attorneys. Ms. Holderman replied she would check into that. It was also suggested a survey of the guardianship community could be done to discover how many pro-bono cases they carry at this time.

6. Training Coordinator Update

During the 2020 legislative session, the Uniform Guardianship Act (UGA) effective date was amended resulting in a bifurcated effective date for different sections of the statute. The general provisions of the statute become effective with respect to minors, but not adults, on January 1, 2021. Article 2 of the UGA, regarding minor guardianship, becomes effective January 1, 2021. The remainder of the UGA, including adult guardianship, conservatorships, and all other protective arrangements becomes effective January 1, 2022. The non-parental custody statute RCW 26.10 is repealed on January 1, 2021. Article 2 of the UGA confers custody of the child to the guardian and includes a duty to support. Petitioners seeking non-parental custody will now be petitioning for guardianship under Title 11. The UGA requires lay guardian training, and a separate minor guardianship lay guardian training is under development. Many of these cases typically involve pro-se litigants. Pattern form development for minor guardianship is still underway, to be available by January 1, 2021. Trainings are being provided to a large array of stakeholders on minor guardianship. Training for judicial officers is scheduled for October 19 and November 2. Trainings also continue to be provided with respect to adult guardianship, and have included presentations to guardian conferences and associations, various CLEs, and elder advocacy groups, including presentations on the UGA, the GR 9 process, and elder protection mechanisms.

7. Public Comment

Judge Anderson invited anyone who wished to speak, to please indicate this in the Zoom Group Chat. There were no public comments received.

8. Executive Session (Closed to the Public)

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

The Applications Committee will defer candidates to the next Board meeting.

Motion Judge Blinn moved that the Board reject the settlement offer. Judge Lewis seconded. Opposed, Lisa Malpass, Amanda Witthauer. The motion passed.

Motion Dan Smerken moved that the Board send the CRC recommended advisory letter and a letter to the grievant in CPGB 2019-054. None were opposed. The motion passed.

Motion Judge Lewis moved to adopt the proposed change to Regulation 202. Commissioner Kiesel seconded. None were opposed. The motion passed.

Motion Judge Lewis moved to adopt GR23 technical amendments. Judge Blinn seconded. None were opposed, and there were no abstentions. The motion passed.

Motion Judge Lewis moved to adopt GR23 proposed change to the formal education requirement, allowing applicants for Certified Professional Guardian with a HS education or GED equivalent and 5 full years of pertinent experience. Rachel Wren seconded. Opposed, K. Penney Sanders and Rosslyn Bethmann. No abstentions. The motion passed.

Motion Dan Smerken made a motion to table GR23 additional proposed changes, to allow more time for review. Penney Sanders seconded. None were opposed. The motion passed. Judge Anderson stated a vote by email is due by 4:00 pm October 13, 2020.

10. UW Hiatus Year

As voted on at the June Board meeting, there will be an alternate training path for Certified Professional Guardians while the UW Continuum College program is on hiatus during the 2020-2021 academic year. The Board was asked to prioritize the materials it would like to see covered and make recommendations to the Education Committee.

11. Wrap Up/Adjourn

The meeting was adjourned at 12:55 pm. The next meeting of the Certified Professional Guardianship Board will take place via Zoom Video Conference on November 9 at 8:00 a.m.

Summary of Motions

MOTION	STATUS
A motion was made and seconded to approve the minutes of the September 14, 2020 Board meeting as written.	Passed
A motion was made and seconded to reject the settlement offer. Opposed, Lisa Malpass, Amanda Witthauer. The motion passed.	Passed

A motion was made and seconded to send the CRC recommended advisory letter and letter to the grievant. The motion passed.	Passed
A motion was made and seconded to adopt the proposed change to Regulation 202. The motion passed	Passed
A motion was made and seconded to adopt GR 23 technical amendments. The motion passed.	Passed
A motion was made and seconded to adopt GR23, proposed change to the formal education requirement, allowing applicants for Certified Professional Guardian with a High School education or GED equivalent and 5 years of pertinent experience. Opposed, K. Penney Sanders, Rosslyn Bethmann. The motion passed.	Passed
A motion was made and seconded to table GR23 additional proposed changes, to allow more time for review. The motion passed.	Passed

Guests:

Alexis Carter
Ben Miller
Chris Neil
Clif Messerschmidt
David Giusti
Deborah Jameson
Doc Williams
Glenda Voller
Heather
Holly Surface
Jen Collins
Karen Newland (Puget Sound Guardians)
Katlyn Balsam
Loralee Williams
Mark Vohr
Michael Longyear
Mindi Blanchard
Richard
Robin Balsam
Sarah Feldman
Scott Malavotte
Sylvia Curry
Tina Baldwin
Tracey Raymond

**Grievance Status Update
October, 2020**

Certified Professional Guardians Grievance Status

Month-End

October 31, 2020

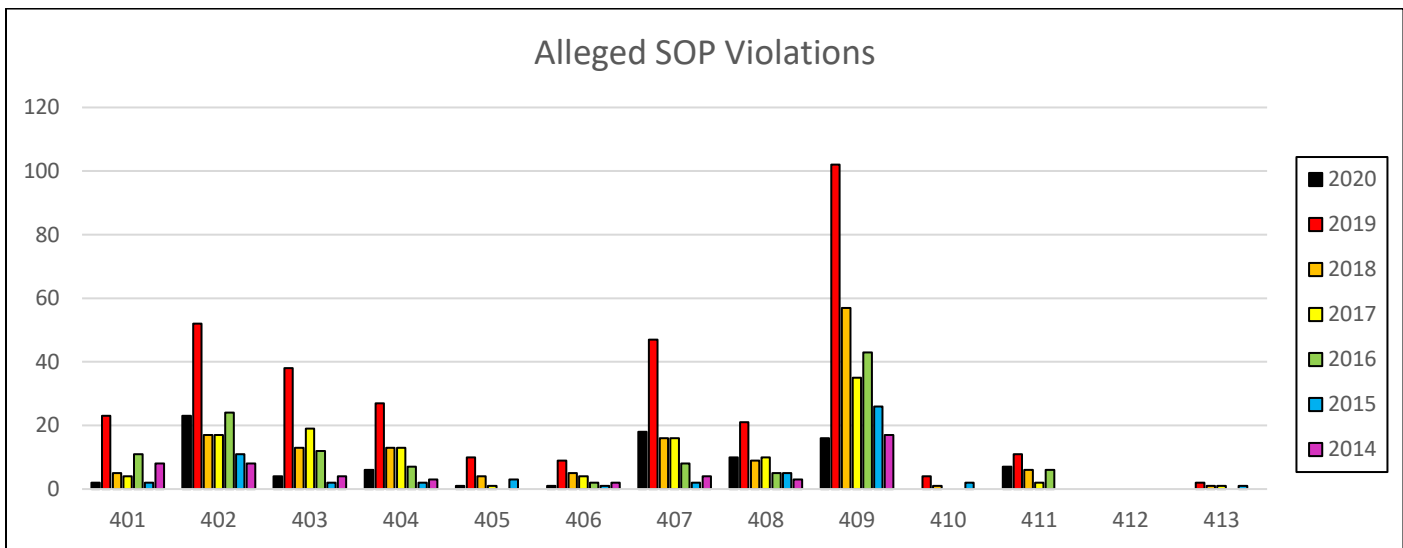
Grievance Status – October 31, 2020	2020	2019	2018	2017	2016	2015	2014	Total
New Grievances Received:	10	0	0	0	0	0	0	10
Grievances Resolved this Month:	[8]	[2]						[10]
Grievances Requiring Investigation*:	30	12	3	1	0	0	0	46

Grievances Pending*	2020	2019	2018	2017	2016	2015	2014	Total
Voluntary Surrender/Litigation:		5	1	1				7
Conflicts Review Committee:		1						1
ARD:								
Complaint/Hearing:					1			1
Administrative Decertification:								
Total Pending:		6	1	1	1			9

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

Resolution of Grievances – October 31, 2020	2020	2019	2018	2017	2016	2015	2014	Total
Dismissal – No Jurisdiction	2							2
Dismissal – No Actionable Conduct	6							6
Dismissal – Insufficient Grievance								
Mediated – Dismissed								
Advisory Letter 507.1		2						2
ARD - Admonishment								
ARD - Reprimand								
ARD - Suspension								
Terminated – Voluntary Surrender								
Terminated – Administrative Decertification								
Terminated – Decertification								
Total Resolved Grievances: October 31, 2020	8	2						10

Grievance Resolutions	2020	2019	2018	2017	2016	2015	2014	Total
Total Grievances Received	69	77	85	104	104	65	64	568
Dismissal – No Jurisdiction	18	15	22	30	20	13	17	135
Dismissal – No Actionable Conduct	20	32	50	59	55	29	22	267
Dismissal – Insufficient Grievance	1	5	3	1	2		2	14
Mediated – Dismissed						1		1
Advisory Letter 507.1		4	3	2	4			13
ARD - Admonishment						1		1
ARD – Reprimand				1	4	4		9
ARD - Suspension								
Termination – CPG Death						2		2
Termination – Administrative Decertification		3	1	1	4	13	11	33
Termination – Voluntary Surrender			2	8	15	2	12	39
Termination – Decertification								
Grievances Resolved To Date: 10.31.2020	39	59	81	102	103	65	64	513



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	2010	3	2019 (1), 2020 (2)	
B	2001	2	2020 (2)	
C	2001	2	2020 (2)	
D	2014	5	2017 (1), 2019 (1), 2020 (3)	
E	2018	2	2019 (1), 2020 (1)	
F	2014	2	2020 (2)	
G	2007	3	2019 (2), 2020 (1)	
H	2010	2	2020 (2)	
I	2001	7	2018 (1), 2019 (1), 2020 (5)	
J	2013	2	2018 (1) 2020 (1)	
K	2001	2	2019 (1), 2020 (1)	
		32		

Of 46 currently open grievances requiring investigation, 32 concern 11 Agencies/CPGs with 2 or more open grievances.

	Year Guardian Certified	# of Guardians
Before UW Certificate Program	2001	4
	2002	
	2003	
	2004	
	2005	
	2006	
	2007	1
	2008	
	Total	5
UW Certificate Program	2009	
	2010	2
	2011	
	2012	
	2013	1
	2014	2
	2015	
	2016	
	2017	
	2018	1
	Total	6

**Public Comment
October 23, 2020**

From: Mindi Blanchard [<mailto:mindi@bridgebldrs.com>]
Sent: Friday, October 23, 2020 3:16 PM
To: Kien, Thai <Thai.Kien@courts.wa.gov>
Subject: To CPG Board

During the last CPG Board meeting on October 12th, someone brought up requiring CPGs to take a designated number of pro bono clients. I have written the CPG Board about this topic in the past and I think it's time to revisit this again. This person has no concept of a CPG business, or any business for that matter. Most of the CPGs that I know already have pro bono clients. While each CPG business model is different, I want to share mine with you.

While Bridge Builders, Ltd is a CPG Agency, our business model extends to other care and fiduciary areas. Clallam County is rural, and it is not possible to have a viable business by providing only guardianship services. The income derived from guardianship is not long-term, stable income. It seems that when one guardianship client dies, all the sudden there are two or three other clients who also die. Also, our goal is to be as cost-effective as possible for our clients; so even for private pay clients, once we get them stabilized, our monthly fees decline significantly.

So, over the years I have diversified Bridge Builders, Ltd in an effort to establish a financially strong business model. When clients for whom we are power of attorney run out of money and must go on Medicaid, they become pro bono for us as there is no provision in the law to pay a third party power of attorney. And, with good care, these clients seem to live quite a long time. Back in the days before the year 2000 when the guardianship program was developed, it was common for CPGs who were power of attorney for a clients to petition a guardianship when the clients qualified for Medicaid in order to continue being paid. This is no longer acceptable and for good reason, but it can become a financial problem for a business. When we have been power of attorney for clients for many years, what are we to do when they run out of money? Drop them as a client? Or at some point must we go out of business because of too much pro bono work and we cannot pay the expenses associated with having a business? We are not like attorneys whose clientele is typically of a short duration. I don't want to have to limit the time my pro bono clients receive because of their inability to pay.

Then, we need to consider our attorneys who represent us as well because, if we do not get paid, they do not get paid. Attorneys have businesses, too, and can only afford so much charity work. The allowed attorney fees for Medicaid and Public Guardianship Programs are less than half what an attorney would be paid from private pay and that is for easy cases. If the case is difficult, our attorneys get paid far less for the number of hours expended. We are finding that the guardianship clients we are being appointed to now are far more complicated than five to ten years ago. I suspect that this is due to the laws regarding less restrictive alternatives. Individuals who are compliant are less likely to need a guardianship. I am not complaining about these laws, I am just pointing out some unintended consequences to the new laws. As a corporation, and as best practices, we must be represented by an attorney in court. Guardianship law is a specialty and there are very few attorneys who know the guardianship law well, especially in rural counties such as Clallam. I am just pointing out that the legislature seems to have a blind spot when it comes to attorneys getting paid. If the attorneys I use have to limit the number of low income clients that we are appointed to, we, the guardian agency, are limited as to the number of low income or pro bono guardianship that we can take.

We appreciate having a contract with the Public Guardianship Program because it allows us to accept more low-income clients. However, we still run the risk of having to decline because the attorneys we use may not be able to represent us due to becoming supersaturated by pro bono work as well. These attorneys do not only do work for Bridge Builders, Ltd but also for other guardians.

Respectfully Submitted,

Mindi R. Blanchard, M.Ed., CPG

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