

CPGC Board Meeting Minutes

February 14, 2022

February 24, 2022



Certified Professional Guardianship and Conservatorship Board

Monday, February 14, 2022
Zoom Meeting
8:00 a.m. – 9:00 a.m.

PROPOSED MEETING MINUTES	
Members Present	Members Absent
Judge Diana Kiesel, Chair	Ms. Kristina Hammond
Judge Grant Blinn	
Judge Robert Lewis	
Commissioner Cadine Ferguson-Brown	Staff Present
Ms. Lisa Malpass	Ms. Stacey Johnson
Ms. Melanie Maxwell	Ms. Kathy Bowman
Mr. William Reeves	Ms. Thai Kien
Dr. K. Penney Sanders	Mr. Samar Malik
Mr. Dan Smerken	Ms. Maureen Roberts
Ms. Susie Starrfield	Ms. Eileen Schock
Ms. Amanda Witthauer	Ms. Rhonda Scott
Dr. Rachel Wrenn	Ms. Linda Vass
	Ms. Sherri White

Guests – See last page

1. Meeting Called to Order

Judge Diana Kiesel called the February 14, 2022 Certified Professional Guardianship and Conservatorship Board meeting to order at 8:00 a.m.

2. Welcome, Roll Call, and Approval of Minutes

Judge Kiesel welcomed all present.

Motion: A motion was made and seconded to approve the minutes of the January 10, 2022 Board meeting as written. The motion passed.

3. Chair’s Report

Judge Kiesel thanked the Standards of Practice Committee for their hard work. Judge Kiesel reported the newly formed Diversity, Equity and Inclusion Committee was unable to meet in January as scheduled, but there will be an update provided at the regular Board meeting. Judge Kiesel also reported there was no hearing granted on HB 1977, which concerns the public disclosure of guardianship training curriculum and materials. The Board was encouraged to provide any suggestions for the 2023 legislative session regarding the UGA to Judge Kiesel or Stacey Johnson.

4. Grievance Report

Staff reported there were two (2) new grievances received in January, 2022. A total of forty one (41) grievances received prior to 2022 are currently under active investigation. Two grievances received in 2021 are pending Conflicts Review Committee review and resolution.

One grievance received in 2020 and two grievances received in 2019 are pending a Hearing. One grievance received in 2016 is pending resolution by an Agreement Regarding Discipline.

5. Executive Session (Closed to the Public)

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

On behalf of the Standards of Practice Committee, Judge Grant Blinn presented the following grievances for Board action. Members of the Standards of Practice Committee abstained.

Motion: A motion was made and seconded to forward grievance 2020-008 to the Superior Court. None opposed. The motion passed.

Motion: A motion was made and seconded to forward grievance 2020-030 to the Superior Court. None opposed. The motion passed.

Motion: A motion was made and seconded to dismiss grievance 2022-001 as incomplete. None opposed. The motion passed.

Motion: A motion was made and seconded to dismiss grievance 2022-002 for no jurisdiction. None opposed. The motion passed.

Motion: A motion was made and seconded to dismiss grievance 2022-003 as incomplete. None opposed. The motion passed.

Motion: A motion was made and seconded to forward complete grievance 2022-004 to the Superior Court. None opposed. The motion passed.

Motion: A motion was made and seconded to forward complete grievance 2022-005 to the Superior Court. Ms. Malpass opposed. The motion passed.

Motion: A motion was made and seconded to forward complete grievance 2022-006 to the Superior Court. None opposed. The motion passed.

Motion: A motion was made and seconded to dismiss grievance 2022-007 pending further information. Judge Lewis opposed. The motion passed.

Motion: A motion was made and seconded to forward grievance 2016-087 to the Superior Court. Judge Lewis and Commissioner Ferguson-Brown opposed. The motion passed.

7. Wrap Up/Adjourn

Judge Kiesel noted due to time limitations, several agenda topics were not covered during today's Board meeting. The Board will be surveyed for availability for a special Board meeting in February. The February 14, 2022 Certified Professional Guardianship and Conservatorship Board meeting was adjourned at 9:14 a.m.

Recap of Motions:

Motion Summary		Status
Motion:	A motion was made and seconded to approve the minutes of the January 10, 2022 Board meeting as written.	Passed
Motion:	A motion was made and seconded to forward grievance 2020-008 to the Superior Court. None opposed.	Passed
Motion:	A motion was made and seconded to forward grievance 2020-030 to the Superior Court. None opposed.	Passed
Motion:	A motion was made and seconded to dismiss grievance 2022-001 as incomplete. None opposed.	Passed
Motion:	A motion was made and seconded to dismiss grievance 2022-002 for no jurisdiction. None opposed.	Passed
Motion:	A motion was made and seconded to dismiss grievance 2022-003 as incomplete. None opposed.	Passed
Motion:	A motion was made and seconded to forward complete grievance 2022-004 to the Superior Court. None opposed.	Passed
Motion:	A motion was made and seconded to forward complete grievance 2022-005 to the Superior Court. Ms. Malpass opposed.	Passed
Motion:	A motion was made and seconded to forward complete grievance 2022-006 to the Superior Court. None opposed.	Passed
Motion:	A motion was made and seconded to dismiss grievance 2022-007 pending further information. Judge Lewis opposed.	Passed
Motion:	A motion was made and seconded to forward grievance 2016-087 to the Superior Court. Judge Lewis and Commissioner Ferguson-Brown opposed.	Passed

Guests:

Deborah Jameson
Elaine Morgan
Mark Vohr
Karen Newland
Kim Henderson
Puget Sound Guardians
Sarah Tremblay
Valerie Walker



Certified Professional Guardianship and Conservatorship Board

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Zoom Meeting
8:00 a.m. – 9:00 a.m.

PROPOSED MEETING MINUTES	
Members Present	Members Absent
Judge Diana Kiesel, Chair	Commissioner Cadine Ferguson-Brown
Judge Grant Blinn	Mr. William Reeves
Judge Robert Lewis	Dr. Rachel Wrenn
Ms. Kristina Hammond	
Ms. Lisa Malpass	Staff Present
Ms. Melanie Maxwell	Ms. Stacey Johnson
Dr. K. Penney Sanders	Ms. Thai Kien
Mr. Dan Smerken	Mr. Samar Malik
Ms. Susie Starrfield	Ms. Maureen Roberts
Ms. Amanda Witthauer	Ms. Rhonda Scott
	Ms. Linda Vass
	Ms. Sherri White

Guests – See last page

1. Meeting Called to Order

Judge Diana Kiesel called the February 24, 2022 Special Certified Professional Guardianship and Conservatorship Board meeting to order at 8:00 a.m.

2. Welcome, Roll Call, and Approval of Minutes

Judge Kiesel welcomed all present.

3. Executive Session (Closed to the Public)

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

Dan Smerken provided history of the composition of membership of the Board, which is set out in GR 23. GR 23 provides that no more than one-third of the Board membership shall be practicing professional guardians and conservators. This history was addressed in a letter received from Deborah Jameson, a certified professional guardian and conservator, who has suggested changing GR 23 to eliminate the limitation on the number of professional guardians who may be on the Board. Additionally, she suggested GR 23 be amended to hold the Board subject to the Open Public Meetings Act.

Motion:

A motion was made and seconded to oppose the two suggested changes to GR 23 regarding the composition of the Board, and the Board being subject to the Open Public Meetings Act. The motion passed unanimously.

On behalf of the Applications Committee, Judge Lewis presented the following applications for certified professional guardian and conservator. The Applications Committee abstained.

Motion: A motion was made and seconded to conditionally approve Karen Travis' application for certification, conditional on the successful completion of mandatory training, with transferable skills in finance. The motion passed unanimously.

5. Wrap Up/Adjourn

With no other business to discuss, the February 24, 2022 Special Board meeting was adjourned at 8:45 a.m. The next regular CPGC Board meeting will take place on Monday, March 14, 2022 at 8:00 a.m.

Recap of Motions:

Motion Summary		Status
Motion:	A motion was made and seconded to oppose the two suggested changes to GR 23 regarding the composition of the Board, and the Board being subject to the Open Public Meetings Act.	Passed
Motion:	A motion was made and seconded to conditionally approve Karen Travis' application for certification, conditional on the successful completion of mandatory training, with transferable skills in finance.	Passed

Guests:

Mark Vohr
Deborah Jameson
Angela Carlson-Whitley
Neil & Neil

Grievance Status

February, 2022

**Certified Professional Guardians and Conservators
Grievance Status
February 1 - 28, 2022**

Total Grievances Received 2022	13
New Grievances Received February 2022	11
• 2022 Grievances Dismissed by Board ¹	4
• 2022 Grievances Forwarded by Board to Court	3
• 2022 Grievances Resolved by Court	
2022 Grievances Assigned for Investigation	
2022 Grievances Resolved by Board ²	

¹ Board Dismissals	No Jurisdiction (GAL or LAY)	1
	Incomplete - No Signature	3
	Incomplete - No Date	
	Incomplete – Lacks Detail	
	Other	
	Total Dismissed by Board to Date	4

² Board Resolutions	No Actionable Conduct	
	Advisory Letter 507.1	
	ARD – Admonishment	
	ARD – Reprimand	
	ARD – Suspension	
	Voluntary Surrender in Lieu of Discipline	
	Revocation of Certification	
	Total Resolved by Board to Date	

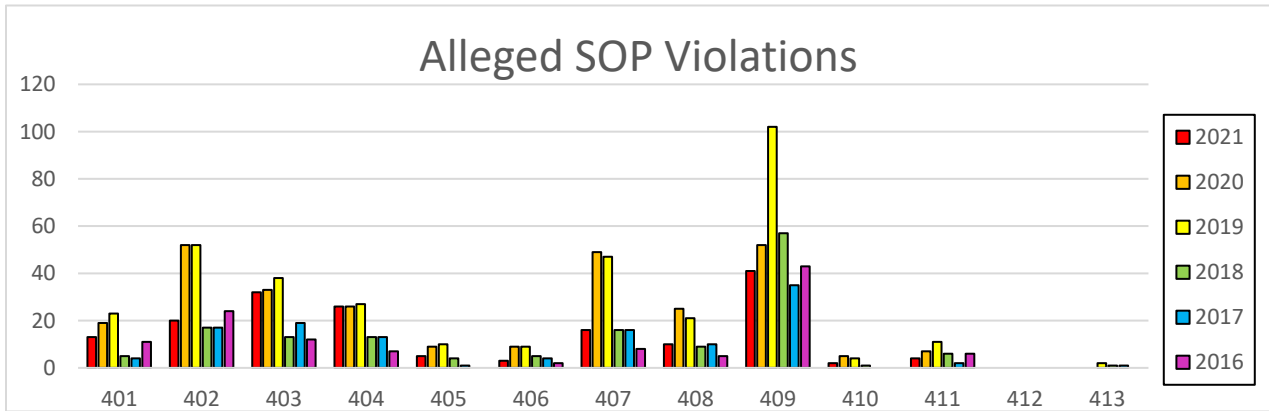
Grievance Status – February, 2022	2021	2020	2019	2018	2017	2016	Total
Grievances Resolved this Month:							
Grievances Remaining Requiring Investigation*:	30	4	2	1	0	0	37

Grievances Pending*	2021	2020	2019	2018	2017	2016	Total
Voluntary Surrender/Litigation:							
Conflicts Review Committee:	2						2
ARD:						1	1
Complaint/Hearing:		1	2				3
Administrative Decertification:							
Forward to Court		2					2
Total Pending:	2	3	2			1	8

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

Resolution of Grievances – February, 2022	2021	2020	2019	2018	2017	2016	Total
Dismissal – No Jurisdiction							
Dismissal – No Actionable Conduct	2						2
Dismissal - Administrative							
Dismissal – Insufficient Grievance							
Mediated – Dismissed							
Advisory Letter 507.1							
ARD - Admonishment							
ARD - Reprimand							
ARD - Suspension							
Terminated – Voluntary Surrender							
Terminated – Administrative Decertification							
Terminated – Decertification							
Total Resolved Grievances: February, 2022	2						2

Total Grievance Resolutions	2021	2020	2019	2018	2017	2016	Total
Total Grievances Received	95	80	77	85	104	104	545
Dismissal – No Jurisdiction	9	21	15	22	30	20	117
Dismissal – No Actionable Conduct	47	41	38	51	60	55	292
Dismissal - Miscellaneous							
Dismissal – Insufficient Grievance	6	6	5	3	1	2	23
Mediated – Dismissed							
Advisory Letter 507.1		2	5	3	2	4	16
ARD - Admonishment							
ARD – Reprimand		1		1	1	4	7
ARD - Suspension							
Termination – CPG Death							
Termination – Administrative Decertification	3	1	3	1	1	3	12
Termination – Voluntary Surrender			1	2	8	15	26
Termination – Decertification			5	1	1		7
Total Grievances Resolved To Date: January 31, 2022	65	72	72	84	104	103	500



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

ID	Year Cert.	Open	Year(s) Grievances Received
A	2015	3	2021 (1), 2022 (2)
B	2009	3	2021 (3)
C	2015	2	2021 (2)
D	2016	6	2021 (5), 2022 (1)
E	2014	3	2019 (1), 2021 (2)
F	2011	3	2021 (3)
G	2002	2	2021 (2)
H	2001	6	2018 (1), 2019 (1), 2020 (4)
I	2006	2	2021 (2)
J	2018	2	2022 (2)
		32	

Of 43 currently open grievances requiring investigation, 32 concern 10 Agencies/CPGs with 2 or more open grievances.

Regulations Committee
Regulation 103, Qualifications

Guardianship and Conservatorship Program Regulations

103 Qualifications

103.1 The certification qualifications are set out in General Rule 23, Rule for Certifying Professional Guardian and Conservators. Successful individual applicants must meet or exceed those requirements.

103.2 All individual applicants must complete an approved CPGC training course as described in Section 108.

103.3 Pursuant to the timeline¹ established by the Administrative Office of the Courts (AOC), an individual applicant must submit a complete application packet to the AOC which shall include the following:

103.3.1 A fully completed CPGC online application form. The applicant should keep a copy of the completed application.

103.3.2 A separate official transcript, received in a sealed envelope mailed from every accredited college and university attended. For a high school diploma, a copy of the diploma issued by the school district, private school or community or technical college. For GED Certificates, a copy of the Certificate issued by the GED® Testing Service.

103.3.3 Proof of each relevant professional license or certification currently held.

103.3.4 A fingerprint card that has been processed and obtained by a Board approved process.

103.3.5 A completed, signed Authorization and Release of Information.

¹The timeline for application submissions and approvals can be found on the Certified Professional Guardianship and Conservatorship Board's web site: www.courts.wa.gov/programs_orgs/guardian/

103.3.6 A declaration submitted under penalty of perjury, that the guardian and conservator shall exercise reasonable care, skill, and caution in ensuring a background check is conducted on their own employees, their agents, and any employees of those agents, prior to those persons providing direct services to the individual subject to a guardianship or conservatorship.

When determining the scope of a background check, the guardian or conservator should consider the abilities and vulnerabilities of the protected person and the specific task(s) that the employee or agent are being delegated.

A background must include a criminal history check utilizing public or proprietary databases ²that are available to the public.

² Examples of public or proprietary databases include, but are not limited to, the Washington State Patrol's "Washington Access to Criminal History" (WATCH), Superior Court databases (Odyssey, LINX, ECR Online), Department of Social and Health Services Public Disclosure Office, and the Federal Bureau of Investigations Identity History Summary Check (IdHSC).

Additionally, a background check should include a check of public or proprietary databases that report substantiated findings of abuse, neglect, or exploitation of a vulnerable adult.

When engaging licensed agencies that are required by law or regulation to obtain background checks on their employees, the guardian and conservator may rely on the declaration of the agency that they comply with State background check requirements.

103.3.7 A non-refundable application fee as identified on the Fees and Filing Requirements Table.

103.3.8 A personal credit report obtained from a Board approved credit reporting agency.

103.3.9 If an individual has declared bankruptcy in the seven (7) years prior to his or her application, the applicant must provide copies of the following documents: bankruptcy petition, discharge order, and a copy of the bankruptcy case docket.

103.3.10 A sworn statement that he/she has read and agrees to abide by the continuing disclosure requirements of GR 23 and all other requirements imposed by rule, regulation or statute for CPGCs.

103.4 An agency applicant must provide:

103.4.1 A fully completed CPGC agency on-line application. The applicant should keep a copy of the completed application.

103.4.2 A copy of the formation documents of the legal entity.

103.4.3 A declaration submitted under penalty of perjury that it shall

- (a) exercise reasonable care, skill, and caution in ensuring a background check is conducted on its own employees, its agents, and any employees of those agents, board members, or anyone formally associated with the agency entity, prior to those persons providing direct services to the individual subject to a guardianship or conservatorship, and ensure that all officers and directors meet the qualifications of Chapter 11.130 RCW for guardian and conservators.

When determining the scope of a background check, the CPGC agency should consider the abilities and vulnerabilities of the protected person and the specific task(s) that the employee or agent are being delegated.

A background must include a criminal history check utilizing public or proprietary databases ³that are available to the public.

³ Examples of public or proprietary databases include the Washington State Patrol's "Washington Access to Criminal History" (WATCH), Superior Court databases (Odyssey, LINX, ECR Online), Department of Social and Health Services Public Disclosure Office, and the Federal Bureau of Investigations Identity History Summary Check (IdHSC).

Additionally, a background check should include a check of public or proprietary databases that report substantiated findings of abuse, neglect, or exploitation of a vulnerable adult.

When engaging licensed agencies that are required by law or regulation to obtain background checks on their employees, the CPGC agency may rely on the declaration of the licensed agency that they comply with State background check requirements

103.4.4 The names of the agency's current board of directors, members, managers, owners, and/or its officers.

103.4.5 A list identifying all CPGCs at the agency (a minimum of two are required), and a copy of either meeting minutes or a board resolution identifying the designated CPGCs. The designated CPGCs shall submit the Acceptance of Designated CPGC form.

103.4.6 A non-refundable application fee as identified on the Fees and Filing Requirements Table.

103.4.7 A sworn statement that they have read and agree to abide by the continuing disclosure requirements of GR 23 and all other requirements imposed by rule, regulation or statute for CPGCs.