

CPGC Board Meeting Minutes
October 10, 2022



Certified Professional Guardianship and Conservatorship Board

Monday, October 10, 2022
Zoom Meeting
9:00 a.m. – 2:00 p.m.

MEETING MINUTES	
Members Present	Staff Present
Judge Diana Kiesel, Chair	Ms. Stacey Johnson
Judge Grant Blinn	Ms. Kathy Bowman
Ms. Kristina Hammond	Ms. Thai Kien
Dr. K. Penney Sanders	Mr. Samar Malik
Mr. William Reeves	Ms. Maureen Roberts
Ms. Lisa Malpass	Ms. Sherri White
Mr. Dan Smerken	Ms. Kay King
Ms. Susie Starrfield	Ms. Rhonda Scott
Ms. Amanda Witthauer	Ms. Linda Vass
Ms. Melanie Maxwell ¹	
Ms. Anita Souza	Members Absent
	Judge Robert Lewis
	Judge Ferguson-Brown

Guests – See last page

1. Meeting Called to Order

Judge Diana Kiesel called the October 10, 2022 Certified Professional Guardianship and Conservatorship Board meeting to order at 9:05 a.m.

2. Welcome, Roll Call & Approval of Minutes

Judge Kiesel welcomed all present.

Motion: A motion was made and seconded to approve the September 12, 2022 Board meeting minutes. The motion passed.

Motion: A motion was made and seconded to approve the September 14, 2022 Board meeting minutes. The motion passed.

3. Chair’s Report

Judge Kiesel welcomed guests and summarized recent events of the education committee. Today’s continuing education program arranged through the DEI committee is eligible for 1 CEU credit. Moving forward, long meetings will hopefully have additional continuing education events that will provide 1 CEU credit available to attending CPGCs.

¹ Ms. Maxwell did not return to meeting after Executive Session

4. Regulations Committee Public Comment Period

Discussion

Mr. Smerken explained that today's public comment period is being recorded. The Regulations Committee is inviting the public to comment on how board meetings are conducted. Mr. Smerken gave an introduction about current meeting standards as outlined in GR23 and the Board's bylaws. Participants were asked to please submit any questions or additional comments in writing to Kay King at Kay.King@courts.wa.gov.

Public Comment Period

Deborah Jameson requests that language around meeting standards/OPMA standards be adopted into GR23. Ms. Jameson opined that she believes the Board should be subject to the Open Public Meetings Act. She would like for the executive session to be very strictly limited and that discussions occur during public session. She wants transparency for the application process by having the Board discuss applications in public session. Ms. Jameson stated that she thinks this could be done in an anonymized fashion.

Chris Neil agrees that some discussion held in executive session should be saved for public session, alluding to a lengthy executive session discussion around GR23 at the February, 2022 Board meeting, and also supports that applications be discussed anonymously outside of executive session. He also suggested language changes in the Board's bylaws regarding confidentiality agreements. In reference to the 2017 bylaws confidentiality provision, he asked for clarification on what is considered confidential.

Mark Vohr supports Ms. Jameson's recommendations. CPGCs would benefit from hearing how grievances are evaluated. Sharing the decision process would foster inclusion and participation. He would also like to see a higher level of participation from CPGCs at Board meetings and suggested that the Board adopt meeting practices that would encourage this.

Glenda Voller shared the significance of internship experience. New CPGCs would benefit from hands on training. Starting out with an agency will help new guardians get the support and experience they need. Ms. Voller hopes that the Board will encourage existing CPGC agencies to take on new CPGCs to provide exposure to the profession.

5. Grievance Report

Staff reported (5) grievances were received during the month of September, for a total of sixty-seven (67) this year. Twenty (20) were forwarded to superior court, two (2) are being reviewed in an alternate process, and forty (40) have been dismissed by the Board. To update pre-2022 grievance numbers in the materials packet, 304 were dismissed for No Actionable Conduct and seventy-four (74) grievances received in 2019 have been resolved. This brings the total of resolved pre-2022 grievances to 518. To date, a combined total of fifty-four (54) grievances are currently unresolved.

6. Diversity, Equity and Inclusion Committee Presentation

Anji Jorstad discussed the complications faced by persons with substance abuse disorders. Cathy Knight shared her emphasis on "helping people achieve rights they should have been born with" as a driving perspective in her work. The two presenters also answered questions about available resources that could help CPGCs with these types of clients.

Every county in WA has human services Behavioral Health Resources/ Area Agencies on Aging (AAA) as an access point to guide the public to services. The HealthCare Authority Administrative Service Organization (HCA ASO) provides information on funding non-Medicaid services. Many counties have Co-Response Teams and Crisis Diversion to divert crises to therapeutic alternatives. Language is always evolving, but “people first” is the standard for how to refer to persons with disabilities. We are encouraged to examine our personal systemic advantages by adapting a spirit of cultural humility.

7. Executive Session (Closed to Public)

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

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

Motion: A motion was made and seconded to conditionally approve Martha Annelle Norman’s application for certification, conditioned on the completion of mandatory training, with transferable skills in social services. The motion passed.

Motion: A motion was made and seconded to approve Julia Howard’s application for certification with transferable skills in financial services. The motion passed.

Motion: A motion was made and seconded to affirm the denial of Angela Mucha’s application for certification for lack of transferable skills which includes decision-making or the use of independent judgment for the benefit of others. The motion passed. Two dissented.

On behalf of the Standards of Practice Committee, Dr. Sanders presented the following grievances for Board action. Members of the Standards of Practice Committee abstained.

Motion: A motion was made and seconded to forward complete grievance 2022-063 to the Superior Court. The motion passed.

Motion: A motion was made and seconded to dismiss grievance 2022-064 as incomplete. The motion passed.

Motion: A motion was made and seconded to forward complete grievance 2022-065 to the Superior Court. The motion passed.

Motion: A motion was made and seconded to dismiss grievance 2022-066 for no jurisdiction. The motion passed.

Motion: A motion was made and seconded to dismiss grievance 2022-067 as incomplete. The motion passed.

Motion: A motion was made and seconded to dismiss grievance 2022-038 following the court’s finding. The motion passed.

Motion: A motion was made and seconded to dismiss grievance 2022-055 following the court’s finding. The motion passed.

Motion: A motion was made and seconded to dismiss grievance 2022-056 following the court's finding. The motion passed.

9. Wrap Up/Adjourn

Judge Kiesel presented the decision from executive session to create a bylaws committee to update the Board bylaws. With no other business to discuss, the October 10, 2022 CPGC Board meeting was adjourned at 1:28 p.m. The next Board meeting will take place via Zoom teleconference.

Recap of Motions:

MOTION SUMMARY		STATUS
Motion:	A motion was made and seconded to approve the minutes of the September 12, 2022 Board meeting.	Passed
Motion:	A motion was made and seconded to approve the minutes of the September 14, 2022 Board meeting.	Passed
Motion:	A motion was made and seconded to conditionally approve Martha Annelle Norman's application for certification, conditioned on the completion of mandatory training, with transferable skills in social services.	Passed
Motion:	A motion was made and seconded to approve Julia Howard's application for certification with transferable skills in financial services.	Passed
Motion:	A motion was made and seconded to affirm the denial of Angela Mucha's application for certification for lack of decision-making experience.	Passed
Motion:	A motion was made and seconded to forward complete grievance 2022-063 to the Superior Court.	Passed
Motion:	A motion was made and seconded to dismiss grievance 2022-064 as incomplete.	Passed
Motion:	A motion was made and seconded to forward complete grievance 2022-065 to the Superior Court.	Passed
Motion:	A motion was made and seconded to dismiss grievance 2022-066 for no jurisdiction.	Passed
Motion:	A motion was made and seconded to dismiss grievance 2022-067 as incomplete.	Passed
Motion:	A motion was made and seconded to dismiss grievance 2022-038 following the court's finding.	Passed
Motion:	A motion was made and seconded to dismiss grievance 2022-055 following the court's finding.	Passed
Motion:	A motion was made and seconded to dismiss grievance 2022-056 following the court's finding.	Passed

Guests:

Deborah Jameson	Kecia Hedgeman
Samantha Hellwig (AAG)	Stephen Manning (AAG)
Glenda Voller	Cathy Knight
Heidi Cash	Robin Balsam
Linda Custer	Sarah Tremblay
Mary Shobe	Teresa Keough
Neil & Neil	Mark Vohr
Katlyn Balsam	Scott Malavotte
Lily Mello	Brenda Morales
Anji Jorstad	Mark Mello
Wendy Abercrombie	Alexis Carter
Jason Moos	

Grievance Report
October, 2022

Certified Professional Guardians and Conservators Grievance Status

October 31, 2022

New Grievances Received in October 2022:	3
2022 Grievances Dismissed by Board on October 10, 2022:	6
2022 Grievances Forwarded to Superior Court on October 10, 2022:	2

Total 2022 Grievances Received:	70
Total 2022 Grievances Forwarded to Superior Court:	37
Total 2022 Grievances Pending CRC Review	1
Total 2022 Grievances Pending Staff Investigation	1
Total 2022 Grievances Dismissed: (No Jurisdiction, Insufficient Grievance, or Following Court Review)	46

Please note that the numbers reported in this section will not necessarily be equal to the total number of grievances received; this is due to the timing of when new grievances are received and in process of review by the Board.

Active CPGCs: 263

Pre-2022 Grievance Status – October 2022	2021	2020	2019	2018	2017	2016	Total
Grievances Resolved this Month:	2						2
Grievances Remaining Requiring Investigation*:	19	1	1	0	0	0	21

Pre-2022 Grievances Pending*	2021	2020	2019	2018	2017	2016	Total
Voluntary Surrender/Litigation:		1	2				3
Conflicts Review Committee:							
ARD:							
Forward to Court:						1	1
Complaint/Hearing:							
Administrative Decertification:							
Total Pending:		1	2			1	4

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

Resolution of Pre-2022 Grievances – October 2022	2021	2020	2019	2018	2017	2016	Total
Dismissal – No Jurisdiction							
Dismissal – No Actionable Conduct	2						2
Dismissal - Administrative							
Dismissal – Insufficient Grievance							
Advisory Letter 507.1							
ARD - Admonishment							
ARD - Reprimand							
ARD - Suspension							
Terminated – Voluntary Surrender							
Terminated – Administrative Decertification							
Terminated – Decertification							
TOTAL PRE-2022 GRIEVANCES RESOLVED IN OCTOBER	2						2

Resolution of Pre-2022 Grievances – 2022	2021	2020	2019	2018	2017	2016	Total
Total Grievances Received by Year	95	80	77	85	104	104	545
Dismissal – No Jurisdiction	9	21	15	22	30	20	117
Dismissal – No Actionable Conduct	56	43	40	52	60	55	306
Dismissal – Miscellaneous		1					1
Dismissal – Insufficient Grievance	7	6	5	3	1	2	24
Dismissal – UGA Court Referral		3					3
Advisory Letter 507.1		2	5	3	2	4	16
ARD - Admonishment							
ARD – Reprimand		1		1	1	4	7
ARD - Suspension							
Termination – Administrative Decertification	4	1	3	1	1	3	13
Termination – Voluntary Surrender			1	2	8	15	26
Termination – Decertification			5	1	1		7
Total Pre-2022 Grievances Resolved:	76	78	74	85	104	103	520

Guardians/Agencies with Multiple Grievances

October 2022

ID	Year Cert.	Unresolved Grievances	Year(s) Grievances Received
A	2015	3	2021 (1), 2022 (2)
B	2009	2	2021 (2)
C	2016	10	2021 (4), 2022 (7)
D	2014	2	2021 (2)
E	2011	3	2021 (3)
F	2007	4	2019 (2), 2020 (1), 2022 (1)
G	2001	2	2019 (1), 2020 (1)
H	2011	2	2021 (1), 2022 (1)
I	2001	3	2022 (3)
J	2006	2	2021 (2)
K	2011	4	2022 (4)
		37	

Of the 49 currently unresolved grievances, 37 involve 11 Certified Professional Guardians and Conservators or Agencies with 2 or more grievances.

Regulations Committee
Regulation 007
For Consideration of Publication for
Notice and Comment

Guardianship and Conservatorship Program Regulations

007 Board Meetings

007.1 The Board shall hold meetings as determined to be necessary by the Chair. The Board, its members, committees, and any action taken to further the Board's purpose, including but not limited to holding meetings, are not subject to chapter 42.30 RCW, the Open Public Meetings Act. Nothing in these regulations should be construed to imply that the Board is subject to the Open Public Meetings Act. The following guidelines should not impede the Board's ability to fulfill its obligations and duties as defined in these regulations. The Board maintains the authority to practically implement the meeting guidelines stated in these regulations.

007.2 Meetings of the Board will be open to the public except for executive sessions. The Board may meet in executive session for the following: application and certification matters, disciplinary matters, enforcement actions, litigation, potential litigation, and other attorney-client privileged communications. The Board may also meet in executive session for any other matter that is deemed privileged or confidential communications.

007.3 The Board shall publish the date and time of its regular meetings on the AOC guardianship portal website. The Board shall publish the date and time of its regular meetings at least thirty (30) days in advance. In the event of changes due to emergent circumstances, the Board shall provide notice as soon as reasonably practicable. A public comment session will occur at the Board's January, April, June and October meetings. The public may submit written comments to the Board at any time. The Board shall promulgate regulations regarding notice and comment requirements for regulations adoption, amendment and repeal that provide for stakeholder notice and comment.

007.4 Before convening in executive session, the meeting chair shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the meeting chair.