

Meeting Minutes

April 12, 2021



Certified Professional Guardianship Board

Monday, April 12, 2021
Zoom Meeting
9:00 a.m. – 12:30 p.m.

Meeting Minutes

Members Present

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

Staff

Ms. Stacey Johnson
Ms. Kathy Bowman
Mr. Christopher Fournier
Ms. Thai Kien
Ms. Kay King
Ms. Heather Lucas
Ms. Rhonda Scott
Ms. Eileen Schock
Ms. Jennifer Holderman
Ms. Brandy Walker

Guests – see list on last page

1. Meeting Called to Order

Judge Rachelle Anderson called the April 12, 2021 Certified Professional Guardianship Board (Board) meeting to order at 9:01 am.

2. Welcome, Roll Call and Approval of Minutes

Judge Anderson welcomed all those present via the Zoom video conference. Hearing no suggested changes or corrections, a motion was made and seconded to approve the minutes of the Board meeting held on March 08, 2021 as written.

Motion: A motion was made and seconded to approve the March 08, 2021 Certified Professional Guardianship Board meeting minutes as written. The motion passed.

3. Chair's Report

Some Board members' terms end in September, including the Chair's. Judge Anderson reminded everyone the Board receives nominations for new members from various stakeholders. Ms. Stacey Johnson has reached out to members who are eligible to serve another term and has heard back from most. She will follow-up with individuals she has not yet heard from to see if they are willing to serve another term. Succession planning will be discussed at the next meeting.

4. Public Comments

The following members of the public addressed the Board during the public comment period:

Ashlyn Hannus, Neil and Neil (materials included in meeting packet)

Michael Johnson, CPG (materials included in meeting packet)

Glenda Voller, CPG

Karen Newland, CPG

Caroline Wood, DSHS

5. Regulations Committee Report

Judge Kiesel reported receiving no public comments to the posted changes to the Regulation 100 series. A motion was made and seconded to adopt the Regulation 100 series 100-110.

Motion: A motion was made and seconded to adopt the Regulation 100 series 100-110.
The motion passed.

Judge Kiesel shared how happy she has been to work with this committee and praised all for the difficult work that has been done. The committee plans to work on series 400 of the regulations, next.

6. Annual Report

Mr. Chris Fournier spoke to the discrepancy in numbers noted by Ms. Newland and provided a recap of grievances received and resolved in 2020. Judge Blinn asked staff about the timely resolution of complaints, and a general idea for why an investigation is still ongoing from 2017, 2018, 2019. Staff replied that the older open grievances deal with complex issues, some with 16-20 allegations, all requiring investigations. Multiple grievances are being investigated together, in other cases. Staff gave examples of insufficient grievances and grievances where there was no actionable conduct, when asked what constitutes an insufficient grievance. Mr. Dan Smerken asked if all Voluntary Surrenders are counted as a grievance. Staff answered, only if there was an open grievance on file at the time the CPG surrendered their certification.

7. Grievance Status Update

Ten (10) new grievances have been received, and ten (10) grievances resolved. Thirty four (34) grievances are currently open. Thirteen (13) of these were received in 2020.

8. Question to Board from Attorney Micah Balasbas

Ms. Eileen Schock introduced the following emailed questions to the Board, received from attorney, Micah Balasbas.

- I. What are the duties of Guardians to assess and inspect placements during this time of COVID restrictions?

As explained in Ms. Balasbas' email (provided in the meeting materials), the issue of the duty of Guardians to assess and inspect has risen because guardians represented by Ms. Balasbas (CPG and lay) are being pressured to move people they represent from

RHCs (Residential Habilitation Centers, including Fircrest and Rainier School) to placements in the community.

- II. What is the duty of the Guardian to maintain a functioning guardianship for the person represented?

Ms. Balasbas relayed in her email that a compounding problem is that many unpaid parent/lay guardians are aging and will be unable to meet the new requirements of the new Uniform Guardianship law, necessitating more persons needing to pay for representation. Statements have been made that placements have been chosen by guardians based on the ability of the person to pay for representation, even when the placement is not in the best interest of the person.

Ms. Balasbas attended the meeting, providing additional information and sharing her concerns with the Board. Members of the Board considered the issues noting that concerns would need to be addressed on a case by case basis and that guardians would need to do their due diligence under the circumstances. It was also noted that a guardian's duty to a client is not contingent on the ability to be paid.

9. Executive Session (Closed to Public)

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

On behalf of the Application Committee, Judge Lewis presented the following applications for certification. The Applications Committee abstained.

Motion: A motion was made and seconded to conditionally approve Betty Gall's application, conditioned upon the successful completion of the UW training program, with transferrable skills in social services. Ms. Bethmann abstained. None were opposed. The motion passed.

Motion: A motion was made and seconded to conditionally approve Julianna Julich's application, conditioned upon the successful completion of the alternative training, with transferrable skills in legal. The motion passed.

Motion: A motion was made and seconded to approve Jason Moos' application, with transferrable skills in social services. The motion passed.

Motion: A motion was made and seconded to deny Jacob Tichenor's application, on the basis of insufficient transferrable experience and lack of decision making, on or for the benefit, of others. The motion passed.

Motion: On behalf of the Standards of Practice Committee, Judge Blinn made a motion to approve the ARD and letter of reprimand addressed to Mack Lievense and Theresa Boyle. The motion was seconded. The SOPC and Judge Kiesel abstained. The motion passed.

11. Wrap Up/Adjourn

Staff reported that the University of Washington is prepared to resume their training program in the fall. Course content has been distributed to the Education Committee for comment. Ms. Johnson will forward the information to the Board.

The next CPG Board meeting will be held via Zoom on May 10 at 8:00 a.m. With no other business to discuss, the April 12, 2021 Board meeting was adjourned 12:08 p.m.

Motion Summary	Status
<p>Motion: <i>A motion was made and seconded to approve the March 08, 2021 Certified Professional Guardianship Board meeting minutes as written. The motion passed.</i></p>	<p>Passed</p>
<p>Motion: <i>A motion was made and seconded to adopt the Regulation 100 series 100-110. The motion passed.</i></p>	<p>Passed</p>
<p>Motion: <i>A motion was made and seconded to conditionally approve Betty Gall's application, conditioned upon the successful completion of the UW training program, with transferrable skills in social services. Roz Bethmann abstained. None were opposed. The motion passed.</i></p>	<p>Passed</p>
<p>Motion: <i>A motion was made and seconded to approve Jason Moos' application, with transferrable skills in social services. The motion passed.</i></p>	<p>Passed</p>
<p>Motion: <i>A motion was made and seconded to conditionally approve Julianna Julich's application, conditioned upon the successful completion of the alternative training, with transferrable skills in legal. The motion passed.</i></p>	<p>Passed</p>
<p>Motion: <i>A motion was made and seconded to deny Jacob Tichenor's application, on the basis of insufficient transferrable experience and lack of decision making, on or for the benefit of others. The motion passed.</i></p>	<p>Passed</p>
<p>Motion: <i>On behalf of the Standards of Practice Committee, Judge Blinn made a motion to approve the Agreement Regarding Discipline, letter of reprimand, addressed to Mack Lievense and Theresa Boyle. The motion was seconded. The SOPC and Judge Kiesel abstained. The motion passed.</i></p>	<p>Passed</p>

Guests Present

Deborah Jameson
 Wendy Abercrombie
 Katlyn Balsam
 Cheryl Wilcox
 Neil and Neil
 Vicki C
 Ashlyn Hannus

Glenda Voller
Christopher Fast
Puget Sound Guardians
Karen Newland
Caroline Wood
Brenda Morales joined 9:14
Scott Malavotte joined 9:17
Michael Johnson joined 9:18
Lily Mello joined 9:26
Mark Vohr joined 9:52
Micah Balabas joined 10:15

DRAFT

Regulations Committee

Regulation 400, 401

Guardianship and Conservatorship Program Rules Regulations

400 General

400.1 The following standards apply to all Certified Professional Guardian and Conservators and Certified Professional Guardian and Conservator agencies. These standards apply only to the degree that the court has granted a guardian and conservator the authority contemplated in a given standard.

400.2 Whenever the term “guardian and conservator” is used in these Standards, it is meant to refer to a certified professional guardian and conservator or to a certified professional guardian and conservator agency.

400.3 Whenever the term “court” is used in these Standards, it is meant to refer to the Superior Court which has authority over the guardianship and/or conservatorship in which the guardian and conservator has been appointed.

400.4 Whenever the terms “incapacitated person” (IP) “individual subject to guardianship” or “individual subject to conservatorship” ~~is are~~ used, ~~it they~~ is are meant to refer to the ~~incapacitated person~~ individual for whom the guardian and conservator has been appointed under RCW ~~41.88~~ 11.130.

400.5 Whenever the term “notice parties” is used, it is meant to refer to those people who ~~have requested special~~ are entitled to notice of proceedings or events under RCW ~~41.92.150~~ 11.130.

400.6 A guardian and conservator is a fiduciary and owes the highest duty of good faith and care to the person under a guardianship. A guardian and conservator has fiduciary duties of prudence and loyalty to the individual subject to conservatorship. A fiduciary has the duty to act primarily for another's benefit. The ~~G~~guardian and conservator shall carry out his or her duties carefully and honestly. The ~~G~~guardian and conservator shall act selflessly, prudently, and with undivided loyalty to the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship.

~~A guardian cannot delegate his or her decision-making authority to another person or agency. This does not preclude employing others to carry out the guardian's decision.~~

400.7 To ensure consistency in the way the standards are applied, the following constructions are used: "shall" imposes a duty, "may" creates discretionary authority or grants permission or a power, "must" creates or recognizes a condition precedent, and "should" creates a duty or obligation, but is not absolute, "is entitled to" creates or recognizes a right, and "may not" imposes a prohibition and is synonymous with "shall not."¹

¹ The Certified Professional Guardianship and Conservatorship Board acknowledges that these Standards of Practice draw from the National Guardianship Association (NGA) Standards of Practice and that the NGA has granted the Board permission to use them.

Guardianship and Conservatorship Program ~~Rules~~ Regulations

401 Guardian and Conservator's Duty to Court

401.1 The guardian and conservator shall perform duties and discharge obligations in accordance with applicable Washington and federal law and the requirements of the court.

401.2 The guardian and conservator shall not act outside of the authority granted by the court and shall seek direction from the court as necessary. If the guardian and conservator is aware of a court order that may be in conflict with these standards, the guardian and conservator shall bring the conflict to the attention of the court and seek the court's direction.

401.3 The guardian and conservator shall at all times be thoroughly familiar with RCW ~~11.88~~11.130, ~~RCW 11.92~~, GR 23, these standards, and, any other regulations or laws which govern the conduct of the guardian and conservator in the management of the affairs of an ~~incapacitated person~~ individual subject to guardianship or conservatorship.

401.4 The guardian and conservator shall seek legal advice as necessary to know how the law applies to specific decisions.

401.5 The guardian and conservator shall provide reports, notices, and financial accountings that are timely, complete, accurate, understandable, in a form acceptable to the court, and consistent with the statutory requirements. The financial accounting shall include information as to the sustainability of the current budget when expenditures exceed income during the reporting period.

~~401.6 All certified professional guardians and guardian agencies have a duty by statute to appoint a standby guardian.~~

401.6 A guardian and conservator should develop adequate contingency planning to ensure coverage of services for all of their clients given the specific situations of the guardian and conservator. A guardian and conservator has the responsibility to ensure their fiduciary duties are carried out to meet the needs of their clients as authorized by the court.

~~401.6.1 All certified professional guardians shall appoint a standby guardian who is a certified professional guardian who accepts the appointment and has the skills, experience and availability to assume responsibility as court appointed guardian per statutory requirements.~~

~~401.6.2 The certified professional guardian will make available to the standby guardian those records and information needed to address the needs of the incapacitated person in the event of a planned or unplanned absence.~~

Annual Report

2020

Certified Professional Guardianship Board



Annual Report

Certified Professional Guardianship Board 2020 Annual Report

TABLE OF CONTENTS

INTRODUCTION	3
WASHINGTON LEGISLATIVE CHANGES IMPACTING GUARDIANSHIP	5
Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act	5
APPLICATIONS COMMITTEE: 2020 AT A GLANCE	6
Individual CPG Requirements	6
Education	6
Transferable Experience	6
Background Checks	6
Financial Responsibility	7
Individual Certification Process	7
EDUCATION COMMITTEE: 2020 AT A GLANCE	9
Recent Changes to the Board’s Continuing Education Regulations	9
Regulation 202	9
REGULATIONS COMMITTEE: 2020 AT A GLANCE	10
THE GRIEVANCE PROCESS	11
Opening a Grievance	11
Grievance Investigations	12
Standards of Practice Committee Review	12
Complaint Process	12
Types of Grievance Resolutions	13
Dismissal	13
Decertification	13
Administrative Decertification	13
Voluntary Surrender	14
Prohibition on Taking New Cases	14
Suspension	14

Reprimand	14
Probation	14
Restitution	15
Other Disciplinary Sanctions – DR 509.11	15
Agreement Regarding Discipline (ARD)	15
Advisory Letter	15
GRIEVANCES AT A GLANCE – 2020	16
2020 Grievances	16
Grievances Resolutions	17
Sources of Grievances	18
Grievances by Standards of Practice	19
Guardians with Multiple Grievances	20
Grievances Received By County	21
GRIEVANCES RESOLVED IN 2020.....	22
Administrative Decertification	22
Dismissal with Advisory Letter	22
Dismissal	22
Voluntary Surrender Terminations	30

“The judicial branch is responsible for the delivery of justice and those of us who work in the branch are stewards of justice.” - Steven C. González, Chief Justice

INTRODUCTION

We are pleased to present the 2020 Certified Professional Guardianship Board Annual Report. We make this report publicly available with the goal of increasing awareness of the work of the Certified Professional Guardianship Board and the Administrative Office of the Courts' Office of Guardianship and Elder Services.

The Washington State Supreme Court has authority over guardianship practice in the state, as professional guardians are officers of the court. The Supreme Court established a certification, regulation and discipline framework for professional guardians and related agencies by promulgating General Rule (GR) 23. GR 23 created the Certified Professional Guardianship Board (Board) to implement a process to certify, regulate and discipline individuals who choose to become professional guardians. GR 23(a) cites the purpose of the rule as:

This rule establishes the standards and criteria for the certification of professional guardians as defined by RCW 11.88.008 and prescribes the conditions of and limitations upon their activities. This rule does not duplicate the statutory process by which the courts supervise guardians nor is it a mechanism to appeal a court decision regarding the appointment or conduct of a guardian.

The Supreme Court, however, retains primary jurisdiction over the Board and its functions, including:

- The Supreme Court retains jurisdiction over all professional guardians who practice in the state of Washington. GR 23(b).
- The Supreme Court appoints all members to the Board. GR 23(c)(1)(i).
- The Supreme Court designates the Chair of the Board. GR 23(c)(1)(iii).
- The Supreme Court enters the order certifying an individual or as a certified professional guardian. GR 23(c)(2)(v).
- The Board may seek Supreme Court enforcement of an order or subpoena that it issued. GR 23(c)(2)(x)(c).
- The Supreme Court approves the Board's expense budget. GR 23(c)(3).
- The Supreme Court, pursuant to its statutory authority to direct the Administrative Office of the Courts, instructs the Administrative Office of the Courts (AOC) to provide administrative support to the Board and authorizes AOC to contract with other agencies or organizations on behalf of the Board. GR 23(c)(8).
- The Supreme Court extends quasi-judicial immunity to the Board where the Supreme Court would have immunity in performing the same functions. GR 23(c)(5).

The Board is charged with all substantive duties of certification including:

- Processing applications
- Implementing standards of practice
- Establishing a training program
- Adopting regulations for continuing education
- Approving or denying certification
- Investigating grievances and issuing disciplinary sanctions

In order to facilitate the discharge of the duties delegated by the Supreme Court, the Board, through its bylaws and regulations, has created several Committees charged with overseeing

specific Board duties and providing input and expertise to the Board on these areas. During 2020, the following four Board Committees were active:

- Applications Committee
- Education Committee
- Regulations Committee
- Standards of Practice Committee

The Office of Guardianship and Elder Services, within the Administrative Office of the Courts, is directed by the Supreme Court, to provide administrative staff support to the Board and its Committees.

WASHINGTON LEGISLATIVE CHANGES IMPACTING GUARDIANSHIP

Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act

The Washington Legislature adopted substantial amendments to the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (the “Act”), RCW chapter 11.130, in the 2020 session. Of notable significance, the effective date of the Act was delayed until January 1, 2022, with the exception of minor guardianships. The effective date of Article 2, the section of the Act applicable to minor guardianships, continued as January 1, 2021.

The emergency guardianship and emergency conservatorship provisions were substantially amended to include expanded procedural rights for respondents and reporting requirements for guardians and conservators. Language relating to the rights to association under current law was incorporated into the Act. The Act was amended to add the sale or encumbrance of any real estate, and a number of other actions related to real estate, as acts requiring specific court approval and required notice to notice parties. A conservator’s authority on the death of an individual subject to conservatorship was further clarified. Procedural amendments were made to the Act relating to grievances received by the Board. Definitions of “court visitor” and “notice party” were added to the Act. A provision for mediation was added as well. The requirement that the superior court approve the fees of a guardian was also clarified in the 2020 amendments.

Several of the 2020 amendments to the Act related to minor guardianships. The 2020 amendments included procedural changes, such as revised notice requirements and a supplemental declaration of facts supporting the guardianship. Substantive provisions included the status of non-parental custody orders under RCW 26.10 and clarifying language regarding the basis for appointment of a guardian for a minor.

APPLICATIONS COMMITTEE: 2020 AT A GLANCE

GR 23 establishes the standards and criteria for the certification of professional guardians.¹ Every individual, or agency, desiring to be certified as a CPG must submit an online application to the Certified Professional Guardianship Board (Board) and must satisfy all requirements set out in the Board Application Regulations.

Individual CPG Requirements

GR 23 and Board certification requirements for individual certification include having a degree from an accredited educational institution; possessing a requisite number of years of experience transferable to the work of a guardian, including decision-making for the benefit of others; passing background checks; demonstrating financial responsibility and successfully completing a training program approved by the Board. Additionally, applicants must also meet the qualifications set out in RCW 11.88.020.²

Education

Applicants are required to have a degree from an accredited institution. The level of the degree determines the minimum number of full years of experience, transferable to providing guardianship services, required for certification: AA four years, BA/BS two years, Masters, J.D. Ph.D. or equivalent, one year.³

Transferable Experience

In addition to possessing the requisite number of full years of experience (work or volunteer) transferable to providing guardianship services, a component of the experience must include decision-making for the benefit of others in the area of legal, financial, social services, healthcare or other disciplines pertinent to the provision of guardianship services.

Background Checks

After requesting and receiving an applicant's consent, four background checks are conducted: Adult Protective Services, Child Protective Services, Washington State Patrol and FBI. In reviewing the background checks, the Board has discretion to consider an applicant's explanation concerning circumstances related to negative reporting in the background checks.

¹ CPG Agency certification is not included in this summary because regulations direct that AOC staff approves CPG Agency applications. Information regarding CPG Agency certification requirements can be found in GR 23 (d)(2) and Board Regulation 100.

² In addition to the requirements set out in GR 23 and the Board Application Regulations, RCW 11.88.020, requires that an individual applying for CPG certification be at least 18 years of age, be of sound mind and have no felony or misdemeanor convictions involving moral turpitude.

³ GR 23 requires "full" years (full time) transferable experience.

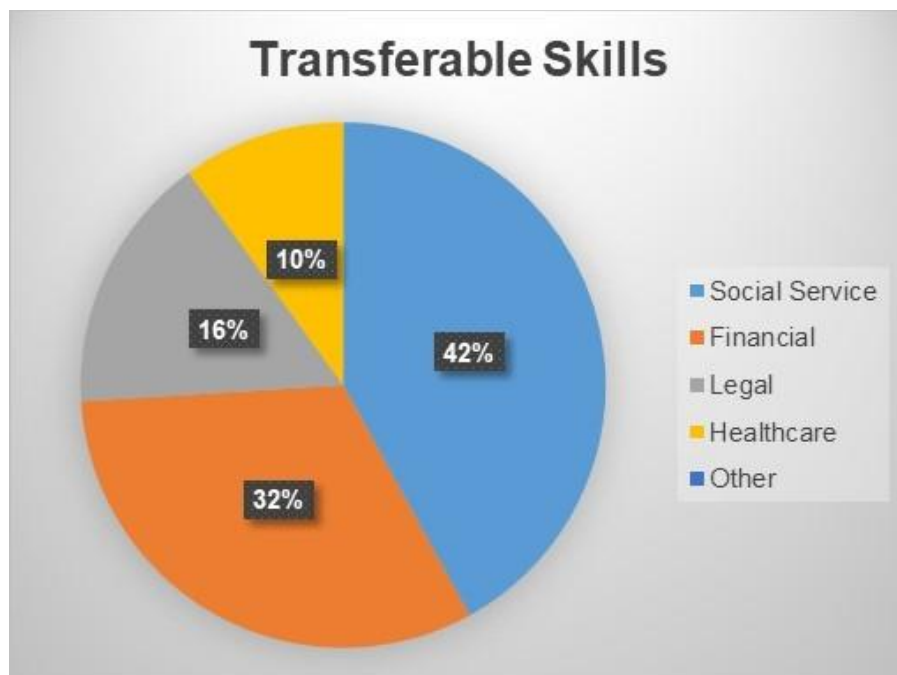
Financial Responsibility

Applicants are required to demonstrate financial responsibility based on a FICO credit score and a credit report. FICO scores of 700 or higher are deemed to meet the financial responsibility requirement.

FICO scores between 650 and 699 require Board review of an applicant's full credit report and an applicant's explanation regarding circumstances concerning their credit and negative report indicators. If a score falls into the 650-699 range, the Board has discretion to determine whether or not the financial responsibility requirement is met. Scores below 650 are deemed not to meet the requirement.

Individual Certification Process

The Applications Committee meets monthly to review completed applications and make recommendations to the Board to approve, conditionally approve or deny applications. Committee recommendations also identify the transferable skills category (or categories) applicable to each applicant. GR 23 provides the following list of transferable skills categories: social services, financial, legal, healthcare and other. The chart below shows the percentage of transferable skills applicable to applicants reviewed by the Board in 2020.⁴



The Committee recommends Board approval of an application when all certification requirements have been satisfied, including successful completion of the training program required by the Board. Conditional approval is recommended when all certification requirements have been satisfied with the exception of successful completion of the required training. If denial is recommended, denial must be based on specific findings.

⁴ Social Services 42%, Financial 32%, Legal 16 %, Healthcare 10%, Other 0%.

The Board reviews applications at each regularly scheduled meeting.⁵ Recommendations for approval are sent to the Washington State Supreme Court for approval, entry of an Order of Certification and issuance of a CPG Certificate. Recommendations for conditional approval are forwarded to the Court after successful completion of the required training. Recommendations for denial are appealable to the Board.

2020 Certification Related Information

- 23 enrolled students successfully completed the UW Guardian Certificate Program
- 23 application packets were reviewed by the Board: 17 conditional approvals, 6 approvals and 0 denials
- 20 CPGs were certified by the Washington State Supreme Court⁶
- 14 individual CPGs and 1 CPG Agency voluntarily surrendered certification⁷
- 8 individual CPGs were administratively decertified for non-renewal of certification and/or non-compliance related to continuing education

⁵ The Board meets nine times per year (The Board does not meet in February, July or December).

⁶ Although the Board only approved 6 applications in 2020, the Washington State Supreme Court certified 20 new CPGs because 14 of the 20 Court certifications were applicants who were conditionally approved in 2019 and completed the UW program in 2020.

⁷ The primary reasons for voluntary surrenders were planned retirement and serious health issues.

EDUCATION COMMITTEE: 2020 AT A GLANCE

GR 23(c)(2)(vii) grants the Board the authority to adopt and implement regulations concerning continuing education for professional guardians. The Board requires all professional guardians to complete a minimum of twenty-four (24) credit hours of approved education during each biennial reporting period. Of these twenty-four credit hours, there are at least four (4) ethics and four (4) emerging issues credits. Failure to comply with the Board's continuing education requirements may result in a professional guardian being administratively decertified. The Board's Education Committee is tasked with overseeing the Board's continuing education regulations and requirements. This includes approving continuing education courses and ensuring that professional guardians comply with the Board's continuing education reporting requirements. The Education Committee also has the authority to modify or waive any of the Board's continuing education requirements for undue hardship, infirmity, or other good cause.

Recent Changes to the Board's Continuing Education Regulations

In 2020 the Education Committee recommended the Board make a change to the Board's Education Regulations in order to address a reduction in the number of available CEU courses due to the COVID-19 pandemic.

Regulation 202

The Board amended Regulation 202 to reduce the number of CEU credits professional guardians need to complete in the 2019-2020 reporting period. The Board reduced the number of required CEU credits for the 2019-2020 report period from 24 total CEU credits, including 4 ethics credits and 4 emerging issues credits, to 12 total CEU credits, including 2 ethics credits and 2 emerging issues credits. The Board also increased the number of CEU credits a professional guardian may carryover from the 2019-2020 reporting period into the 2021-2022 reporting period to allow 24 total carryover credits, including up to 4 ethics and 2 emerging issues credits.

REGULATIONS COMMITTEE: 2020 AT A GLANCE

The Regulations Committee continued its work taking into account the 2020 legislative amendments to the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (the “Act”), RCW 11.130, delaying the effective date of the Act until January 1, 2022, with the exception of minor guardianships.

The Regulations Committee monitored the impact of the COVID-19 crisis and heralded the Washington Supreme Court’s Order No. 25700-B-617 regarding visitation by certified professional guardians during the public health emergency.

The Regulations Committee initiated two listening sessions for CPGs and other stakeholders, hosted by CPG Board Chair Judge Anderson and Regulations Committee Chair Judge Kiesel. The focus of the listening sessions was the impending regulations changes, and the feedback of stakeholders was solicited.

The Regulations Committee devoted significant time to consideration of proposed changes to General Rule 23. The most significant proposed change to General Rule 23 involved the requirement of formal post-secondary education. The Committee recognized that the requirement can be a barrier to entry to the profession for otherwise qualified individuals due to historical barriers to post-secondary education for certain communities. The Committee’s proposed changes went to the full Board, as the entity suggesting the changes to the Supreme Court. The Supreme Court’s review and eventual action is expected in 2021.

The Regulations Committee completed preliminary work on several series of Regulations to be considered for adoption by the full Board after stakeholder review and comment pursuant to the Series 600 Regulation Amendment process.

THE GRIEVANCE PROCESS

One of the key duties delegated by the Supreme Court to the Board is the duty to promulgate and enforce standards of practice and to ensure that certified professional guardians comply with all applicable statutes, fiduciary duties, standards of practice, rules, and regulations. GR 23(c)(2) sets out the duties of the Board in receiving and reviewing grievances against professional guardians:

(viii) Grievances and Disciplinary Sanctions. The Board shall adopt and implement procedures to review any allegation that a professional guardian has violated an applicable statute, fiduciary duty, standard of practice, rule, regulation, or other requirement governing the conduct of professional guardians. The Board may take disciplinary action and impose disciplinary sanctions based on findings that establish a violation of an applicable statute, duty, standard of practice, rule, regulation or other requirement governing the conduct of professional guardians. Sanctions may include decertification or lesser remedies or actions designed to ensure compliance with duties, standards, and requirements for professional guardians.

Although the Supreme Court, through GR 23, has delegated primary responsibility to the Board to receive, investigate, and discipline professional guardians for violations of applicable statutes, fiduciary duties, standards of practice, rules, or regulations, the Supreme Court retains primary jurisdiction over all professional guardians practicing in the state of Washington. Any Board recommendation of suspension or decertification resulting from a disciplinary proceeding must be filed with the Supreme Court. The Supreme Court must review such a recommendation after consideration of the transmitted record. By written order, the Court may adopt, modify, or reverse the Board's recommendation.

Disciplinary Regulation 500 (DR 500) et seq. contains the Board's rules and procedures relating to the investigation, review, and resolution of grievances against professional guardians.

Opening a Grievance

A "grievance" is a written document filed by any person with the Board, or filed by the Board, Standards of Practice Committee, or the AOC itself, for the purpose of commencing a review of the professional guardian's conduct under the rules and disciplinary regulations applicable to professional guardians. Grievances may be completed online on the Washington Courts website at www.courts.wa.gov, or by submitting a written grievance to AOC.

AOC investigation staff, within one week of receiving a grievance, conducts an initial review of the grievance to determine whether the Board has jurisdiction and if the grievance alleges facts that, if proven true, could constitute a violation of a law, regulation, rule, or standard that applies to the conduct of a professional guardian or guardianship agency. If AOC staff make a determination that the grievance alleges a possible violation, and that the Board has proper jurisdiction over the grievance, AOC staff then provides the professional guardian or agency identified in the grievance with a copy of the grievance and an opportunity to respond to the allegations and facts alleged in the grievance. Generally, a professional guardian or agency will have at least one month to provide a response to a grievance.

Grievance Investigations

Following the initial determination that a grievance meets the Board's jurisdictional requirements, AOC staff investigate grievances and provide the Board's Standards of Practice Committee with sufficient factual information to allow the Committee to determine how a grievance should be resolved.

An investigation will include a review of materials provided to the Board by both the grievant and the professional guardian. An investigation may also include the request and review of relevant documents, and interviewing other individuals with possible knowledge of the issues alleged in the grievance, including possibly the incapacitated person.

A professional guardian has a duty to cooperate with a Board investigation into the professional guardian's conduct as well as a duty to promptly furnish information requested by the Board.

Standards of Practice Committee Review

After the completion of the investigation into a grievance, the Standards of Practice Committee reviews the information collected during the investigation and determines whether there has been a violation of the Board's Standard of Practice or an applicable law, rule, regulation, or duty related to the conduct of a professional guardian. If the Committee finds that no violations have occurred, the Committee will dismiss the grievance. However, if the Standards of Practice Committee finds, by a preponderance of the evidence, that a violation has occurred, the Committee will then determine what action should be taken to resolve the grievance. The Committee may recommend the Board file a complaint against the professional guardian or agency, recommend the Board enter into an agreement regarding discipline with the professional guardian or agency, or issue an advisory letter.

Complaint Process

In order to resolve a grievance, the Standards of Practice Committee may request that the Board file a complaint regarding disciplinary action against the certified professional guardian or agency. Filing of a complaint commences a hearing process similar to an administrative hearing. However, a Board disciplinary hearing is governed by the Board's Disciplinary Regulations and not the Administrative Proceedings Act, which governs administrative hearings related to executive branch agencies. Once filed, the complaint is of public record and is posted on the website. All subsequent proceedings are open to the public.

The Administrative Office of the Courts contracts with a hearing officer to conduct the remainder of the hearing proceedings. The hearing officer presides over the case, hears and decides upon motions from both the Board and the Respondent guardian, and presides over any evidentiary hearings that take place. Following the conclusion of the disciplinary hearing, the hearing officer must prepare a written findings of fact, conclusions of law, and recommendations to the Board regarding the disposition of the matter. The Board then reviews the findings, conclusions, and recommendations of the hearing officer and determines what further action to take.

If the Board suspends or decertifies a professional guardian, that decision is reviewed by the Supreme Court.

Types of Grievance Resolutions

Dismissal

The Board has delegated authority to AOC staff to dismiss grievances which the Board does not have the jurisdiction to investigate or that fail to allege facts that, if proven true, could constitute a violation of the Board's Standards of Practice or other applicable laws, rules, regulations, standards, or duties related to the conduct of a guardian.

Besides dismissal for insufficient grievance or no jurisdiction, the Standards of Practice Committee may also dismiss a grievance for no actionable conduct if the Committee determines that the professional guardian's conduct did not violate the Board's Standards of Practice or other applicable laws, rules, regulations, standards, or duties related to the conduct of a guardian.

Decertification

Decertification is the Board's most severe sanction. If a professional guardian is decertified, RCW 11.88.008 limits the number of guardianship cases for which a guardian may accept compensation to two (2).

DR 509.3.1 sets out that the Board may decertify a professional guardian if the professional guardian:

509.3.1.a. Fails to comply with the duties, requirements or prohibitions in the Standards of Practice, or Guardianship Program rules or regulations, or Washington statutes, or the guardian's fiduciary duty; and was previously disciplined with a sanction, remedy or other remedial action by the Board, a court, or a judicial officer; or

509.3.1.b. Engages in any act of dishonesty, fraud, deception, conflict of interest, selfishness or misrepresentation that adversely reflects on the guardian's fitness to practice; or

509.3.1.c. Engages in gross incompetence, including but not limited to, case tracking, a pattern of late filings, accounting errors, delinquent or late payments of an incapacitated person's or estate's financial obligations; or

509.3.1.d. Engages in conduct or misconduct that adversely impacts an incapacitated person in a highly significant manner; or

509.3.1.e. Engages in conduct that constitutes any Washington felony that occurs either while performing duties as a guardian or outside those duties; or

509.3.1.f. Engages in conduct that constitutes a misdemeanor or gross misdemeanor involving moral turpitude that occurs either while performing duties as a guardian or outside those duties.

Administrative Decertification

Guardians are required to renew their certification annually and complete 24 credit hours of continuing education biennially. If a professional guardian fails to meet either the annual certification or biennial education requirements, that professional guardian may be decertified by the Board for failure to comply with program requirements.

If a professional guardian who is administratively decertified has open pending grievances against them, those grievances are closed. However, if the professional guardian re-applies to be certified by the Board, those grievances will be re-opened and resolved as part of the application process.

Voluntary Surrender

At any time a professional guardian may choose to voluntarily surrender their guardianship certification. If a professional guardian voluntarily surrenders their certification, any open grievances against the professional guardian are closed. However, if the professional guardian re-applies to be certified by the Board, those grievances will be re-opened and resolved as part of the application process.

Prohibition on Taking New Cases

The Board may prohibit a professional guardian from accepting new guardianship cases for a fixed period of time if the Board finds that the professional guardian has failed to comply with the duties, requirements or prohibitions in the Standards of Practice, or Guardianship Program Rules or Regulations, or Washington statutes, or the guardian's fiduciary duty, or that the professional guardian has engaged in conduct that adversely reflects on the professional guardian's fitness to practice. A prohibition on taking new cases may be imposed for conduct or misconduct which does not rise to the level of decertification.

Suspension

If a professional guardian engages in conduct or misconduct that does not rise to the level of decertification, the Board may suspend the professional guardian from the practice of guardianship for a fixed period of time if the professional guardian:

- 509.4.a. Fails to comply with the duties, requirements or prohibitions in the Standards of Practice, or Guardianship Program rules or regulations, or Washington statutes, or the guardian's fiduciary duty; or
- 509.4.b. Engages in conduct that occurs either while performing duties as a guardian or outside those duties, that meets the statutory elements of any Washington gross misdemeanor or misdemeanor, and which adversely reflects on the professional guardian's fitness to practice; or
- 509.4.c. Engages in ordinary negligence in the performance of their duties as a guardian. "Ordinary negligence" is defined in this context as a guardian's failure to exercise reasonable care in the performance of their professional duties; or
- 509.4.d. Engages in conduct or misconduct that adversely impacts an incapacitated person in a manner that is not "highly significant" as defined above.

Reprimand

The Board may issue a letter of reprimand where a professional guardian fails to comply with the duties, requirements or prohibitions in the Standards of Practice, or Guardianship Program Rules or Regulations, or Washington statutes, or the guardian's fiduciary duty but the misconduct does not rise to the level of decertification, suspension, or prohibition on taking new cases.

Probation

Probation is a resolution that will be imposed for at least six months and no more than one year. Probation shall consist primarily of a monitoring function that seeks to ensure the guardian fully complies with any sanctions, remedies or other actions imposed by the Board, a court or a judicial officer, and fully complies with the duties, requirements or prohibitions in the Standards of Practice, Guardianship Program Rules and Regulations, Washington statutes, and the guardian's fiduciary duty. Failure to comply with a condition of probation may be grounds for additional discipline.

Restitution

Restitution is the payment of the victim's out-of-pocket expenses directly related to the guardian's misconduct. After a finding of misconduct, a guardian may be ordered to make restitution to persons financially injured by the guardian's misconduct.

Other Disciplinary Sanctions - DR 509.11

The Board may implement various remedies for the purpose of ensuring the guardian complies with the duties, standards, and requirements of a professional guardian. This may include, but is not limited to, requiring the guardian to attend additional training or education courses, undergo drug or alcohol treatment or behavioral modification classes, be subject to periodic reporting and audit requirements by the Board, or work with a mentor.

Agreement Regarding Discipline (ARD)

An Agreement Regarding Discipline (ARD) is a conditional settlement agreement negotiated between the Standards of Practice Committee and a professional guardian in lieu of initiating the complaint process to resolve a grievance with a substantiated violation. Once an agreement has been reached, it is presented to the Board for approval. Approved agreements are posted on the Washington Courts website for public disclosure. An ARD may contain any of the above mentioned sanctions, including but not limited to, a letter of reprimand, probation, prohibition on taking new cases, restitution, or other disciplinary sanctions as provided by DR 509.11.

Advisory Letter

An advisory letter may be issued by the Standards of Practice Committee when discipline is not warranted but it is appropriate to caution a professional guardian about their conduct. DR 507.4 sets out that an advisory letter may be appropriate where:

- While there is insufficient evidence to support disciplinary action, the Standards of Practice Committee believes that continuation of the activities that led to the investigation may result in further Board action against a respondent certified professional guardian;
- The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action; or
- While a certified professional guardian has demonstrated substantial compliance through rehabilitation or remediation that has mitigated the need for disciplinary action, the Standards of Practice Committee believes that repetition of the activities that led to the investigation may result in further Standards of Practice Committee action against a CPG.

An advisory letter is not discipline or a sanction and is not posted to the public website. However an advisory letter may be subject to a public disclosure request.

GRIEVANCES AT A GLANCE - 2020

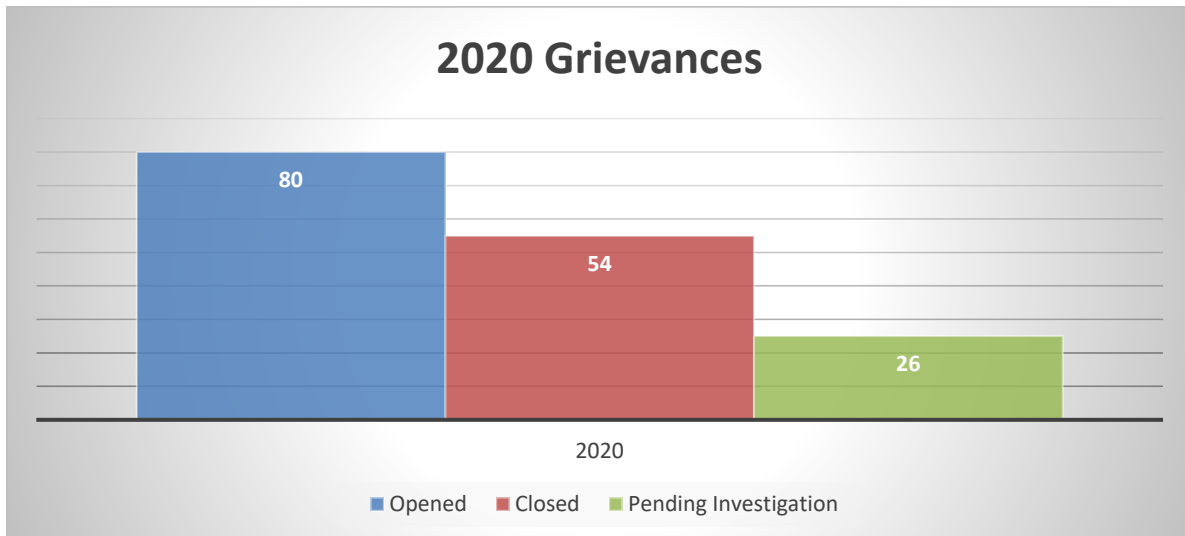
During 2020, the Board received eighty (80) new grievances and resolved one hundred and ten (110) grievances. The Board and AOC continued the trend from 2019 of closing more grievances than the Board received. In 2020, the Board resolved thirty (30) more grievances than the Board received.

Grievances By Year

	Grievances Opened	Grievances Closed	Grievances Opened minus Grievances Closed
2013	57	16	41
2014	64	35	29
2015	65	47	18
2016	104	76	28
2017	104	68	36
2018	85	69	16
2019	77	165	-88
2020	80	110	-30

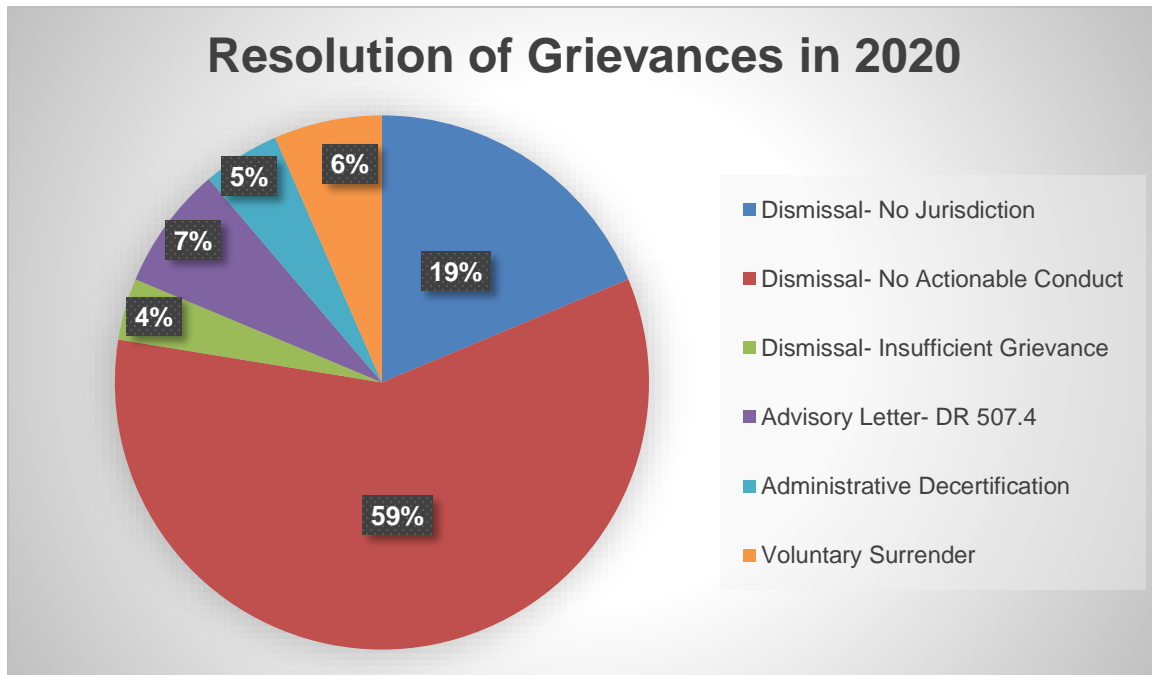
2020 Grievances

In 2020, the Board opened eighty (80) grievances. A total of fifty-four (54) of the grievances opened in 2020 were closed by the end of the year. Twenty-six (26) grievances opened in 2020 remain requiring investigation or resolution. Of the fifty-four (54) 2020 grievances that were closed, twenty (20) were dismissed for no jurisdiction, four (4) were dismissed for insufficient grievance, and thirty (30) were dismissed for no actionable conduct.



Grievance Resolutions

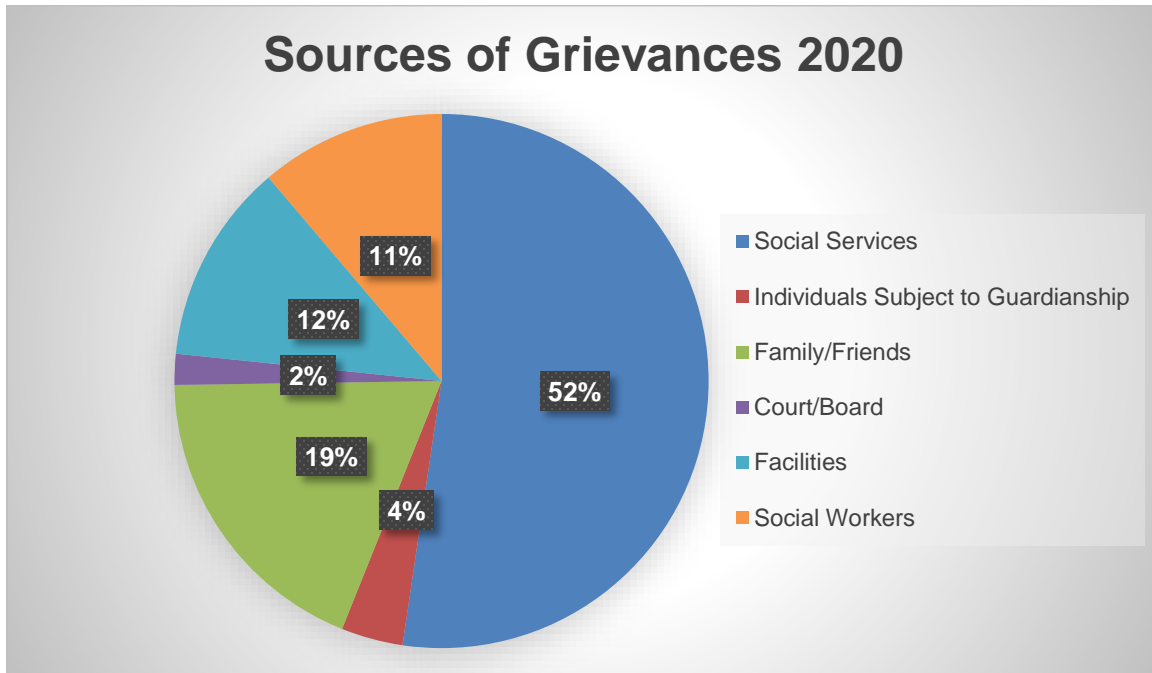
During 2020, one hundred and eight (110) grievances were resolved by the Board. Sixty-four (64) of those grievances were dismissed for no actionable conduct. Another twenty (20) grievances were dismissed for no jurisdiction, and four (4) were dismissed for insufficient grievance. Ten (10) grievances were resolved through a DR 507.1 Advisory Letter. In 2020, no grievances were resolved through the issuance of a disciplinary sanction against a CPG.



Grievance Resolutions	2014	2015	2016	2017	2018	2019	2020	Total
Dismissal – No Jurisdiction							20	20
Dismissal – No Actionable Conduct			1	2	6	25	30	64
Dismissal – Insufficient Grievance							4	4
507.4 Advisory Letter			1	1	2	6		10
Administrative Decertification			1		1	3		5
Voluntary Surrender	1		2	2	2			7
Total Closed	1		5	5	11	34	54	110

Sources of Grievances

Any person may file a grievance regarding the conduct of a certified professional guardian. The Board may on its own authority file a grievance against a guardian either as a result of a random audit or concerns that have been brought to the Board's attention.



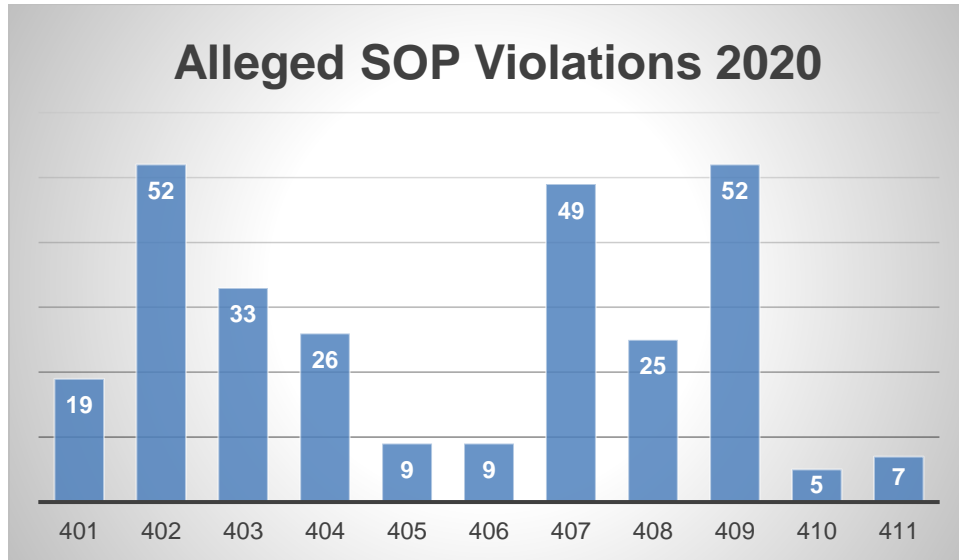
In 2020, 52% of all grievances were submitted by social service personnel or agencies. This group includes Adult Protective Services (APS), DSHS, and Residential Care Services. The Board refers matters raising the possibility of abuse, neglect or exploitation to APS, which has its own intake and investigation process. Although both APS and the Board are concerned about the protection of vulnerable individuals, their purposes, scope, and remedies are different. The second most common group to submit grievances were family members and friends of individuals subject to guardianship. This group submitted 19% of the grievances received. The third largest group to submit grievances were residential facilities, which accounted for 12% of the grievances received.

Sources of Grievances in 2020

Source	Grievances Received	Percent of Total Grievances Received
Social Services	58	52%
Individuals Subject to Guardianship	4	4%
Family/Friends	21	19%
Court/Board	2	2%
Facilities	13	12%
Social Workers	12	11%

Grievances by Standards of Practice

The Standards of Practice are standards of conduct promulgated by the Board that apply to all certified professional guardians and certified professional guardianship agencies. The Standards of Practice cover the broad range of a professional guardian's responsibilities.



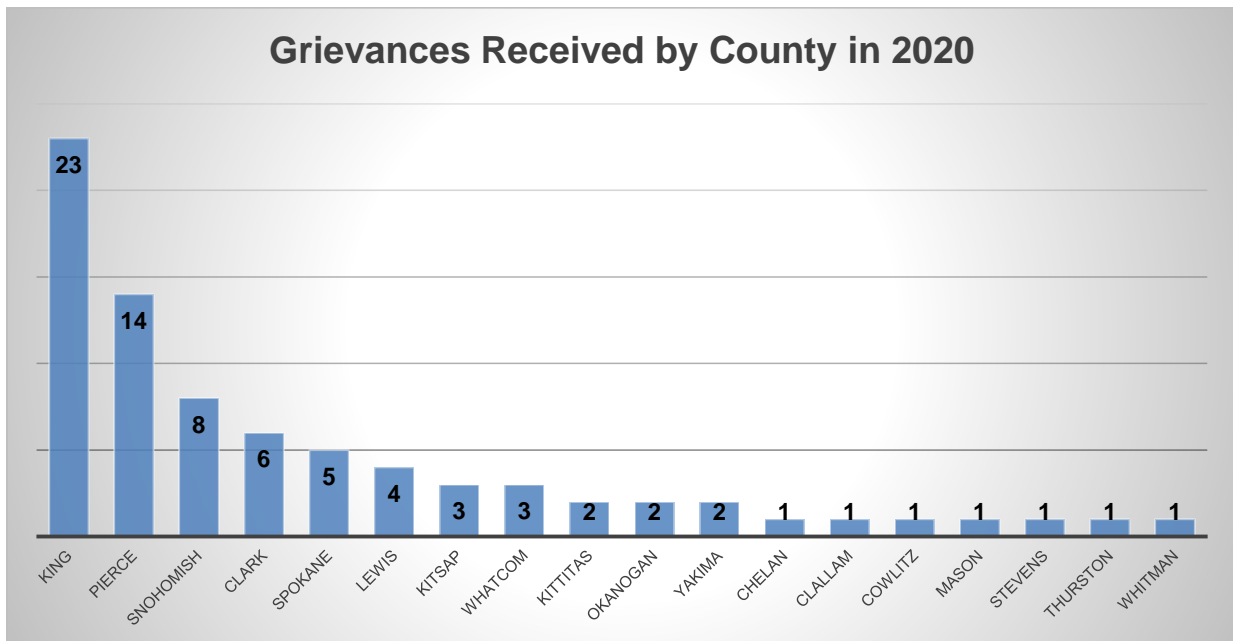
Guardians with Multiple Grievances

At the end of 2020, there were nine (9) professional guardians or professional guardianship agencies with two or more open grievances. These nine (9) professional guardians account for twenty-seven (27) of the thirty-nine (39) grievances that remain open. Sixty-nine percent (69%) of the open grievances at the end of 2020 are attributed to nine professional guardians or professional guardianship agencies.

CPG ID	Year Certified	Open
A	2012	2
B	2010	2
C	2016	3
D	2014	4
E	2014	2
F	2007	3
G	2001	7
H	2006	2
I	2001	2

Grievances Received By County

During 2020, the Board received eighty (80) grievances from eighteen (18) of Washington State's thirty-nine (39) counties. The Board also received one grievance that concerned guardianship in a tribal court. The largest number of grievances were received from King County, with twenty-three (23) grievances. The second largest number of grievances was received from Pierce County, where fourteen (14) grievances were submitted.



GRIEVANCES RESOLVED IN 2020

Administrative Decertification

CPGB 2018-034, [Pierce County], decertified administratively for noncompliance with annual recertification requirements. CMR 703.3.1.

CPGB 2019-008, [Pierce County], decertified administratively for noncompliance with annual recertification requirements. CMR 703.3.1.

CPGB 2019-064, [Pierce County], decertified administratively for noncompliance with annual recertification requirements. CMR 703.3.1.

Dismissal with Advisory Letter

CPGB No. 2016-026, 2017-100, 2018-011, 2018-059, 2019-012 [Kitsap County], CPG failed to retain documentation of previous guardianship managed by agency in which CPG was designated guardian of at the time grievance was filed. Resolved through DR 507.1 Advisory Letter.

CPGB No. 2019-010 [Grays Harbor County], CPG filed final guardianship report with court three months late. CPG, on their own accord, took remedial measures to ensure future reports are not late. The measures included a prohibition on taking new cases, creating a new calendaring and deadline tracking system, and assigning one person to be responsible for all filing deadlines. SOPC advised CPG that remedial measures taken by the CPG were sufficient to not merit sanction at this time, but that future late filings may result in discipline. SOP 401.1, 401.3. Resolved through DR 507.1 Advisory Letter.

CPGB No. 2019-018 [Kitsap County], CPG did not document accounting of monthly visitations with IP. SOP 401.3 and RCW 11.92.043 (1)(b)(vi). Resolved through DR 507.1 Advisory Letter.

CPGB No. 2019-054 [King County], CPG did not timely provide notice of IP's new address to the Grievant which has resulted in the Grievant being unable to communicate with the IP, partially due to ambiguity in order appointing the CPG. SOP 401.1, 401.2, 401.3, RCW 11.92.043, SOP 407.7. Resolved through DR 507.1 Advisory Letter.

CPGB No. 2019-025 [Pierce County], CPG delegated IP's health care decisions to facility. Though CPG states the delegation was not actually used, CPG did sign the facility Permission to Provide Informed Consent. SOP 400 (paragraph 6). Resolved through DR 507.1 Advisory Letter.

Dismissal

CPGB No. 2016-002 [Spokane County], alleged the CPG failed to provide the Grievant (IP's first cousin once removed) with timely notice of the IP's death. SOP 402.2; Dismissed for no actionable conduct.

CPGB No. 2017-064 [Spokane County], alleged the CPG was consistently late in providing spending money to the IP. SOP 409.1, 409.4; Dismissed for no actionable conduct.

CPGB No. 2017-079 [Clark County], alleged the CPG took money from the IP's Special Needs Trust for rent, which renders the IP ineligible for Medicaid and violates the Trust. SOP 409.1, 409.2. Dismissed for no actionable conduct.

CPGB No. 2018-018 [Pierce County], alleged that the CPG collected excessive guardianship fees in 2016/2017; \$2916.75 from the IP's trust fund and \$2071.00 from the guardianship court. SOP 409.1. Dismissed for no actionable conduct.

CPGB No. 2018-023 [Clark County], alleged the CPG does not timely respond to attempts to reach her, failed to provide a special mattress for the IP, does not inform the IP about their finances, did not provide snacks and household items to the IP, and does not give adequate time for the IP's needs. SOP 402.1, 404.1.2, 408.4. Dismissed for no actionable conduct.

CPGB No. 2018-031 [Pierce County], alleged that the guardian improperly switched the IP from his long term care facility to a lower care facility that does not meet his needs to justify CPG's payment rather than IP's needs for care; specifically to lower the cost of care so that his budget would cover guardian fees, putting the IP at risk of losing his core waiver status. SOP 406.1, 406.2, 407.1, 407.2, 407.3. Dismissed for no actionable conduct.

CPGB No. 2018-033 [King County], alleged the CPG has sufficient money to pay the IP's past due care bill, but has refused to pay for arrearages accrued prior to guardianship appointment. SOP 401.1, 409.1. Dismissed for no actionable conduct.

CPGB No. 2018-042 [Spokane County], alleged the CPG failed to regularly visit the IP. SOP 404.1. Dismissed for no actionable conduct.

CPGB No. 2018-067 [Clallam County], alleged the CPG was not depositing the IP's monies into her account, and was not paying for the IP's needs. SOP 400, 409.1. Dismissed for no actionable conduct.

CPGB No. 2019-001 [Puyallup Tribe], alleged that the guardian failed to complete a required eligibility review for the IP and that as a consequence the IP's services, including long-term care benefits ended on November 30, 2018. SOP 409.1, 409.7. Dismissed for no actionable conduct.

CPGB No. 2019-016 [Lewis County], alleged that the CPG was not respecting the human rights of the IP which was based on a DDA functional assessment to come and go from her home as she pleases, to befriend who she chooses, and to speak on the phone to whomever she chooses. SOP 403.1, 403.2, 403.3. Dismissed for no actionable conduct.

CPGB No. 2019-017 [Clark County], alleged the CPG is mismanaging the IP's special needs trust and that the CPG is not providing the IP with requested information and documentation related to the IP's finances and special needs trust. SOP 409.1, 409.1.1, 409.4, 403.6. Dismissed for no actionable conduct.

CPGB No. 2019-019 [Clark County], alleged the CPG did not respond to efforts to contact her, did not pay the IP's cost of care nor insurance, removed the IP from her preferred facility, failed to refill the IP's medications, and retaliated against the IP by asking the court to file contempt of court charges for failing to produce a document. SOP 402.7, 409.1, 407.3, 408.1, 408.4. Dismissed for no actionable conduct.

CPGB No. 2019-020 [Yakima County], alleged the CPG is not having regular contact with the IP, has not scheduled medical appointments for the IP, and that the IP is not receiving proper care giving services. SOP 404.1, 404.1.1, 404.1.2, 408.1, 408.4, 403.1, 403.2, 403.3, 402.2. Dismissed for no actionable conduct.

CPGB No. 2019-022 [Kitsap County], alleged the CPG has not paid the previous charges owed to the IP's facility and has not assisted the IP in getting a new cell phone. SOP 409.1, 409.4. Dismissed for no actionable conduct.

CPGB No. 2019-027 [Pierce County], alleged the CPG is not assisting the IP in finding housing, is allowing the IP to remain homeless, does not answer calls from homeless shelter employees, and is not providing the IP with money to find housing. SOP 407.1, 407.6, 407.9, 402.2, 402.3, 403.2, 409.1, 409.4. Dismissed for no actionable conduct.

CPGB No. 2019-029 [Snohomish County], alleged the CPG moved IP's (2) from AFH without prior notice and consultation as well as out of retaliation against the grievant. CPG alleges to have not personally visited IP's and did not pay their personal needs allowance. SOP 400, 404.3, 407.3, 407.5, 407.7, 409.1.2. Dismissed for no actionable conduct.

CPGB No. 2019-033 [Clark County], alleged the CPG's abrupt communication style upsets the IP and quit serving as the IP's guardian without a successor guardian being appointed SOP 401.1, 401.2, 401.3, 403.2. Dismissed for no actionable conduct.

CPGB No. 2019-041 [Cowlitz County], alleged the CPG did not ensure the IP had an adequate oxygen supply and nebulizer when the IP moved to a new facility. SOP 408.1, 408.4, 407.6. Dismissed for no actionable conduct.

CPGB No. 2019-043 [Clark County], alleged the CPG has not removed the IP's roommate's property from the IP's apartment and that the CPG is moving the IP to a group home against the IP's wishes. SOP 403.2, 403.4, 409.1, 407.1, 407.2, 407.3, 409.1. Dismissed for no actionable conduct.

CPGB No. 2019-045 [Clark County], alleged the CPG is not assisting the grievant (hospital) in finding safe discharge placement for the IP. SOP 402.1, 402.2, 407.1, 407.6, 407.9. Dismissed for no actionable conduct.

CPGB No. 2019-047 [King County] alleged the CPG moved the IP against her will and has not allowed the IP to contact the grievant, friends or family. SOP 401.1, 401.2, 402.2, 403.2, 407.3, 407.5, 407.2, 407.4 and RCW 11.92.195. Dismissed for no actionable conduct.

CPGB No. 2019-048 [King County], alleged the CPG has been unresponsive to staff at the IP's residential facility and did not attend a scheduled care conference. SOP 402.7, 404.1.2. Dismissed for no actionable conduct.

CPGB No. 2019-049 [Clark County], alleged the CPG failed to assist the IP in obtaining housing after the IP was found to be functionally ineligible for DSHS long-term care services. SOP 409.1, 409.4, 409.7, 407.1. Dismissed for no actionable conduct.

CPGB No. 2019-055 [King County], alleged the CPG is isolating the IP from their family by moving the IP too far away for them to visit. SOP 401.1, 401.2, 402.2, 407.1, 407.2, RCW 11.92.195. Dismissed for no actionable conduct.

CPGB No. 2019-059 [Kitsap County], alleged CPG sought a prescription for the IP which the IP's care provider cannot administer under DDA policy No. 5.16. SOP 408.1, 408.4, 401.1, 401.3. Dismissed for no actionable conduct.

CPGB No. 2019-062 [Yakima County], alleged the CPG is ignoring the IP's request to have a different staff member from the CPG agency visit the IP and is not assisting the IP in having the guardianship terminated or limited. SOP 405.1, 411.1, 411.2, 411.3, 403.2, 403.4, 405.1. Dismissed for no actionable conduct.

CPGB No. 2019-066 [Pierce County], alleged the CPG did not assist the hospital with finding timely discharge placement for the IP. SOP 402.2, 402.4, 402.7, 409.1. Dismissed for no actionable conduct.

CPGB No. 2019-069 [Clark County], alleged the CPG is isolating the IP from his family, the IP does not have access to entertainment, and that the CPG disposed of all the tool's in the IP's workshop. SOP 401.1, 401.2, 402.2, 403.2, 403.3, 409.1, 409.1.2, RCW 11.92.195. Dismissed for no actionable conduct.

CPGB No. 2019-071 [Spokane County], alleged the CPG is not assisting the IP in having the guardianship terminated or in moving to a new residential facility. SOP 411.1, 411.2, 411.4, 407.2, 407.3, 407.6. Dismissed for no actionable conduct.

CPGB No. 2019-072 [King County], alleged the CPG failed to apply for VA disposition benefits for the IP and did not put the IP's personal needs allowance in the IP's facility trust account. SOP 409.1, 409.4, 409.7. Dismissed for no actionable conduct.

CPGB No. 2019-075 [King County], alleged the CPG is not providing the IP with the spending money the IP requests and is not assisting the IP in furnishing the IP's apartment, including providing the IP with a power recliner. SOP 409.1, 409.1.2, 409.4. Dismissed for no actionable conduct.

CPGB No. 2019-076 [Spokane County], alleged the CPG is not assisting the IP in finding new housing, does not communicate with the IP and does not talk about the IP's needs with the IP. SOP 404.1, 404.1.1, 403.2, 407.1, 407.3. Dismissed for no actionable conduct.

CPGB No. 2019-077 [Clark County], alleged the CPG gave all of the IP's belongings in a storage unit away without the IP's consent. SOP 403.2, 409.1, 409.1.1, 409.4. Dismissed for no actionable conduct.

CPGB No. 2020-001 [Okanogan County], alleged the CPG has been unresponsive to social workers and other professionals involved in the IP's care during the IP's hospital admittance. SOP 402.1, 402.2, 404.1.2. Dismissed for no actionable conduct.

CPGB No. 2020-002 [Kittitas County], alleged the lay guardian failed to appoint a standby guardian prior to leaving on a cruise. Dismissed for no jurisdiction.

CPGB No. 2020-003 [Clallam County], alleged the CPG is allowing the IP's former agent under a DPOA to store the IP's personal belongings. SOP 409.1, 409.2, 409.4. Dismissed for no actionable conduct.

CPGB No. 2020-004 [Whatcom County], alleged the CPG is not allowing the IP to move closer to the IP's family and is not assisting the grievant in becoming the IP's successor guardian. SOP 411.1, 411.2, 411.3, 402.2, 402.4, 407.1, 407.2, 407.6. Dismissed for no actionable conduct.

CPGB No. 2020-006 [Spokane County], alleged the CPG has not assisted the IP in getting the guardianship terminated, threatened to have the IP arrested after the IP showed up at the CPG's office, began arguing with the CPG about the IP's finances and has only provided the IP with \$40 to live on each month. SOP 409.1, 409.4, 411.1, 411.2, 411.3, 411.4, 403.1, 403.2, 403.4. Dismissed for no actionable conduct.

CPGB No. 2020-007 [Chelan County], alleged that GAL visited dementia patient, spouse of incapacitated person, to request approval of hospital's removal of life support for his wife. Husband was non responsive. GAL failed to consult with staff. Dismissed no jurisdiction.

CPGB No. 2020-009 [Stevens County], alleged the CPG did not communicate with the grievant to provide information on the IP's care and condition, did not allow the grievant to visit the IP, failed to provide the grievant with gas money to visit the IP per Court Record, did not attempt to find the IP a residential placement closer to the grievant, and failed to cancel the IP's supplemental health insurance plan after the IP was put on a Medicare Advantage plan. SOP 409.1, 409.4, 402.2, 402.4, 401.1, 401.3, 407.1, 407.2, RCW 11.92.150. Dismissed for no actionable conduct.

CPGB No. 2020-010 [King County], alleged that IP's family members wants to become guardian and that the CPG is making decisions without consulting the IP. Dismissed for insufficient grievance.

CPGB No. 2020-011 [Lewis County], alleged the CPG is overlooking the IP's medical needs and is refusing to place the IP in a geriatric psychiatry placement. SOP 407.1, 407.2, 407.6, 408.1. Dismissed for no actionable conduct.

CPGB No. 2020-012 [Mason County], alleged the lay guardian is not managing the IP's finances or DDA benefits. Dismissed for no jurisdiction.

CPGB No. 2020-013 [Snohomish County], alleged the CPG is allowing the IP's health to decline, is allowing the IP to live in an unsafe environment, and is not paying the IP's bills. SOP 403.1, 403.3, 408.1, 407.1, 407.3, 407.5, 407.6, 407.9, 405.1, 405.2, 409.1, 409.4. Dismissed for no actionable conduct.

CPGB No. 2020-014 [Clark County], alleged the CPG did not communicate with the IP's hospital and did not assist in finding the IP a safe discharge option from the hospital. SOP 402.2, 402.3, 402.4, 407.1, 407.6, 407.9. Dismissed for no actionable conduct.

CPGB No. 2020-015 [Okanogan County], alleged the lay guardian is not responsive and that the IP wants a new guardian. Dismissed for no jurisdiction.

CPGB No. 2020-016 [Whitman County], alleged the CPG is refusing to allow the IP to move into an apartment, is not providing the IP with monthly spending money, and is late on paying the IP's bills. SOP 400, 401.1, 407.2, 407.3, 407.6, 409.1, 409.4, 409.1.2. Dismissed for no actionable conduct.

CPGB No. 2020-017 [Clark County], alleged the CPG did not pay the participation to the IP's facility for two consecutive months. SOP 409.1, 409.4, 409.7, 409.12. Dismissed for no actionable conduct.

CPGB No. 2020-018 [Kitsap County], alleged the lay guardian has not spent down the IP's estate and has not paid the IP's facility for three months of rent, which now amounts to \$31,500 in money owed to the facility. Dismissed for no jurisdiction.

CPGB No. 2020-019 [King County], alleged the CPG allowed the IP to be discharged from a rehab facility to an adult family home before the IP was eligible for Medicaid. SOP 409.1, 409.7. Dismissed for no actionable conduct.

CPGB No. 2020-020 [Pierce County], alleged the CPG did not ensure the IP had access to needed medical and dental care and did not frequently visit the IP in person. SOP 404.1, 408.1, 408.4. Related to CPGB No. 2020-025. Dismissed for no actionable conduct.

CPGB No. 2020-021 [Pierce County], alleged the lay guardian does not provide the grievant with enough access to the IP and does not communicate with the grievant. Dismissed for no jurisdiction.

CPGB No. 2020-022 [King County], alleged the IP feels unsafe because the CPG is trying to make the IP move against the IP's stated desire to remain at her current facility; the facility has lost its license to provide caregiver services. SOP 407.1, 407.2, 407.3. Dismissed for no actionable conduct.

CPGB No. 2020-023 [King County], alleged the lay guardian's letters expired and that the IP is at risk of losing benefits. Dismissed for no jurisdiction.

CPGB No. 2020-024 [Clark County], alleged the CPG did not communicate with or assist the hospital in finding a safe discharge placement for the IP and did not apply for long term care services for the IP. SOP 402.1, 402.3, 402.4, 407.1, 407.2, 407.6, 407.8, 407.9, 407.10, 409.1, 409.4, 409.7. Dismissed for no actionable conduct.

CPGB No. 2020-025 [Pierce County], alleged the CPG did not ensure the IP had access to needed medical and dental care and did not frequently visit the IP in person. SOP 404.1, 408.1, 408.4. Related to CPGB No. 2020-020. Dismissed for no actionable conduct.

CPGB No. 2020-026 [Spokane County], alleged the CPG does not timely pay the IP's facility participation, does not provide the IP with adequate spending money. CPG misfiled the IP's taxes and then charged the tax penalties out of the IP's funds. SOP 409.1, 409.4. Dismissed for no actionable conduct.

CPGB No. 2020-027 [Spokane County], alleged the CPG purposefully did not obtain the highest possible price for the IP's home there is a conflict of interest with the CPG and CPG's attorney in regards to the sale of the IP's home. CPG failed to protect the IP's personal belongings after the IP moved out of her home. SOP 406.1, 406.2, 409.1, 409.4. Dismissed for no actionable conduct.

CPGB No. 2020-028 [Snohomish County], alleged the GAL has been biased in their reports to the court and has omitted important information from their reports. Dismissed for no jurisdiction.

CPGB No. 2020-029 [County Not Provided], grievance involved conduct of a lay guardian. Dismissed for no jurisdiction.

CPGB No. 2020-031 [Snohomish County], alleged the GAL is biased against the IP's family and has engaged in misconduct. Dismissed for no jurisdiction.

CPGB No. 2020-033 [Clark County], alleged the GAL is not assisting the AIP's social workers in getting the AIP eligible for Medicaid and discharged from the hospital. Dismissed for not jurisdiction.

CPGB No. 2020-034 [King County], alleged the CPG is not allowing the IP to move in with the IP's boyfriend and threatened to have the IP arrested. SOP 401.1, 403.1, 403.2, 403.3, 403.4. Dismissed for no actionable conduct.

CPGB No. 2020-035 [Pierce County], alleged the CPG took the IP on a tour of a facility without providing PPE to the IP and potentially exposing the IP to COVID-19, attempted to move the IP against the IP's will, and did not inform the IP's facility of the CPG's intention to move the IP to a new facility. SOP 401.1, 401.2, 401.3, 408.1, 403.2, 407.1, 407.3, 407.4, 407.6, 407.7, 402.1, 402.2, 402.4, 402.7. Dismissed for no actionable conduct.

CPGB No. 2020-037 [King County], alleged that guardian is not following medical provider's recommendations regarding feeding of IP and concerns regarding IP's aspiration of liquids. Dismissed for Lack of Jurisdiction – Lay Guardian. Grievance forwarded to court for review.

CPGB No. 2020-042 [King County], alleged the CPG allowed the IP to be neglected and abandoned by the IP's home care provider. SOP 403.1, 402.7, 404.1.1, 404.1.2, 404.3. Dismissed for no actionable conduct.

CPGB No. 2020-043 [Whatcom County], alleged multiple concerns and raises questions for Title 26 GAL. Dismissed for Lack of Jurisdiction as the matter is a MOD 3 Domestic Modification matter (Family Law). Grievance forwarded to court for review.

CPGB No. 2020-046 [King County], alleged the CPG has allowed the IP to reside in a residential placement that does not meet the IP's care needs and where the IP is at risk of self-injury. SOP 407.9, 407.10, 408.5, 404.1.2, 404.1.3. Dismissed for no actionable conduct.

CPGB No. 2020-047 [Lewis County], alleged the CPG is attempting to move the IP against the IP's will, did not inform the IP's facility of the CPG's intention to move the IP to a new facility, misled the IP into visiting a potential new facility, and ignored the IP's facility's policies regarding COVID-19. SOP 470.3, 405.1, 403.2, 403.4, 402.2, 402.4, 401.1, 401.3, 400. Related to Grievance No. 2020-048. Dismissed for no actionable conduct.

CPGB No. 2020-048 [Lewis County], alleged the CPG is attempting to move the IP against the IP's will, did not inform the IP's facility of the CPG's intention to move the IP to a new facility, misled the IP into visiting a potential new facility, and ignored the IP's facility's policies regarding COVID-19. SOP 470.3, 405.1, 403.2, 403.4, 402.2, 402.4, 401.1, 401.3, 400. Related to Grievance No. 2020-047. Dismissed for no actionable conduct.

CPGB No. 2020-049 [Pierce County], grievance related to the conduct of a lay guardian. Dismissed for no jurisdiction.

CPGB No. 2020-051 [Snohomish County], alleged the CPG has not ensured the IP's medications are properly administered, has not provided the IP with adequate footwear and CPAP machine, does not provide the IP with adequate food given the IP's health and nutritional

needs, and did not organize transportation for the IP to a haircut so the IP had to walk six miles round trip to and from the appointment. SOP 408.1, 408.4, 409.4, 403.1, 405.1, 405.2. Dismissed for no actionable conduct.

CPGB No. 2020-052 [Kitsap County], alleged the lay guardian has not ensured the IP has received their VA benefits. Dismissed for no jurisdiction.

CPGB No. 2020-053 [King County] alleged the CPG stole or kept IP's personal items of value, overcharged, intentionally overbilled, misused IP's funds, and demeaned and retaliated against IP's based on their race or dislike for them. SOP 400 (paragraph 5), 403.2, 406.1, 406.2, 409.1, 410.0. Dismissed for no actionable conduct.

CPGB No. 2020-054 [Pierce County], alleged IP is legally entitled to have CPG give the IP all of the IP's money now that the IP is 65 years old. Dismissed for insufficient grievance.

CPGB No. 2020-055 [Spokane County], alleged the CPG has not checked on the IP since February, 2020, that the IP does not have any food and is refusing to eat, that the IP does not have air conditioning in her apartment and has been living in 100+ degree temperatures, that the IP has not received adequate medical care, and that the CPG has refused to act when the grievant informed the CPG of the conditions the IP was living in. SOP 404.1, 404.1.1, 407.6, 409.4, 408.1, 408.4, 402.1, 402.2, 402.4. Dismissed for no actionable conduct.

CPGB No. 2020-057 [Pierce County], alleged the CPG did not work with other professionals in planning the discharge of the IP from the hospital to a facility, did not want the IP to move to the recommended residential treatment facility because the CPG would not be paid if the IP was discharged there, and did not assist in filling out paperwork necessary for the IP to receive outpatient psychiatric services. SOP 402.2, 402.4, 407.1, 407.2, 407.6, 407.7, 409.4, 400 para. 6, 406.1, 406.2, 406.3, 408.1, 409.7. Dismissed for no actionable conduct.

CPGB No. 2020-058 [Snohomish County], alleged the CPG is not responsive to the IP's medical needs and is preventing the IP's SOLA staff from properly caring for the IP, is not responsive to phone calls or emails from SOLA staff, is not allowing the IP to get a blood draw of begin a new medication, and is not assisting SOLA staff in arranging medical appointments for the IP. SOP 402.1, 402.2, 402.4, 408.1, 408.4, 408.5, 402.3. Dismissed for no actionable conduct.

CPGB No. 2020-059 [Clark County], alleged the CPG has not attended medical appointments with the IP and does not communicate with the IP's medical and care providers. SOP 402.3, 402.7, 404.1.2. Dismissed for no actionable conduct.

CPGB No. 2020-062 [Pierce County], grievance relates to the conduct of a lay guardian. Dismissed for no jurisdiction

CPGB No. 2020-063 [Kitsap County], alleged the CPG did not timely provide the IP with life alert, food stamps, or a medicine dispenser. SOP 400, 401.3, 402.7, 403.1, 403.2, 403.3, 407.6, 407.9. Dismissed for no actionable conduct.

CPGB No. 2020-064 [King County], alleged the CPG is attempting to move the IP to a new facility against the IP's wishes and is moving the IP to ensure the CPG is able to continue to be paid their guardianship fees. SOP 403.1, 403.2, 407.1, 407.3, 407.6, 407.7, 405.1, 405.2, 406.1, 406.2, 406.3. Dismissed for no actionable conduct.

CPGB No. 2020 -065 [King County], alleged CPG controlled assets and not allowing IP access to finances. Dismissed for insufficient grievance.

CPGB No. 2020 -067 [King County], alleged CPG took mail related to finances from USPS postal box. Dismissed for insufficient grievance.

CPGB No. 2020 -068 [Pierce County], alleged CPG did not seek timely medical care with resulted in the death of the IP. SOP 402.3, 408.1, 408.4. Dismissed for no actionable conduct.

CPGB No. 2020-069 [Pierce County], alleged lay guardian is unresponsive to IP's need for a decision to be made. Dismissed for no jurisdiction.

CPG No. 2020-072 [King County], grievance related to conduct of a lay guardian. Dismissed for no jurisdiction.

Voluntary Surrender Terminations

CPGB 2014-030 (Kitsap County).

CPGB 2016-038 (Kitsap County).

CPGB 2016-066 (Thurston County).

CPGB 2017-032 (Kitsap County).

CPGB 2017-087 (Kitsap County), bank reports open guardianship account with no activity for 18 months when final accounting was reported to court. SOP 409.1.

CPGB 2018-038 (Kitsap County), alleged lack of communication, interference with other agencies by guardian as pertains to client's mental health and allowing unfit individuals to reside with client.

CPGB No. 2018-074 (Kitsap County), alleged by a financial institution that a final account was filed with court by guardian even though client had an open account, on which there had been no activity for eighteen months. SOP 409.1.

Grievance Status Update

Certified Professional Guardians Grievance Status

Month-End

April 30, 2021

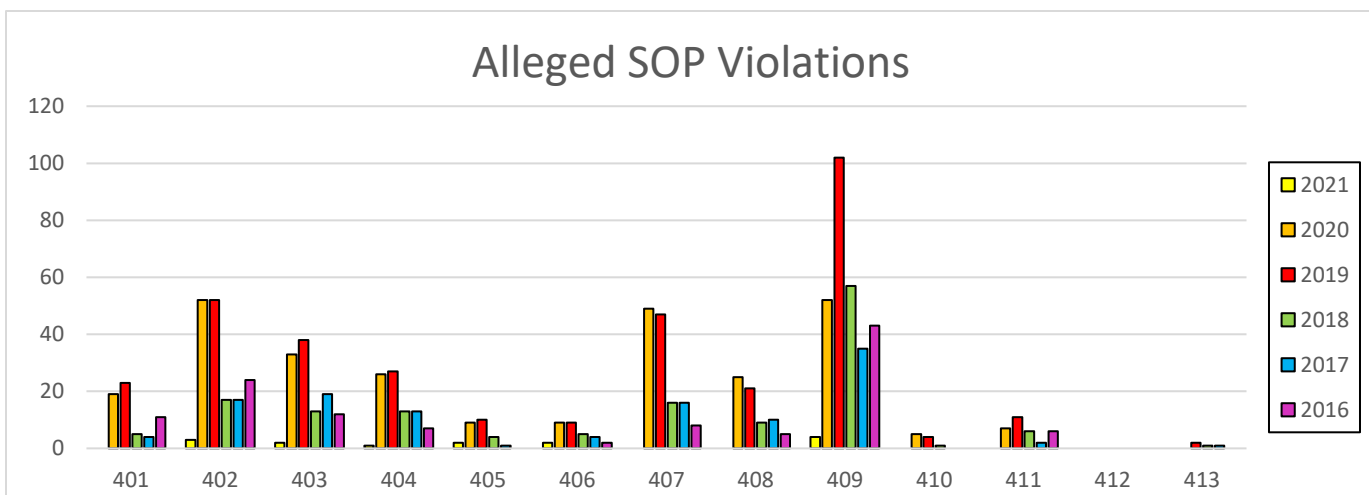
Grievance Status – April 30, 2021	2021	2020	2019	2018	2017	2016	Total
New Grievances Received:	9	0	0	0	0	0	9
Grievances Resolved this Month:	[2]	[1]			[1]		[4]
Grievances Remaining Requiring Investigation*:	22	12	4	1	0	0	39

Grievances Pending*	2021	2020	2019	2018	2017	2016	Total
Voluntary Surrender/Litigation:							
Conflicts Review Committee:			1				1
ARD:				1			1
Complaint/Hearing:						1	1
Administrative Decertification:							
Total Pending:			1	1		1	3

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

Resolution of Grievances – April 30, 2021	2021	2020	2019	2018	2017	2016	Total
Dismissal – No Jurisdiction							
Dismissal – No Actionable Conduct	2	1			1		4
Dismissal – Insufficient Grievance							
Mediated – Dismissed							
Advisory Letter 507.1							
ARD - Admonishment							
ARD - Reprimand		1					1
ARD - Suspension							
Terminated – Voluntary Surrender							
Terminated – Administrative Decertification							
Terminated – Decertification							
Total Resolved Grievances: April 30, 2021	2	2			1		5

Grievance Resolutions	2021	2020	2019	2018	2017	2016	Total
Total Grievances Received	32	80	77	85	104	104	482
Dismissal – No Jurisdiction	3	21	15	22	30	20	111
Dismissal – No Actionable Conduct	4	35	38	51	60	55	243
Dismissal – Insufficient Grievance	3	9	5	3	1	2	22
Mediated – Dismissed							
Advisory Letter 507.1		2	5	3	2	4	16
ARD - Admonishment							
ARD – Reprimand		1			1	4	6
ARD - Suspension							
Termination – CPG Death							
Termination – Administrative Decertification			3	1	1	3	8
Termination – Voluntary Surrender			1	2	8	15	26
Termination – Decertification			5	1	1		7
Grievances <u>Resolved To Date</u>: April 30, 2021	10	68	72	83	104	103	439



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
April 30, 2021

ID	Year Cert.	Open	Year(s) Grievances Received	Status
A	2012	2	2020 (1), 2021 (1)	
B	2016	2	2021 (2)	
C	2014	4	2019 (1), 2020 (2), 2021 (1)	
D	2014	2	2020 (1), 2021 (1)	
E	2007	3	2019 (2), 2020 (1)	
F	2001	6	2018 (1), 2019 (1), 2020 (4)	
G	2006	3	2020 (2), 2021 (1)	
H	2018	7	2021 (7)	
		29		

Of 39 currently open grievances requiring investigation, 29 concern 8 Agencies/CPGs with 2 or more open grievances.

	Year Guardian Certified	# of Guardians
Before UW Certificate Program	2001	1
	2002	
	2003	
	2004	
	2005	
	2006	1
	2007	1
	2008	
	Total	3
UW Certificate Program	2009	
	2010	
	2011	
	2012	1
	2013	
	2014	2
	2015	
	2016	1
	2017	
	2018	1
	Total	5