

Meeting Minutes

June 12, 2023



Certified Professional Guardianship and Conservatorship Board

Monday, June 12, 2023

Zoom Meeting

9:00 a.m. – 11:00 a.m.

MEETING MINUTES

Members Present

Judge Diana Kiesel, Chair
Judge Cadine Ferguson-Brown
Judge Robert Lewis
Ms. Lynda Clark
Ms. Kristina Hammond¹
Ms. Lisa Malpass
Mr. William Reeves
Dr. K. Penney Sanders
Mr. Dan Smerken
Ms. Anita Souza²
Ms. Susie Starrfield

Members Absent

Judge Grant Blinn
Ms. Melanie Maxwell

Staff Present

Ms. Stacey Johnson
Ms. Kathy Bowman
Ms. Thai Kien
Ms. Kay King
Mr. Samar Malik
Ms. Maureen Roberts
Ms. Rhonda Scott
Ms. Linda Vass
Ms. Sherri White

Guests – See last page

1. Meeting Called to Order

Judge Diana Kiesel called the June 12, 2023 Certified Professional Guardianship and Conservatorship Board meeting to order at 9:01 a.m.

2. Welcome, Roll Call & Approval of Minutes

Judge Kiesel welcomed all present.

Motion: It was moved and seconded to approve the May 8, 2023 Board meeting minutes.
The motion passed.

3. Chair's Report

Judge Kiesel began with an update on the Bylaws Committee which has been very busy coming up with a new draft to present to the Board. Judge Kiesel hopes to have a draft in place by the next Board meeting.

Judge Kiesel's term on the Board expires in September and she noted the need for a new judicial officer to serve on the Board. Judge Kiesel hopes that judicial officers from Eastern WA will apply for the vacant position.

¹ Dr Anita Souza joined at 9:02 am.

² Kristina Hammond joined at 9:45 am.

4. Public Comment Period

Chris Neil delivered a brief presentation on guardianship filings in relation to Washington State's **older population**, noting that guardianship filings have not increased or decreased but have remained steady despite a large increase in **senior population**.

Deborah Jameson suggested that the Board update the conflict and recusal policy to be clearer and more concise, similar to the Washington State Bar Association (WSBA) policy.

5. Regulations Committee

On behalf of the Regulations Committee, Mr. Smerken presented suggested changes to the voluntary surrender regulation (Regulation 708) for the Board's consideration. Discussion centered on word choice regarding "retirement" and "resignation" as describing reasons for voluntary surrender.

Motion: It was moved and seconded to send out the suggested amendments to the regulation for public comment. The motion passed.

On behalf of the Regulations Committee, Mr. Smerken suggested that the Board withdraw a suggested change to General Rule (GR) 23 as it is redundant in light of the Board's adoption of Regulation 007 regarding open meetings. **Per the Board's earlier decision, and based on conversations with Justice Yu, the suggestion had never been formally submitted.**

Motion: It was moved and seconded to send a clarification letter to the Supreme Court that the Board will not be submitting any suggested changes to GR 23 on this issue. The motion passed.

Ms. King presented a refresher training for Board members covering the GR 23 provision on conflicts of interest, Bylaws provisions on conflicts of interest, and the various sections of the Board's Recusal Policy.

6. Grievance Report

Ms. Scott reported six (6) grievances were received during the month of May. At May's meeting, the Board dismissed two (2) grievance and forwarded five (5) grievances to superior court. A total forty (40) grievances are currently unresolved. Currently, there are two hundred fifty-one (251) active CPGCs.

7. Executive Session (Closed to Public)

Reconvene (Open to Public)

8. Vote on Executive Session Discussion

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

Motion: It was moved and seconded to dismiss grievance 2023-024 as incomplete for lack of information. The motion passed.

Motion: It was moved and seconded to forward complete grievance 2023-025 to court. The motion passed.

- Motion: It was moved and seconded to forward complete grievance 2023-026 to court. The motion passed.
- Motion: It was moved and seconded to dismiss grievance 2023-027 based on findings received from superior court. The motion passed.
- Motion: It was moved and seconded to forward complete grievance 2023-028 to court. The motion passed.
- Motion: It was moved and seconded to dismiss grievance 2022-043 based on findings received from superior court. The motion passed.
- Motion: It was moved and seconded to dismiss grievance 2022-065 based on findings received from superior court. The motion passed.
- Motion: It was moved and seconded to dismiss grievance 2023-006 based on findings received from superior court. The motion passed.

9. Wrap Up/Adjourn

With no other business to discuss, the June 12, 2023 CPGC Board meeting was adjourned at 10:50 a.m. The next Board meeting will take place via Zoom on July 10, 2023 beginning at 7:30 a.m..

Recap of Motions:

MOTION SUMMARY		STATUS
Motion:	It was moved and seconded to approve the minutes of the May 8, 2023 Board meeting.	Passed
Motion:	It was moved and seconded to send out the suggested amendments to the regulation for public comment.	Passed
Motion:	It was moved and seconded to send a clarification letter to the Supreme Court that the Board will not be submitting any suggested changes to GR 23 on this issue.	Passed
Motion:	It was moved and seconded to dismiss grievance 2023-024 as incomplete for lack of information.	Passed
Motion:	It was moved and seconded to forward complete grievance 2023-025 to court.	Passed
Motion:	It was moved and seconded to forward complete grievance 2023-026 to court.	Passed
Motion:	It was moved and seconded to dismiss grievance 2023-027 based on findings received from superior court.	Passed
Motion:	It was moved and seconded to forward complete grievance 2023-028 to court.	Passed
Motion:	It was moved and seconded to dismiss grievance 2022-043 based on findings received from superior court.	Passed
Motion:	It was moved and seconded to dismiss grievance 2022-065 based on findings received from superior court.	Passed
Motion:	It was moved and seconded to dismiss grievance 2023-006 based on findings received from superior court.	Passed

Guests:

Samantha Hellwig (AAG)

Brenda Morales

Katlyn Balsam
Denise Meador
Deborah Jameson
Christopher Fast
Glenda Voller
Channa Copeland

Chris Neil
Sarah Tremblay
Karen Newland
Scott Malavotte
Tracy Raymond

Meeting Minutes

July 10, 2023



Certified Professional Guardianship and Conservatorship Board

Monday, July 10, 2023
Zoom Meeting
7:30 a.m. – 9:00 a.m.

MEETING MINUTES

Members Present
Judge Diana Kiesel, Chair
Judge Grant Blinn¹
Judge Cadine Ferguson-Brown²
Judge Robert Lewis³
Ms. Lynda Clark⁴
Ms. Kristina Hammond⁵
Ms. Lisa Malpass
Mr. William Reeves⁶
Dr. K. Penney Sanders
Mr. Dan Smerken
Ms. Susie Starfield

Members Absent
Ms. Melanie Maxwell
Ms. Anita Souza

Staff Present
Ms. Stacey Johnson
Ms. Kathy Bowman
Ms. Kay King
Mr. Samar Malik
Ms. Maureen Roberts
Ms. Rhonda Scott
Ms. Sherri White
Ms. Linda Vass

Guests – See last page

1. Meeting Called to Order

Judge Diana Kiesel called the July 10, 2023 Certified Professional Guardianship and Conservatorship Board meeting to order at 7:32 a.m.

2. Welcome, Roll Call & Approval of Minutes

Judge Kiesel welcomed all present.
Approval of June minutes is tabled until next month, pending revisions to two sections.

3. Executive Session (Closed to Public)

4. Reconvene (Open to Public)

5. Chair’s Report

Judge Kiesel reminded everyone that a judicial officer is needed to replace her when her term expires in September 2023.

¹ Judge Blinn left at 8:49 am
² Judge Ferguson-Brown joined at 8:03 am
³ Judge Lewis joined at 7:34 am
⁴ Ms. Clark joined at 8:35 am
⁵ Ms. Hammond joined at 7:34 am; left at 8:45 am
⁶ Mr. Reeves joined at 8:12 am

Judge Kiesel announced that the WSBA has been notified that there will be a vacancy on the Board for a WSBA member.

6. Grievance Report

Ms. Scott reported three (3) grievances were received during the month of June. At June's meeting, the Board dismissed three (3) grievance and forwarded three (3) grievances to superior court. A total twenty-four (24) grievances are currently unresolved. Currently, there are two hundred forty-seven (247) active CPGCs.

7. Bylaws Committee

Judge Kiesel noted that the work proved to be more than initially anticipated but the Committee has suggested updates to the Board's bylaws and communication plan.

Motion: It was moved and seconded to publish the suggested updated bylaws and communication plan for public comment. The motion passed.

8. Regulations Committee

Mr. Smerken presented a few suggested changes to the 200 regulations that would clarify/simplify various CEU related functions.

Motion: It was moved and seconded to publish the suggested changes to the 200 regulations for public comment. The motion passed.

9. Vote on Executive Session Discussion

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

Motion: It was moved and seconded to conditionally approve Tara Aryal's application for certification based on completion of the UW program, with transferable skills in healthcare. The motion passed.

Motion: It was moved and seconded to deny Dale Cuilla's application for certification for lack of requisite experience. The motion passed. Two opposed. One abstained.

Motion: It was moved and seconded to conditionally approve Kevin Dahl's application for certification based on completion of the UW program, with transferable skills in healthcare and legal. The motion passed.

Motion: It was moved and seconded to deny Cassandra Newman's application for certification for lack of requisite experience. The motion passed. One opposed.

Motion: It was moved and seconded to deny Dawn Power's application for certification for lack of requisite experience. The motion passed. Three opposed.

Motion: It was moved and seconded to deny Patricia Reynoldson's application for certification for lack of requisite experience. The motion passed. One opposed. One abstention.

Motion: It was moved and seconded to deny Zoyda Whigh's application for certification for lack of requisite experience. The motion passed. One opposed.

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: It was moved and seconded to dismiss grievance 2023-029 for lack of jurisdiction. The motion passed.
- Motion: It was moved and seconded to dismiss grievance 2023-030 as incomplete. The motion passed. One opposed. One abstained.
- . Motion: It was moved and seconded to forward grievance 2023-031 to Superior Court. The motion passed.
- Motion: It was moved and seconded to dismiss grievance 2022-074 as it has been forwarded to Superior Court and no response is expected. The motion passed.
- Motion: It was moved and seconded to dismiss grievance 2023-023 based on findings received from Superior Court. The motion passed.

10. Wrap Up/Adjourn

With no other business to discuss, the July 10, 2023 CPGC Board meeting was adjourned at 8:54 a.m. The next Board meeting will and take place via Zoom on August 14, 2023 beginning at 7:30 a.m.

Recap of Motions:

MOTION SUMMARY		STATUS
Motion:	It was moved and seconded to publish the updated bylaws and communication plan for public comment.	Passed
Motion:	It was moved and seconded to publish the suggested changes to the 200 regulations for public comment.	Passed
Motion:	It was moved and seconded to conditionally approve Tara Aryal's application for certification.	Passed
Motion:	It was moved and seconded to deny Dale Cuilla's application for certification for lack of requisite experience.	Passed
Motion:	It was moved and seconded to conditionally approve Kevin Dahl's application for certification.	Passed
Motion:	It was moved and seconded to deny Cassandra Newman's application for certification for lack of requisite experience.	Passed
Motion:	It was moved and seconded to deny Dawn Power's application for certification for lack of requisite experience.	Passed
Motion:	It was moved and seconded to deny Patricia Reynoldson's application for certification for lack of requisite experience.	Passed
Motion:	It was moved and seconded to deny Zoyda Whigh's application for certification for lack of requisite experience.	Passed
Motion:	It was moved and seconded to dismiss grievance 2023-029 for lack of jurisdiction.	Passed
Motion:	It was moved and seconded to dismiss grievance 2023-030 as incomplete.	Passed
Motion:	It was moved and seconded to forward grievance 2023-031 to Superior Court.	Passed
Motion:	It was moved and seconded to dismiss grievance 2022-074, expecting no response from Superior Court.	Passed
Motion:	It was moved and seconded to dismiss grievance 2023-023 based on findings received from Superior Court.	Passed

Guests:

Samantha Hellwig (AAG)
Lou Ann Carter
Deborah Jameson
Christopher Fast

Karen Newland, Puget Sound Guardians
Sarah Tremblay
Glenda Voller

DRAFT

Grievance Report
July, 2023

**Certified Professional Guardian and Conservator
Grievance Status
July, 2023**

New Grievances Received in July 2023:	5
2023 Grievances Dismissed by Board on July 10, 2023:	3
2023 Grievances Forwarded to Superior Court on July 10, 2023:	1

	2022	2023
Total Grievances Received:	75	36
Total Grievances Dismissed: No Jurisdiction, Insufficient Grievance	30	10
Total Grievances Forwarded to Superior Court:	39	19
Total Grievances Dismissed Following Court Order:	33	3
Total Grievances Dismissed Following Investigation:	2	0
Total Grievances Open Pending CRC Review:	1	0
Total Grievances Open Pending Investigation:	3	1

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: 251

Grievances Pre-UGA

Pre-UGA Grievance Status	2021
Grievances Resolved this Month:	2
Total Grievances Requiring Investigation:	5

Resolution of Pre-UGA Grievances	2021
Total Grievances Received by Year	95
Dismissal No Jurisdiction	9
Dismissal No Actionable Conduct	66
Dismissal Insufficient Grievance	7
Dismissal Administrative	1
Advisory Letter	3
Termination – Administrative Decertification	4
Total 2021 Grievances Resolved:	90

Guardians/Agencies with Multiple Grievances July 2023

ID	Year Cert.	Unresolved Grievances	Year(s) Grievances Received
A	2009	2	2021 (2)
B	2016	8	2022 (5), 2023, (3)
C	2014	2	2021 (1), 2023 (1)
D	2021	2	2022 (2)
E	2022	2	2023 (2)
F	2007	4	2023 (4)
G	2006	2	2023 (2)
H	2017	2	2023 (2)
I	2011	2	2023 (2)
TOTAL		26	

Of the 38 currently unresolved grievances, 26 involve 9 Certified Professional Guardians and Conservators or Agencies with 2 or more grievances.

Bylaws and Communications Plan
Suggested Amendments

Certified Professional Guardianship and Conservatorship Board BYLAWS

ARTICLE I: Certified Professional Guardianship and Conservatorship Board (Board)

ARTICLE II: Purpose

~~January 25, 2000, t~~The Supreme Court created the Certified Professional Guardianship and Conservatorship Board (Board) with the adoption of General Rule (GR) 23 on January 25, 2000¹. The Board was created to regulate professional guardians and conservators. Supreme Court General Rule 23 as amended is incorporated by reference herein, and sets forth the governing authority for the Board. Washington Supreme Court General Rule 23. According to GR 23, the Board's regulation shall include (1) processing applications for certification; (2) adopting and implementing policies or regulations setting forth minimum standards of practice for professional guardians; (3) adopting and implementing regulations establishing a professional guardian training program; and (4) adopting and implementing procedures to review any allegation that a professional guardian violated an applicable statute, fiduciary duty, standard of practice, rule, regulation or other requirement governing the conduct of professional guardians.

~~According to GR 23, regulation of professional guardians may include (1) adopting and implementing regulations governing the preparation and administration of certification examinations; (2) adopting and implementing regulations for continuing education; (3) investigating to determine whether an applicant for certification meets the certification requirements or to determine whether a professional guardian violated any statute, duty, standard of practice, rule, regulation or other requirement governing the conduct of professional guardians; and (4) adopting regulations pertaining to the orderly conduct of a hearing.~~

ARTICLE III: Governing Body

The Washington State Supreme Court will govern the activities of the Certified Professional Guardianship and Conservatorship Board. The Supreme Court shall appoint 12 or more members to the Board consistent with GR 23.

¹The Board's original title was the Certified Professional Guardianship Board.

ARTICLE IV: Membership

Section 1: Members

Members of the Certified Professional Guardianship and Conservatorship Board shall include representatives from the following areas of expertise: professional guardians and conservators; attorneys; advocates for ~~incapacitated persons~~ individuals subject to guardianship and conservatorship; courts; state agencies; and those employed in medical, social, health, financial, or other fields pertinent to guardianships. ~~No more than one-third of the Board membership shall be practicing professional guardians.~~ See also GR 23 and its amendments.

Appointment: The Board will solicit members and shall nominate all members with two exceptions, one member of the Board will be a representative of the Department of Social and Health Service (DSHS) nominated by DSHS; two members of the Board will be members of the Washington Bar Association (WSBA) nominated by WSBA. The Board shall review the qualifications of potential representatives from DSHS and WSBA and make a recommendation to DSHS and WSBA before a nomination is submitted to the Supreme Court. The Supreme Court shall appoint all board members

Removal: The Board Chair may petition the Supreme Court to remove a board member, including the Vice Chair, for failure to comply with any statute, duty, court order, standard of practice, rule, regulation bylaw or other requirement governing their conduct.

Section 2: Terms of Appointment

The term for a member of the Board shall be three years. No member may serve more than three consecutive full three-year terms, not to exceed nine consecutive years, including any unfilled term. Terms shall be established such that one-third shall end each year. All terms of office begin October 1 or when a successor has been appointed, whichever occurs later, and end September 30. See also GR 23 and its amendments.

Section 3: Vacancies

Any vacancy occurring in the terms of office of Board members shall be filled for the remaining time of an unexpired term.

Section 4: General Duties - See GR 23, Subsection (c)(3)

Duty of Care:

A board member has the obligation to exercise reasonable care when ~~he or she~~ they makes a decision for the Board. Reasonable care is what an "ordinarily prudent" person in a similar situation would do.

Immunity from Liability. The Board, its members, or agents, including duly appointed hearing officers, shall enjoy quasi-judicial immunity if the Supreme Court would have immunity in performing the same functions. See GR 23 (c)(6)

Duty of Loyalty:

A board member must never use information gained through ~~his/her~~ their position for personal gain and must always act in the best interests of the Board and the public. Determining public interest in a particular situation can be complex, but on a practical level, a Board member's public duty can best be fulfilled by focusing on the Board's duty to protect the public by ensuring that guardianship services are provided by certified professional guardians and conservators in a competent and ethical manner.

~~Duty of Obedience:~~

~~A board member must be faithful to the Board's purpose. He or she cannot act in a way that is inconsistent with the Board's goals. The public trusts the board to make sure the Board abides by the rules, regulations, and laws governing its actions.~~

Conflicts of Interest: GR 23 (c) (7)

A Board member should self-disqualify from making any decisions in a proceeding in which their impartiality might reasonably be questioned, including but not limited to, when the Board member has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding.

Duty of Confidentiality:

~~A board member shall respect and maintain the confidentiality of any and all information relating to discussions at board and committee meetings, including any and all materials, e.g. correspondence, reports, etc., unless compelled by legal process to disclose such information, or as otherwise agreed by the Board. A Board member shall respect and maintain the confidentiality of any and all information, including but not limited to, documents, memos, letters, investigative reports, and conversations, relating to privileged communications or confidential executive sessions.~~ While Board members are free to discuss actions adopted by the Board, disclosing or distributing any information concerning any confidential discussion of such items during the Board meeting is

prohibited. Annually in October, each board member will sign a confidentiality agreement in which he or she acknowledges a duty of confidentiality.

Article V: Officers

Section 1: Chair and Vice Chair

Appointment: The Supreme Court shall appoint the Board Chair. By a majority vote, the Board shall elect a Vice Chair from its members.

Removal: ~~The~~ A Board member, jointly or severally, may petition the Supreme Court to remove a chair for failure to comply with any statute, duty, standard of practice, rule, regulation bylaw or other requirement governing ~~his or her~~ their conduct.

Leave of Absence: Any Board member who is the subject of a disciplinary investigation by the Board may be asked to take a leave of absence from the Board. The Board Chair shall have the sole discretion to decide whether the Board member should take a leave of absence from the Board and when the Board member may return to the Board. A Board member may not continue to serve as a member of the Board if the Supreme Court has imposed a final disciplinary sanction on the Board member.

See also GR 23 (c)(8).

Section 2: Specific Duties of Chair and Vice Chair

The Chair shall set the agenda for and preside at all meetings of the Board, performing the duties usually incident to such office, and shall be the official spokesperson for the Board. The chair shall appoint the chairs of all committees. The vice chair shall perform the duties of the chair in the absence or incapacity of the Chair or at the Chair's request.

The Chair of the Board shall have the power to issue subpoenas and may make pre-hearing or other orders as are necessary for the orderly conduct of any hearing. ___

See GR 23 (c) (3)(x)(a) as amended.

Section 3: Parliamentarian

The Board shall identify a member who will serve as parliamentarian during Board meetings.

Article VI: Members

~~Section 1:~~

~~**Appointment:** The Board will solicit members and shall nominate all members with two exceptions, one member of the Board will be a representative of the Department of Social and Health Service (DSHS) nominated by DSHS; two members of the Board will be members of the Washington Bar Association (WSBA) nominated by WSBA. The Board shall review the qualifications of potential representatives from DSHS and WSBA and make a recommendation to DSHS and WSBA before a nomination is submitted to the Supreme Court. The Supreme Court shall appoint all board members.~~

~~Removal: The Board Chair may petition the Supreme Court to remove a board member, including the vice chair, for failure to comply with any statute, duty, standard of practice, rule, regulation bylaw or other requirement governing his or her conduct.~~

Section-21: Specific Duties of Members

Each member shall serve on one or more committees.

Article VII: Committees

Standing committees, as well as ad hoc committees and task forces of the Board, shall be established by majority vote. Each committee shall have such authority as the Board deems appropriate. The Chair will appoint the chair of all committees created by the Board. The terms of ad hoc and task force committee members will have terms as determined by their charge.

Article VIII: Meetings

The Board shall hold meetings as determined to be necessary by the eChair, including regular meetings and special meetings.

Section 1: Regular-Open Meetings

Regular- Board meetings will be open to the public except for executive session. See Board Regulation 007. CPGC Board Regulation 007

Section-2: Special Meeting

~~Executive session, review panel, or disciplinary meetings before the filing of a disciplinary complaint will be closed to the public.~~

Section-32: Quorum

A simple majority of the board, whether any positions are vacant or not, -is required for a quorum. See-GR 23 (c)(1)(i). A quorum must be present on the phone, online or virtual through technological or audio-visual means, or in person for voting to occur. ~~When a quorum is established, a motion will be approved by a majority of those present.~~

Section 4: Attendance

Board members are required to participate in a minimum of 80% [to be rounded down] of full Board meetings held during the calendar year. A board member may not have more than two unexcused absences during a calendar year and continue to serve on the Board. An absence resulting due to an emergency will be excused. Absences will also be considered excused if a board member informs the chair or AOC staff via phone or e-mail of his or her expected absence at least 24 hours before the meeting start time.

Section 5: Votes

A motion will be approved by a majority of those present. Committee action will be taken by voting. Whenever a vote is not unanimous, the Chair may call for a show of hands. Members participating, in-person, online or virtual through technological or audio-visual means, or on the phone may vote. No member will be allowed to cast a vote by proxy. Board members who are also members of the committee of origin of any matter before the Board may vote on the matter, subject to conflict of interest provisions applicable to all Board members.

Article IX: Public Input

Section 1: Public Comment

Each regularly scheduled in-person meeting shall include a public comment period. The public comment period shall be the first item on the agenda after the chair's report. The comment period shall not exceed thirty minutes total and will be subject to the following general guidelines:

1. ~~Speakers must sign in to speak and must list name and topic.~~ Any member of the public who would like to speak at a meeting should send an email to guardianshipprogram@courts.wa.gov prior to the meeting indicating the topic.
2. Only one speaker at a time.
3. Only the Chair may interrupt a speaker.
4. ~~No personal attacks or accusations.~~
5. Comments will be limited to ~~three~~ ten minutes per speaker.
6. ~~No repetition of comments from previous meetings.~~
7. Written comments may be submitted in lieu of, or in addition to public comments.

A written copy of public comments provided to AOC staff during or immediately following the meeting staff will be attached to meeting minutes.

Regulation 600, the procedure for adoption, amendment and repeal of regulation also provides an opportunity to provide written comments.

Section 2: Public Meeting

Annually, the Board holds a planning meeting to discuss emerging issues in guardianship practice and long-term projects. ~~Before the planning meeting, the public is invited to a moderated discussion with the Board.~~ The public is invited to submit comments as outlined in Section 1.

Section 3: Communication

To effectively and efficiently perform its regulatory mission, the Board uses a Communications Plan¹², adopted to facilitate the consideration of diverse perspectives in an environment that supports and respects differences and commitment to group initiatives.

~~Article X: Conflict of Interest²~~

~~To address conflicts of interest board members should:~~

- ~~a) Fully disclose their relationships with any and all individuals and organizations when matters involving those entities come before the board;~~
- ~~b) Avoid participating in quasi-legislative matters involving their own specific, substantial, and readily identifiable financial interests, except where the financial interest is shared equally by other Board members;~~
- ~~c) Not participate in rulemaking when the organization in which they have a personal interest is the petitioner for the rule in question; and~~
- ~~d) Not participate in grievances and complaints or other quasi-judicial proceedings involving individuals and organizations with which they are personally interested or where their impartiality might reasonably be questioned as a result of their association with those entities.~~

~~Article XI: Amendments and Repeal of Bylaws~~

~~Bylaws may be amended or modified by majority vote at any regular meeting of the Board.~~

~~Article XII: Board Member Expenses~~

~~Board members shall not be compensated for their services. Consistent with the Office of Financial Management rules, Board members may be reimbursed for actual and necessary expenses incurred in the performance of their duties.~~

~~Article XIII: Address of the Board~~

~~Administrative Office of the Courts
ATTN: Certified Professional Guardianship and Conservatorship Board
PO Box 41170
Olympia, WA 98504~~

¹²For additional guidance regarding the Communications Plan see <http://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.cpg&content=rules>

²³For additional guidance review the memo dated August 1, 2014, RE: Conflicts Review/Recusal Process <http://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.cpg&content=rules>



WASHINGTON
COURTS

Certified Professional Guardianship and Conservatorship Board

January 2015

Re: Stakeholder Communications Plan

Dear Stakeholder:

~~January 12, 2015~~ The Certified Professional Guardianship and Conservatorship Board originally adopted the attached communication process in January 2015 to facilitate increased involvement in developing standards, rules and regulations to guide the guardianship profession. The communication process is being updated as this time.

The Certified Professional Guardianship and Conservatorship Board is the regulatory authority for the practice of professional guardianship and conservatorship in Washington State. The Board is charged with establishing the standards and criteria for the certification of professional guardians and conservators, as defined by ~~RCW 11.88.008~~ RCW 11.130. RCW 11.130

To involve stakeholders in its work, the Board developed an information sharing process. The details of the process are explained in the attached Communications Plan¹.

Anyone can sign up to receive future communication by submitting the attached contact form² or sending an e-mail to ~~Kim Rood at kim.rood@courts.wa.gov or requesting notification via the web.~~ Kathy Bowman at Kathy.Bowman@courts.wa.gov or requesting notification via the website. Please click on the following link to request notification via the site.

http://www.courts.wa.gov/programs_orgs/Guardian/?fa=guardian.proposed

Please share this information with other organizations and individuals who may wish to be added to the Board's list of stakeholders and receive future communication. A copy of the Certified Professional Guardianship and Conservatorship Board Public Comment Guidelines is attached.³

Thank you for your attention and collaboration. Should you have any questions about the process, Board procedures and/or regulations, ~~the staff listed below are available to answer your questions.~~ questions can be directed to Stacey Johnson at the contact information below.

Stacey Johnson, Stacey.Johnson@courts.wa.gov, 360.705.5302
~~Christopher Fournier, Chris.Fournier@courts.wa.gov, 360.704.4066-~~
~~Eileen Schock, Eileen.Schock@courts.wa.gov, 360.704.5539~~
~~Carla Montejo, Carla.Montejo@courts.wa.gov, 360.705.5320~~

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¹ Attachment A – CPGB Stakeholder Communication Plan

² Attachment B – Contact Information Form

³ Attachment C – Public Comment Guidelines

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Attachment A

Certified Professional Guardianship and Conservatorship Board Communication Plan

A. Purpose:

Stakeholders including family members of ~~incapacitated persons~~ individuals subject to guardianship and/or conservatorship, professional guardian and conservators, senior and disability advocates and others ~~are seeking~~ continue to seek greater involvement in developing standards, rules and regulations to guide the guardianship and conservatorship profession. To continue effectively and efficiently performing its regulatory mission, the Certified Professional Guardianship and Conservatorship Board developed and has updated this Communications Plan to facilitate the consideration of diverse perspectives in an environment that supports and respects differences and commitment to group initiatives.

B. Communication Objectives:

1. Develop understanding and appreciation for the shared goal of protecting the public.
2. Build understanding, trust and support for the rulemaking process.
3. Create a process that is transparent and helps stakeholders understand what the Certified Professional Guardianship and Conservatorship Board does and hold it accountable.

C. Targeted Audiences: The audiences include, but are not limited to the following:

Stakeholder Name	
1.	Board Members per General Rule 23
2.	Certified Professional Guardian <u>and Conservators</u>
3.	Washington Association of Professional Guardians (WAPG)
4.	Incapacitated Persons <u>Individuals subject to guardianship and/or conservatorship</u>
5.	Family Members and Friends of Incapacitated Persons <u>Individuals subject to guardianship and/or conservatorship</u>
6.	WSBA – Elder Law Section Executive Committee
7.	County Bar Associations/Elder Law Sections
8.	Superior Court Judges’ Association Guardianship and Probate Committee
9.	<u>Court Visitors and</u> Guardians Ad Litem
10.	Alzheimer’s Association
11.	WA Health Care Association & <u>Leading EdgeAge</u>

	Stakeholder Name
12.	Traumatic Brain Injury (TBI) Council
13.	Long-term Care Ombudsman
14.	Lay/Family Guardians
15.	Guardianship Monitoring Programs
16.	AARP
17.	Disability Rights Washington (DRW)
18.	National Association of Mental Illness (NAMI)
19.	Association of Area Agency on Aging
20.	Department of Social and Health Services—APS, DDA, HCS, RCS , DBHR Behavioral Health Administration
21.	SCORE
22.	OPG Stakeholder Listserv
23.	Supreme Court
24.	Legislators
25.	Developmental Disabilities Council
26.	Washington State Residential Care Council of Adult Family Homes
27.	SEIU Healthcare
28.	Arc of Washington
29.	Superior Courts
30.	Legal Aid Organizations including Northwest Justice Project and Columbia Legal Services
31.	People First
31 2.	Other Stakeholders that may be identified later.

D. Communication Strategy:

The Board plans to use five broad communications channels—board meetings/[teleconferences](#), stakeholder engagement meetings, public comment periods during [regular four long](#) board meetings [per year](#), the Web, and email to share information and seek input and feedback into the development of rules, regulations and Standards of Practice for the practice of professional guardianship [and conservatorship](#).

Board Meetings/Teleconferences

Stakeholders are encouraged to attend Board meetings [and teleconferences](#). The Board meets the second Monday of each month, ~~except for February, July and December or~~ when a holiday conflicts. Generally, the Board meets in person [or hybrid Zoom and in person](#) at the SeaTac Office Facility, 18000 International Blvd, SeaTac, WA [, or via Zoom only, for the](#)

long board meetings in January, April, June and October. The April meeting is usually the Board's annual planning meeting, in which stakeholders participate. ~~Teleconferences Zoom only meetings~~ are generally held ~~in March, May, August, September and November~~ in the remaining months. ~~Teleconferences are conducted via Adobe® Connect™ a web conferencing platform for web meetings, eLearning, and webinars.~~ Participation instructions are provided on the meeting agenda, which is posted on the Web approximately one week before each meeting. The Board's meeting calendar is also posted on the Web, to view see http://www.courts.wa.gov/programs_orgs/guardian/?fa=guardian.CPGBoard.

Public Comment Periods

Each ~~in-person~~ long meeting includes a public comment period. Comment guidelines are provided below. Individuals who participate in the public comment period will be encouraged to provide staff a written copy of the comments made during the comment period, which staff will attach to meeting minutes.

Regulation 600, the procedure for adoption, amendment and repeal of regulation also provides an opportunity to provide written comments. The notice and comment portion of Regulation 600 is provided below.

Public Comment Guidelines

A public comment period shall be held at all regularly scheduled ~~in-person~~ long meetings of the Certified Professional Guardianship and Conservatorship Board. The public comment period shall be the first item on the agenda after the chair report, shall not exceed thirty minutes total and will be subject to the following general guidelines:

1. ~~Speakers must sign in to speak and must list name and topic.~~ Any member of the public who would like to speak at a meeting should send an email to guardianshipprogram@courts.wa.gov prior to the meeting indicating the topic
2. No speaking when others are speaking.
3. Only the Chair may interrupt.
4. ~~No personal attacks or accusations.~~
5. Comments will be limited to ~~three~~ ten minutes per speaker.
6. ~~No repetition of comments from previous meetings.~~
7. Written comments may be submitted in lieu of, or in addition to public comments.

600 Procedure for the Adoption Amendment and Repeal of Regulations

601 Intent.

The intent of the Certified Professional Guardianship and Conservatorship Board (Board) is to give notice and the opportunity for public comment whenever the Board intends to adopt, amend, or repeal its regulations, except as otherwise stated in these regulations.

602 Notice.

602.1 Except as otherwise stated in these regulations, the Board will give notice whenever it intends to adopt, amend, or repeal a regulation (regulation change). The Board must give notice at least thirty (30) calendar days before the meeting at which the Board intends to act on the proposed change. The notice will include the following information:

602.1.1 The text of the proposed change to the regulations. The notice may also include an explanation of the purpose of the proposed change.

602.1.2 The date, time and place of the meeting at which the Board intends to adopt the proposed change.

602.1.3 The name, address and telephone number of the person to whom written comments on the proposed change may be sent via U.S. mail. In the Board's discretion, the Board also may accept comments via electronic mail.

602.1.4 The date by which comments must be received by the Board.

602.2 To give notice of a proposed regulation change, the Board will do the following:

602.2.1 Publish the notice electronically on the Board's website.

602.2.2 Send the notice to ~~the Washington Association of Professional Guardians~~ stakeholders pursuant to the Board's Communication Plan.

602.2.3 Send an announcement via electronic mail to the state's certified professional guardian and conservators, stating that notice of a proposed regulation change is on the Board's website.

602.2.4 Give notice in any other manner that the Board deems appropriate.

Stakeholder Engagement Meetings

Stakeholder engagement meetings/teleconferences are defined as small group meetings with target audiences. A stakeholder group may host an engagement meeting and invite board members to participate or a Board member may host an engagement meeting and invite stakeholders to participate. The meeting host will be responsible for all meeting arrangements and cost, including reporting back to the Board.

Web

The Board will post request for comments on the Guardianship Program webpage and stakeholders are encouraged to email written comments, which will be posted on the Web for public viewing. Comments must adhere to posting guidelines.

See http://www.courts.wa.gov/programs_orgs/Guardian/?fa=guardian.display&fileName=rulesindex

Email

AOC staff will obtain email addresses for the stakeholders identified on the stakeholders' list and utilize the list to send the following:

- a) News articles;
- b) Stakeholder Engagement Meeting Announcements;
- c) Informational emails; and
- d) Requests for written comments.

E. Initial-Process:

To initiate communication and inform stakeholders of the process, AOC staff ~~will completed~~ the following when the Board's Communication Plan was originally adopted in 2015:

1. Developed a contact list for stakeholders, organizations and individuals;
2. ~~Send~~ Sent the following to all contacts:
 - i. A letter explaining the plan to seek input;
 - ii. The Communications Plan;
 - iii. The first request for comment and back up materials; and
 - iv. Public comment posting guidelines.

The following tables describe key audiences, ~~stakeholder types, involvement types and the communication mediums~~ that ~~will be were~~ used to communicate with each.

** Please note that the language used at that time has subsequently been updated by RCW 11.130

Table 1 – Stakeholder Communications **please note that the highlighted materials are proposed to be deleted**

	Stakeholder Name/Contact	Stakeholder Types	Involvement Types	Communication Media
1.	Board Members per GR23	Decision-Makers	Representatives	All
2.	Certified Professional Guardians	Person Affected Subject Matter Experts	Consultants	All Email (listserv)
3.	Washington Association of Professional Guardians (WAPG)	Persons Affected Subject Matter Experts	Advisors	All
4.	Incapacitated Persons	Persons Affected Subject Matter Experts	Consultants	?
5.	Family Members and Friends of IPs	Persons Affected Subject Matter Experts	Consultants	All
6.	County Bar Associations/Elder Law Sections	Subject Matter Experts	Advisors	All
7.	WSBA – Elder Law Section Executive Committee	Subject Matter Experts	Advisors	All
8.	Superior Court Judges’ Association Guardianship and Probate Committee	Subject Matter Experts	Advisors	Email (listserv)
9.	Guardians Ad Litem	Subject Matter Experts	Consultants	Stakeholder Meetings Web
10.	Alzheimer’s Association	Subject Matter Experts	Advisors	All
11.	WA Health Care Association Leading Edge	Subject Matter Experts	Advisors	All
12.	TBI Council	Subject Matter Experts	Advisors	All
13.	Long-term Care Ombudsman	Subject Matter Experts	Advisors	All
14.	Lay/Family Guardians	Subject Matter Experts Persons Affected	Consultants	All Email (listserv)
15.	Guardianship Monitoring Programs	Subject Matter Experts Person Affected	Advisors	Web Email
16.	AARP	Subject Matter Experts	Advisors	All
17.	Disability Rights Washington	Subject Matter Experts	Advisors	All
18.	National Association of Mental Illness	Subject Matter Experts	Advisors	All
19.	Association of Area Agency on Aging	Subject Matter Experts	Advisors	All
20.	DSHS – APS, DDA, HCS, DBHR	Subject Matter Experts	Advisors	All
21.	SCORE	Subject Matter Experts	Advisors	All

	Stakeholder Name/Contact	Stakeholder Types	Involvement Types	Communication Media
22.	OPG Stakeholder Listserv	Persons Affected Subject Matter Experts	Persons to Inform	Email (listserv)
23.	Supreme Court	Decision-Makers Decision Blockers		Stakeholder Meeting Email
24.	Legislators	Decision-Makers Decision Blockers	Persons to Inform	Email
25.	Developmental Disabilities Council	Subject Matter Experts	Advisors	All
26.	Washington State Residential Care Council of Adult Family Homes	Subject Matter Experts	Advisors	All
27.	SEIU Healthcare	Subject Matter Experts	Advisors	All
28.	Arc of Washington	Subject Matter Experts	Advisors	All
29.	Superior Courts	Persons Affected	Persons to Inform	Web Email (listserv)
30.	Columbia Legal Services	Subject Matter Experts	Advisors	All

Table 2. – Stakeholder Types

Stakeholder Types	Description
Decision-Makers	Those with the formal power to make decisions.
Blockers	Those with the power to block decisions.
Persons Affected	Those affected by decisions.
Subject Matter Experts	Those with relevant information or expertise.

Table 3. - Stakeholder Involvement Types

Involvement Types	Description
Represent	Representatives of particular stakeholder groups might be members of the regulatory body. The assumption is that these individuals can effectively speak about the interest of the group community they represent.
Consultants	Individuals are consulted about their perspectives and concerns. Their views are considered by the decision makers when making decisions. Comment coordinators may be assigned to consult with; forum discussions may be held or surveys administered.
Advisers	Group stakeholders form advisory panels, meet to discuss issues and share advice with the regulatory body. (Formal Group)
Inform	Some stakeholders need to be informed about issues and plans via listservs, the website etc., but not invited to play an active role.

Attachment B

Contact Information for Certified Professional Guardianship and Conservatorship Board Stakeholder

Communication

Individual Stakeholder Information

Name	
Mailing Address	
City ST ZIP Code	
Phone	
Email Address	

Organization Stakeholder Information

Organization Name	
Mailing Address	
City ST ZIP Code	
Phone	
Email Address	
Communication should be sent to the email address above.	<input type="checkbox"/> Yes <input type="checkbox"/> No
# Members	

Organization Contact Person Information

Name	
Mailing Address	
City ST ZIP Code	
Phone	
Email Address	
Communication should be sent to the email address above.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Please email or mail this form to:

Certified Professional Guardianship and Conservatorship Board

P.O. Box 41170-1170

Olympia, WA 98504

or

guardianshipprogram@courts.wa.gov

If you have questions, please contact Kim.Rood@courts.wa.gov

Kathy.Bowman@courts.wa.gov

Attachment C



Certified Professional Guardianship and Conservatorship Board Public Comment Guidelines

Oral Public Comments

A public comment period shall be held at all regularly scheduled ~~in-person long~~ meetings of the Certified Professional Guardianship and Conservatorship Board. The public comment period shall be the first item on the agenda after the chair report, shall not exceed thirty (30) minutes total and will be subject to the following general rules:

1. ~~Speakers must sign in to speak and must list name and topic. Any member of the public who would like to speak at a meeting should send an email to guardianshipprogram@courts.wa.gov prior to the meeting indicating the topic~~
2. No speaking when others are speaking.
3. Only the chair may interrupt.
4. ~~No personal attacks or accusations.~~
5. Comments will be limited to ~~three- ten~~ minutes per speaker.
6. ~~No repetition of comments from previous meetings.~~
7. Written comments may be submitted in lieu of, or in addition to public comment.

Written Public Comments

Written public comments that are provided in response to a Request for Public Comment, which meet the following guidelines, will be posted by AOC staff on the Guardianship Program website at:

http://www.courts.wa.gov/programs_orgs/Guardian/?fa=guardian.proposed

Comments should:

1. Not exceed 1500 words.
2. Be double spaced in 12 point type.
3. Be on letter size paper (8 ½ x 11 inches).
4. Include no tabs or dividers, except that colored letter-size paper may be used for dividers between sections.
5. Clearly identify the Request for Comment topic being addressed. Each communication should include a subject line identifying the Request for

Comment topic being addressed; failure to do so could prevent posting of comments.

6. ~~Include no personal attacks or accusations.~~
7. ~~Include no profanity.~~
8. Be sent to one of the following addresses:

Certified Professional Guardian~~ship~~ Board

P.O. Box 41170

Olympia, WA 98504-1170

or

guardianshipprogram@courts.wa.gov

Should you have any questions about the process, Board procedures and/or regulations, the staff listed below are available to answer your questions.

~~S~~Stacey Johnson, Stacey.Johnson@courts.wa.gov, 360.705.5302
~~Christopher Fournier, Chris.Fournier@courts.wa.gov, 360.704.4066~~
~~Eileen Schock, Eileen.Schock@courts.wa.gov, 360.704.5539~~
~~Carla Montejo, Carla.Montejo@courts.wa.gov, 360.705.5320~~

The following pages are clean copies of the suggested amendments to the Board's Bylaws and Communications Plan if all the suggested amendments were to be adopted. These versions are presented for ease of reading only due to the volume of redlined changes. The Board has not taken any action on the suggested amendments as of the date of these materials.

Certified Professional Guardianship and Conservatorship Board BYLAWS

ARTICLE I: Certified Professional Guardianship and Conservatorship Board (Board)

ARTICLE II: Purpose

The Supreme Court created the Certified Professional Guardianship and Conservatorship Board (Board) with the adoption of General Rule (GR) 23 on January 25, 2000¹. The Board was created to regulate professional guardians and conservators. Supreme Court General Rule 23 as amended is incorporated by reference herein, and sets forth the governing authority for the Board. [Washington Supreme Court General Rule 23](#).

ARTICLE III: Governing Body

The Washington State Supreme Court will govern the activities of the Certified Professional Guardianship and Conservatorship Board. The Supreme Court shall appoint 12 or more members to the Board consistent with GR 23.

ARTICLE IV: Membership

Section 1: Members

Members of the Certified Professional Guardianship and Conservatorship Board shall include representatives from the following areas of expertise: professional guardian and conservators; attorneys; advocates for individuals subject to guardianship and conservatorship; courts; state agencies; and those employed in medical, social, health, financial, or other fields pertinent to guardianships. See also GR 23 and its amendments.

Appointment: The Board will solicit members and shall nominate all members with two exceptions, one member of the Board will be a representative of the Department of Social and Health Service (DSHS) nominated by DSHS; two members of the Board will be members of the Washington Bar Association (WSBA) nominated by WSBA. The Board shall review the qualifications of potential representatives from DSHS and WSBA and make a recommendation to DSHS and WSBA before a nomination is submitted to the Supreme Court. The Supreme Court shall appoint all board members

¹ *The Board's original title was the Certified Professional Guardianship Board.*

Removal: The Board Chair may petition the Supreme Court to remove a board member, including the Vice Chair, for failure to comply with any statute, duty, court order, standard of practice, rule, regulation bylaw or other requirement governing their conduct.

Section 2: Terms of Appointment

The term for a member of the Board shall be three years. No member may serve more than three consecutive full three-year terms, not to exceed nine consecutive years, including any unfilled term. Terms shall be established such that one-third shall end each year. All terms of office begin October 1 or when a successor has been appointed, whichever occurs later, and end September 30. See also GR 23 and its amendments.

Section 3: Vacancies

Any vacancy occurring in the terms of office of Board members shall be filled for the remaining time of an unexpired term.

Section 4: General Duties - See GR 23, Subsection (c)(3)

Duty of Care:

A board member has the obligation to exercise reasonable care when they make a decision for the Board. Reasonable care is what an "ordinarily prudent" person in a similar situation would do.

Immunity from Liability. The Board, its members, or agents, including duly appointed hearing officers, shall enjoy quasi-judicial immunity if the Supreme Court would have immunity in performing the same functions. See GR 23 (c)(6)

Duty of Loyalty:

A board member must never use information gained through their position for personal gain and must always act in the best interests of the Board and the public. Determining public interest in a particular situation can be complex, but on a practical level, a Board member's public duty can best be fulfilled by focusing on the Board's duty to protect the public by ensuring that guardianship services are provided by certified professional guardian and conservators in a competent and ethical manner.

Conflicts of Interest: GR 23 (c) (7)

A Board member should self-disqualify from making any decisions in a proceeding in which their impartiality might reasonably be questioned, including but not limited to, when the Board member has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding.

Duty of Confidentiality:

A Board member shall respect and maintain the confidentiality of any and all information, including but not limited to, documents, memos, letters, investigative reports, and conversations, relating to privileged communications or confidential executive sessions. While Board members are free to discuss actions adopted by the Board, disclosing or distributing any information concerning any confidential discussion of such items during the Board meeting is prohibited. Annually in October, each board member will sign a confidentiality agreement in which he or she acknowledges a duty of confidentiality.

Article V: Officers

Section 1: Chair and Vice Chair

Appointment: The Supreme Court shall appoint the Board Chair. By a majority vote, the Board shall elect a Vice Chair from its members.

Removal: A Board member, jointly or severally, may petition the Supreme Court to remove a chair for failure to comply with any statute, duty, standard of practice, rule, regulation bylaw or other requirement governing their conduct.

Leave of Absence: Any Board member who is the subject of a disciplinary investigation by the Board may be asked to take a leave of absence from the Board. The Board Chair shall have the sole discretion to decide whether the Board member should take a leave of absence from the Board and when the Board member may return to the Board. A Board member may not continue to serve as a member of the Board if the Supreme Court has imposed a final disciplinary sanction on the Board member. See also GR 23 (c)(8).

Section 2: Specific Duties of Chair and Vice Chair

The Chair shall set the agenda for and preside at all meetings of the Board, performing the duties usually incident to such office, and shall be the official spokesperson for the Board. The chair shall appoint the chairs of all committees. The vice chair shall perform the duties of the chair in the absence or incapacity of the Chair or at the Chair's request.

The Chair of the Board shall have the power to issue subpoenas and may make pre-hearing or other orders as are necessary for the orderly conduct of any hearing. See GR 23 (c) (3)(x)(a) as amended.

Section 3: Parliamentarian

The Board shall identify a member who will serve as parliamentarian during Board meetings.

Article VI: Members

Section1: Specific Duties of Members

Each member shall serve on one or more committees.

Article VII: Committees

Standing committees, as well as ad hoc committees and task forces of the Board, shall be established by majority vote. Each committee shall have such authority as the Board deems appropriate. The Chair will appoint the chair of all committees created by the Board. The terms of ad hoc and task force committee members will have terms as determined by their charge.

Article VIII: Meetings

The Board shall hold meetings as determined to be necessary by the Chair, including regular meetings and special meetings.

Section 1: Open Meetings

Board meetings will be open to the public except for executive session. See Board Regulation 007. [CPGC Board Regulation 007](#)

Section2: Quorum

A simple majority of the board, whether any positions are vacant or not, is required for a quorum. See GR 23 (c)(1)(i). A quorum must be present on the phone, online or virtual through technological or audio-visual means, or in person for voting to occur.

Section 4: Attendance

Board members are required to participate in a minimum of 80% [to be rounded down] of full Board meetings held during the calendar year. A board member may not have more than two unexcused absences during a calendar year and continue to serve on the Board. An absence resulting due to an emergency will be excused. Absences will also be considered excused if a board member informs the chair or AOC staff via phone or e-mail of his or her expected absence at least 24 hours before the meeting start time.

Section 5: Votes

A motion will be approved by a majority of those present. Committee action will be taken by voting. Whenever a vote is not unanimous, the Chair may call for a show of hands. Members participating, in-person, online or virtual through technological or audio-visual means, or on the phone may vote. No member will be allowed to cast a vote by proxy. Board members who are also members of the committee of origin of any matter before the Board may vote on the matter, subject to conflict of interest provisions applicable to all Board members.

Article IX: Public Input

Section 1: Public Comment

Each regularly scheduled in-person meeting shall include a public comment period. The public comment period shall be the first item on the agenda after the chair's report. The comment period shall not exceed thirty minutes total and will be subject to the following general guidelines:

1. Any member of the public who would like to speak at a meeting should send an email to guardianshipprogram@courts.wa.gov prior to the meeting indicating the topic.
2. Only one speaker at a time.
3. Only the Chair may interrupt a speaker.
4. Comments will be limited to ten minutes per speaker.
5. Written comments may be submitted in lieu of, or in addition to public comments.

A written copy of public comments provided to AOC staff during or immediately following the meeting staff will be attached to meeting minutes.

Regulation 600, the procedure for adoption, amendment and repeal of regulation also provides an opportunity to provide written comments.

Section 2: Public Meeting

Annually, the Board holds a planning meeting to discuss emerging issues in guardianship practice and long-term projects. The public is invited to submit comments as outlined in Section 1.

Section 3: Communication

To effectively and efficiently perform its regulatory mission, the Board uses a Communications Plan², adopted to facilitate the consideration of diverse perspectives in an environment that supports and respects differences and commitment to group initiatives.

Article X: Amendments and Repeal of Bylaws

Bylaws may be amended or modified by majority vote at any regular meeting of the Board.

Article XI: Board Member Expenses

Board members shall not be compensated for their services. Consistent with the Office of Financial Management rules, Board members may be reimbursed for actual and necessary expenses incurred in the performance of their duties.

Article XIII: Address of the Board

Administrative Office of the Courts
ATTN: Certified Professional Guardianship and Conservatorship Board
PO Box 41170
Olympia, WA 98504

²For additional guidance regarding the Communications Plan see <http://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.cpg&content=rules>

³For additional guidance review the memo dated August 1, 2014, RE: Conflicts Review/Recusal Process <http://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.cpg&content=rules>



WASHINGTON
COURTS

Certified Professional Guardianship and Conservatorship Board

Re: Stakeholder Communications Plan

Dear Stakeholder:

The Certified Professional Guardianship and Conservatorship Board originally adopted the attached communication process in January 2015 to facilitate increased involvement in developing standards, rules and regulations to guide the guardianship profession. The communication process is being updated as this time.

The Certified Professional Guardianship and Conservatorship Board is the regulatory authority for the practice of professional guardianship and conservatorship in Washington State. The Board is charged with establishing the standards and criteria for the certification of professional guardians and conservators, as defined by RCW 11.130. [RCW 11.130](#)

To involve stakeholders in its work, the Board developed an information sharing process. The details of the process are explained in the attached Communications Plan¹.

Anyone can sign up to receive future communication by submitting the attached contact form² or sending an e-mail to Kathy Bowman at Kathy.Bowman@courts.wa.gov or requesting notification via the website. Please click on the following link to request notification via the website.

http://www.courts.wa.gov/programs_orgs/Guardian/?fa=guardian.proposed

Please share this information with other organizations and individuals who may wish to be added to the Board's list of stakeholders and receive future communication. A copy of the Certified Professional Guardianship and Conservatorship Board Public Comment Guidelines is attached.³

Thank you for your attention and collaboration. Should you have any questions about the process, Board procedures and/or regulations, questions can be directed to Stacey Johnson at the contact information below.

Stacey Johnson, Stacey.Johnson@courts.wa.gov, 360.705.5302

¹ Attachment A – CPGCB Stakeholder Communication Plan

² Attachment B – Contact Information Form

³ Attachment C – Public Comment Guidelines

|

Attachment A

Certified Professional Guardianship and Conservatorship Board Communication Plan

A. Purpose:

Stakeholders including family members of individuals subject to guardianship and/or conservatorship, professional guardian and conservators, senior and disability advocates and others continue to seek greater involvement in developing standards, rules and regulations to guide the guardianship and conservatorship profession. To continue effectively and efficiently performing its regulatory mission, the Certified Professional Guardianship and Conservatorship Board developed and has updated this Communications Plan to facilitate the consideration of diverse perspectives in an environment that supports and respects differences and commitment to group initiatives.

B. Communication Objectives:

1. Develop understanding and appreciation for the shared goal of protecting the public.
2. Build understanding, trust and support for the rulemaking process.
3. Create a process that is transparent and helps stakeholders understand what the Certified Professional Guardianship and Conservatorship Board does and hold it accountable.

C. Targeted Audiences: The audiences include, but are not limited to, the following:

	Stakeholder Name
1.	Board Members per General Rule 23
2.	Certified Professional Guardian and Conservators
3.	Washington Association of Professional Guardians (WAPG)
4.	Individuals subject to guardianship and/or conservatorship
5.	Family Members and Friends of Individuals subject to guardianship and/or conservatorship
6.	WSBA – Elder Law Section Executive Committee
7.	County Bar Associations/Elder Law Sections
8.	Superior Court Judges’ Association Guardianship and Probate Committee
9.	Court Visitors and Guardians Ad Litem
10.	Alzheimer’s Association

11.	LeadingAge
12.	Traumatic Brain Injury (TBI) Council
13.	Long-term Care Ombudsman
14.	Lay/Family Guardians
15.	Guardianship Monitoring Programs
16.	AARP
17.	Disability Rights Washington (DRW)
18.	National Association of Mental Illness (NAMI)
19.	Association of Area Agency on Aging
20.	Department of Social and Health Services—APS, DDA, HCS, RCS, Behavioral Health Administration
21.	OPG Stakeholder Listserv
22.	Supreme Court
23.	Legislators
24.	Developmental Disabilities Council
25.	Washington State Residential Care Council of Adult Family Homes
26.	SEIU Healthcare
27.	Arc of Washington
28.	Superior Courts
29.	Legal Aid Organizations including Northwest Justice Project and Columbia Legal Services
30.	People First
31.	Other Stakeholders that may be identified later.

D. Communication Strategy:

The Board plans to use five broad communications channels—board meetings, stakeholder engagement meetings, public comment periods during four long board meetings per year, the Web, and email to share information and seek input and feedback into the development of rules, regulations and Standards of Practice for the practice of professional guardianship and conservatorship.

Board Meetings

Stakeholders are encouraged to attend Board meetings. The Board meets the second Monday of each month except for when a holiday conflicts. Generally, the Board meets in person or hybrid Zoom and in person at the SeaTac Office Facility, 18000 International Blvd, SeaTac, WA, or via Zoom only, for the long board meetings in January, April, June and October. The April meeting is usually the Board’s annual planning meeting, in which stakeholders participate. Zoom only

meetings are generally held in the remaining months. Participation instructions are provided on the meeting agenda, which is posted on the Web approximately one week before each meeting. The Board's meeting calendar is also posted on the Web, to view see http://www.courts.wa.gov/programs_orgs/guardian/?fa=guardian.CPGBoard.

Public Comment Periods

Each long meeting includes a public comment period. Comment guidelines are provided below. Individuals who participate in the public comment period will be encouraged to provide staff a written copy of the comments made during the comment period, which staff will attach to meeting minutes.

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A public comment period shall be held at all regularly scheduled long meetings of the Certified Professional Guardianship and Conservatorship Board. The public comment period shall be the first item on the agenda after the chair report, shall not exceed thirty minutes total and will be subject to the following general guidelines:

1. Any member of the public who would like to speak at a meeting should send an email to guardianshipprogram@courts.wa.gov prior to the meeting indicating the topic.
2. No speaking when others are speaking.
3. Only the Chair may interrupt.
4. Comments will be limited to ten minutes per speaker.
5. Written comments may be submitted in lieu of, or in addition to public comments.

600 Procedure for the Adoption Amendment and Repeal of Regulations

601 Intent.

The intent of the Certified Professional Guardianship and Conservatorship Board (Board) is to give notice and the opportunity for public comment whenever the Board intends to adopt, amend, or repeal its regulations, except as otherwise stated in these regulations.

602 Notice.

602.1 Except as otherwise stated in these regulations, the Board will give notice whenever it intends to adopt, amend, or repeal a regulation (regulation change). The Board must give notice at least thirty (30) calendar days before the meeting at which the Board intends to act on the proposed change. The notice will include the following information:

602.1.1 The text of the proposed change to the regulations. The notice may also include an explanation of the purpose of the proposed change.

602.1.2 The date, time and place of the meeting at which the Board intends to adopt the proposed change.

602.1.3 The name, address and telephone number of the person to whom written comments on the proposed change may be sent via U.S. mail. In the Board's discretion, the Board also may accept comments via electronic mail.

602.1.4 The date by which comments must be received by the Board.

602.2 To give notice of a proposed regulation change, the Board will do the following:

602.2.1 Publish the notice electronically on the Board's website.

602.2.2 Send the notice to stakeholders pursuant to the Board's Communication Plan.

602.2.3 Send an announcement via electronic mail to the state's certified professional guardian and conservators, stating that notice of a proposed regulation change is on the Board's website.

602.2.4 Give notice in any other manner that the Board deems appropriate.

Stakeholder Engagement Meetings

Stakeholder engagement meetings/teleconferences are defined as small group meetings with target audiences. A stakeholder group may host an engagement meeting and invite board members to participate or a Board member may host an engagement meeting and invite stakeholders to participate. The meeting host will be responsible for all meeting arrangements and cost, including reporting back to the Board.

Web

The Board will post request for comments on the Guardianship Program webpage and stakeholders are encouraged to email written comments, which will be posted on the Web for public viewing. Comments must adhere to posting guidelines.

See http://www.courts.wa.gov/programs_orgs/Guardian/?fa=guardian.display&fileName=rulesindex

Email

AOC staff will obtain email addresses for the stakeholders identified on the stakeholders' list and utilize the list to send the following:

- a) News articles;
- b) Stakeholder Engagement Meeting Announcements;
- c) Informational emails; and
- d) Requests for written comments.

E. Initial Process:

To initiate communication and inform stakeholders of the process, AOC staff completed the following when the Board's Communication Plan was originally adopted in 2015:

1. Developed a contact list for stakeholders, organizations and individuals;
2. Sent the following to all contacts:
 - i. A letter explaining the plan to seek input;
 - ii. The Communications Plan;
 - iii. The first request for comment and back up materials; and
 - iv. Public comment posting guidelines.

The following tables describe key audiences that were used to communicate with each.

** Please note that the language used at that time has subsequently been updated by RCW 11.130

Table 1 – Stakeholder Communications

	Stakeholder Name/Contact
1.	Board Members per GR23
2.	Certified Professional Guardians
3.	Washington Association of Professional Guardians (WAPG)
4.	Incapacitated Persons
5.	Family Members and Friends of IPs
6.	County Bar Associations/Elder Law Sections
7.	WSBA – Elder Law Section Executive Committee
8.	Superior Court Judges’ Association Guardianship and Probate Committee
9.	Guardians Ad Litem
10.	Alzheimer’s Association
11.	WA Health Care Association Leading Edge
12.	TBI Council
13.	Long-term Care Ombudsman
14.	Lay/Family Guardians
15.	Guardianship Monitoring Programs
16.	AARP
17.	Disability Rights Washington
18.	National Association of Mental Illness
19.	Association of Area Agency on Aging
20.	DSHS – APS, DDA, HCS, DBHR
21.	SCORE

	Stakeholder Name/Contact
22.	OPG Stakeholder Listserv
23.	Supreme Court
24.	Legislators
25.	Developmental Disabilities Council
26.	Washington State Residential Care Council of Adult Family Homes
27.	SEIU Healthcare
28.	Arc of Washington
29.	Superior Courts
30.	Columbia Legal Services

Attachment B

Contact Information for Certified Professional Guardianship and Conservatorship Board Stakeholder Communication

Individual Stakeholder Information

Name	
Mailing Address	
City ST ZIP Code	
Phone	
Email Address	

Organization Stakeholder Information

Organization Name	
Mailing Address	
City ST ZIP Code	
Phone	
Email Address	
Communication should be sent to the email address above.	<input type="checkbox"/> Yes <input type="checkbox"/> No
# Members	

Organization Contact Person Information

Name	
Mailing Address	
City ST ZIP Code	
Phone	
Email Address	
Communication should be sent to the email address above.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Please email or mail this form to:

Certified Professional Guardianship and Conservatorship Board
P.O. Box 41170-1170
Olympia, WA 98504
or
guardianshipprogram@courts.wa.gov

If you have questions, please contact Kathy.Bowman@courts.wa.gov

Attachment C



Certified Professional Guardianship and Conservatorship Board

Public Comment Guidelines

Oral Public Comments

A public comment period shall be held at all regularly scheduled long meetings of the Certified Professional Guardianship and Conservatorship Board. The public comment period shall be the first item on the agenda after the chair report, shall not exceed thirty (30) minutes total and will be subject to the following general rules:

1. Any member of the public who would like to speak at a meeting should send an email to guardianshipprogram@courts.wa.gov prior to the meeting indicating the topic.
2. No speaking when others are speaking.
3. Only the chair may interrupt.
4. Comments will be limited to ten minutes per speaker.
5. Written comments may be submitted in lieu of, or in addition to public comment.

Written Public Comments

Written public comments that are provided in response to a Request for Public Comment, which meet the following guidelines, will be posted by AOC staff on the Guardianship Program website at:

http://www.courts.wa.gov/programs_orgs/Guardian/?fa=guardian.proposed

Comments should:

1. Not exceed 1500 words.
2. Be double spaced in 12 point type.
3. Be on letter size paper (8 ½ x 11 inches).
4. Include no tabs or dividers, except that colored letter-size paper may be used for dividers between sections.
5. Clearly identify the Request for Comment topic being addressed. Each communication should include a subject line identifying the Request for

Comment topic being addressed; failure to do so could prevent posting of comments.

6. Be sent to one of the following addresses:

Certified Professional Guardianship Board

P.O. Box 41170

Olympia, WA 98504-1170

or

guardianshipprogram@courts.wa.gov

Should you have any questions about the process, Board procedures and/or regulations, the staff listed below are available to answer your questions.

Stacey Johnson, Stacey.Johnson@courts.wa.gov, 360.705.5302

Bowman, Kathy

From: Valerie Walker <valerie.walker93306@gmail.com>
Sent: Saturday, July 15, 2023 6:24 PM
To: AOC DL - Guardianship Program
Subject: Comment regarding the new by-laws

External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Dear Members of the Guardianship Board:

I am a new guardian, having only been certified in 2021. I have read the changes to the by-laws and I believe I understand them. I do have two questions, however:

- 1) Is anything being done to ensure that CPGCs are paid for their labor when working for DDA clients? I have a client for whom I receive \$25 per month regardless of how many hours I put in on the case. I am not alone in this - far from it! We CPGCs are not willing to desert our DDA clients who desperately need our services. Can you, as a board, advocate for a new funding schedule for us?
- 2) It seems the make-up of the Guardianship and Conservatorship Board is being restructured to allow for more actual CPGCs to be board members. Am I reading this correctly? I guess I do not understand why the Board is not made up **entirely** of CPGCs. I think that other professional boards (ABA, AMA, etc.) are made up exclusively of professionals in the field. Will this now be the case for our profession?

Thank you,

Valerie Walker
Eemunah Guardianship Services, LLC



5727 Baker Way NW Suite 200
Gig Harbor WA 98332
Toll Free 1-877-460-5880
Fax 253-265-3043

August 7, 2023

Certified Professional Guardian/Conservatorship Board
c/o Administrative Office of the Courts
PO Box 41170
Olympia WA 98504

via email only to: guardianshipprogram@courts.wa.gov

Re: Comments on **Bylaws and Communication Plan**

Dear CPGC Board:

The Washington Association of Professional Guardians (WAPG) appreciates the Board allowing comments on the Bylaws and Communication Plan even though not required by Board regulations. The Board has streamlined the Bylaws considerably. WAPG also appreciates the Board's consideration of earlier comments in making its changes.

WAPG has a few comments on the newest version of the Bylaws:

Footnote p. 1—the name of the Board was actually the Certified Professional Guardian Board, not "Guardianship" Board. You can verify that by looking at the Annual reports posted on the AOC website for 2003 to 2013. It wasn't until 2014 that the term "Guardianship" was used.

Article IV, Section 1: Appointment of Members—

WAPG proposes the Board eliminate the exceptions for DSHS and WSBA to provide nominations to the CPGC Board. All nominations should be solicited directly by the CPGC Board. WAPG also proposes the Board create a transparent process for: (a) its determination of every candidate's suitability, and (b) a description of the qualifications necessary for appointment to the Board. The decision-making process and the letter of recommendation the Board sends to the Supreme Court should be public, as they were in 2013.¹

Duty of Confidentiality—WAPG notes the significant changes to this section and proposes 2 minor ones. The sentence that states, "While Board members are free to discuss actions adopted by the Board, disclosing or distributing any information concerning any confidential discussion of such items *during* the Board meeting is prohibited." This sentence read literally means, materials about confidential discussions

¹ Letter and attachments were part of the CPGC Board's September 2013 meeting materials.

could be distributed or disclosed *after* a Board meeting. That is not likely the intention of this re-write.

WAPG proposes changing the sentence to say: “Board members are free to discuss all actions proposed, discussed, or adopted by the Board, except for matters proposed or discussed in executive session, which shall remain confidential.”

WAPG also recommends changing the “he or she” in the last sentence to “they”.

Article VI: Members—WAPG would suggest moving the section on “Attendance” that is currently under Article VII: Meetings, to Article VI. It seems a better fit with duties of members, than with the descriptions of meetings.

Article IX: Public Input—WAPG greatly appreciates the rewrite of the Public Comment section. It is much more welcoming. The extra time for speakers is also greatly appreciated. The only suggested change would be to allow the public comment period to be longer than 10 minutes if more than 3 people have emailed the AOC requesting to speak at an in-person meeting. Perhaps the language could say: “The public comment period shall be the first item on the agenda after the chair report, generally will not exceed thirty minutes, and will be subject to the following guidelines....”

WAPG reviewed the Communications Plan and had no comments. Again, WAPG would like to thank the Board for providing the Bylaws and the Communication Plan to the public for comment. WAPG knows it was not required, and probably caused more work. Thank you!

Very Truly Yours,

WAPG, President
Karen Klem Newland

WAPG Legislative Committee
Christopher E. Neil
Deborah J. Jameson
Christopher J. Fast

cc: WAPG Board of Directors
WAPG Members

Regulation 204 and 213
Suggested Amendments

Guardianship and Conservatorship Program Regulations

204 Standards for Approval

The following standards shall be met by any course or activity for which approval is sought:

204.1 The course shall have significant intellectual or practical content and its primary objective shall be to increase the attendee's professional competence as a Guardian and Conservator.

204.2 The course shall constitute an organized program of learning dealing with matters directly relating to the guardianship practice and/or to the professional responsibility or ethical obligations of a Guardian or Conservator.

204.3 Each faculty member shall be qualified by practical or academic experience to teach a specific subject.

204.4 Thorough, high quality, readable, and carefully prepared written materials should be distributed to all attendees at or before the time the course is presented. It is recognized that written materials are not suitable or readily available for some types of subjects; the absence of written materials for distribution should, however, be the exception and not the rule. Providing students the materials on a computer disk or flash drive is encouraged.

204.5 Courses should be conducted in a setting physically suitable to the educational activity of the program. A suitable writing surface should be provided where feasible.

204.6 All courses must be open to all certified professional guardian and conservators.

204.7 No course will be approved unless it has met the requirements of 205.1.

204.8 The course shall satisfy curriculum requirements established by the Board.

204.9 Continuing Review of Prerecorded Courses

Previously approved prerecorded courses shall be reviewed by the Education Committee prior to the commencement of each reporting period to ensure that each course continues to meet the standards for approval listed in this section. Courses that no longer meet these standards shall be removed from the approved course list prior to the beginning of the next CEU reporting period. Prerecorded courses may only be taken for credit once per reporting period.

Guardianship and Conservatorship Program Regulations

213 Exemptions

If a Guardian and Conservator is admitted during the first year of the reporting period, the Guardian and Conservator needs only to complete 12 credits (that must include two Ethics credits and two Emerging Issues credits) as described in Regulation ~~202.2~~ 202.1 by the end of the reporting period. If a Guardian and Conservator is admitted to practice in the second year of the reporting period, the Guardian and Conservator is not required to comply with the minimum continuing education credits for that reporting period.



5727 Baker Way NW Suite 200
Gig Harbor WA 98332
Toll Free 1-877-460-5880
Fax 253-265-3043

August, 7, 2023

Certified Professional Guardian/Conservatorship Board
c/o Administrative Office of the Courts
PO Box 41170
Olympia WA 98504

via email only to: guardianshipprogram@courts.wa.gov

Re: Comments on **Proposed Education Regulations**.

Dear CPGC Board:

The Washington Association of Professional Guardians (WAPG) has discussed the proposed changes to the Education Regulations. WAPG was unsure of the reason for the changes because there was no substantive discussion at the Board meeting on July 10. WAPG has reviewed the changes and makes the following comments:

204.9 WAPG agrees there are courses that may become stale with time, for example, any related to the former statute. However, there are courses that have been approved for one type of credit but no longer fit that credit classification. This would be most likely with emerging issue credits because the Board changes the emerging issue topics periodically. Those valid classes should be given the proper credit classification but continue to be approved.

WAPG would go further than the Board and allow prerecorded courses to be taken for credit only once. WAPG thinks there are sufficient prerecorded courses available that there is not a need to repeat a prerecorded course in another reporting period.

205.6 WAPG appreciates the Board considering that some courses should be presumptively approved. However, WAPG disagrees that WSBA sponsored courses should be presumptively approved. WAPG does suggest that all NGA courses be presumptively approved. NGA courses are specifically designed for guardians/conservators and are consistently of a high caliber.

WAPG also suggests the Board create a process for challenging presumptive approval. For example, if a guardian/attorney attended the recent WSBA course "Intellectual Property Overview: Liquor, Cannabis & Psychedelics" they should probably not receive CEUs because the topic is unrelated to guardian/conservatorship practice.

205.6.2 This paragraph is difficult to understand. It appears to prohibit guardians, conservators, and other third parties from asking the Board to approve a course without

following the application process. WAPG sees no problem with a CPGC asking the Board to approve a course without an application. The Board can decline the request and require the CPGC to follow the procedure outlined in 205.1 through 205.4. WAPG would not extend this option to third parties—third parties should always have to submit an application.

213 WAPG agrees that the additional language clarifies the specific *type* of credit needed, not just the number of credits.

Lastly, as a general matter, WAPG suggests that the Board consider eliminating the credit approval fee for continuing education activities. Eliminating the fee will encourage CPGCs to take advantage of the wide variety of free or low cost training available, particularly specialized training related to the work of CPGCs. If CPGCs are required to pay \$25.00, it is no longer a free training. There is also the practical reason that after considering the cost associated with an AOC staff member processing the fee, there is a de-minimus benefit to the Board.

WAPG looks forward to the Board’s discussion on these changes to the Education Regulations at its August meeting. WAPG appreciates the Board’s regular review of its regulations.

Very Truly Yours,

WAPG, President
Karen Klem Newland

WAPG Legislative Committee
Christopher E. Neil
Deborah J. Jameson
Christopher J. Fast

cc: WAPG Board of Directors
WAPG Members

Regulation 708
Suggested Amendments

Guardianship and Conservatorship Program Regulations

708 ~~Voluntary Surrender~~Retirement or Resignation and Termination of Certification

708.1 A CPGC or Agency ~~may voluntarily surrender certification by shall~~ notifying the Board, in writing, ~~of the date the surrender is to be effective and by complying with the requirements of this regulation~~ that the CPGC or Agency has met all the requirements defined in Sections 708.1 and 708.2 to have their termination of certification approved. ~~Staff of the AOC staff is are~~ authorized to grant ~~voluntarily surrender status termination to of a CPGC's (or Agencies's) certification~~ that qualify under these Regulations. AOC ~~s~~Staff ~~denials to voluntarily surrender status request must be of termination of the CPGC's (or Agency's) certification must be~~ reviewed ~~and approved for approval~~ by the Certification and Application Committee.

708.2 The ~~surrender of~~ termination of certification shall ~~not~~ be effective ~~until when~~ the CPGC or Agency has met the following requirements:

708.2.1 Complied with all statutory and court-ordered requirements for discharge from responsibilities as a guardian or conservator ~~in each case in which the CPGC or Agency has been appointed, with the exception that a guardian and conservator who is not a member of the individual's family and who charges fees for carrying out the duties of court-appointed guardian or conservator may retain guardianship and/or conservatorship over two individuals to ensure the CPGC or Agency no longer meets the definition of "Professional guardian or conservator." RCW 11.130.010 (26);~~

708.2.2 Filed with the Board an affidavit or declaration signed under penalty of perjury stating:

708.2.2.1 Compliance with these requirements.

708.2.2.2 The address where communications may be directed to the former CPGC or Agency, and acknowledging a requirement to keep their address current with the AOC for 36 months following ~~surrender~~ the termination of certification.

708.2.2.3 That after ~~surrender~~ the termination of certification, the former CPGC or Agency shall ~~not accept any new clients or engage in work as a CPGC or Agency unless recertified following the rules and regulations applicable to new applicants~~ not engage in work that meets the definition of “Professional guardian or conservator” unless recertified. RCW 11.130.010 (26)

~~708.2.3 The CPGC or Agency shall file the affidavit or declaration required by this regulation within sixty (60) calendar days of the date of the written notice to the Board of the intent to surrender certification.~~

708.3 Failure to file the affidavit or declaration required by this regulation or failure to comply with other statutory or court-ordered requirements regarding discharge from responsibilities as a guardian or conservator shall subject the CPGC or Agency to revocation of certification.

~~708.4 The CPGC or Agency may revoke the notice of intent to surrender certification by notifying the Board in writing.~~

Bowman, Kathy

From: K Mewhinney <Rhema.Guardian@outlook.com>
Sent: Friday, July 7, 2023 9:24 PM
To: AOC DL - Guardianship Program
Cc: Bowman, Kathy; Kien, Thai
Subject: RE: [CERTIFIEDGUARDIANS] Guardianship Program Proposed Amendments to Regulation 708 Posted for Comment

External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Kathy,
I have a thought, in response to this proposal, the following section.

708.2.2.2 The address where communications may be directed to the former CPGC or Agency, and acknowledging a requirement to keep their address current with the AOC for 36 months following surrender the termination of certification.

I do understand the need for 36 months of contact for vital information on the client however, is there a plan as to how this information would be maintained so that it is off of public websites possibly so that access is somewhat limited?

Kaarina Mewhinney
Rhema Guardianship
Rhema.Guardian@outlook.com
509) 244-0980

Confidentiality Notice:

This message and any attached files may contain confidential information and other HIPPA protected information. The information is intended for the use of the individual(s) or entities originally named as addressees. The improper disclosure of such information may be subject to civil or criminal penalties. If this message reached you in error, please contact the sender and destroy this message. Disclosure, copying, forwarding or distributing by unauthorized individuals or entities is strictly prohibited by law.

From: Certified Guardians <CERTIFIEDGUARDIANS@LISTSERV.COURTS.WA.GOV> **On Behalf Of** Bowman, Kathy
Sent: Friday, June 16, 2023 12:25 PM
To: CERTIFIEDGUARDIANS@LISTSERV.COURTS.WA.GOV
Subject: [CERTIFIEDGUARDIANS] Guardianship Program Proposed Amendments to Regulation 708 Posted for Comment

This message is sent on behalf of Stacey Johnson, Manager, Office of Guardianship and Elder Services

Good Afternoon Board Members, Certified Professional Guardians and Conservators, and Stakeholders:

The Guardianship Program has posted Proposed Amendments to Regulation 708 Voluntary Surrender.

Please follow the link below to review the proposed amendments.

https://www.courts.wa.gov/programs_orgs/Guardian/?fa=guardian.proposed

Comments will be accepted any time between now and the close of business on July 17, 2023.

Please send comments to one of the following addresses:

E-mail comments to:

Or, you may send your comments via US Mail to:

Kathy Bowman
Guardianship Program
Administrative Office of the Courts
P. O. Box 41170
Olympia, WA 98504-1170

Thank you,

Stacey Johnson

Manager | Office of Guardianship and Elder Services

Administrative Office of the Courts

P: 360.705.5302 **F:** 360.956.5700

Stacey.Johnson@courts.wa.gov

www.courts.wa.gov



This e-mail has been sent to everyone in the CERTIFIEDGUARDIANS@LISTSERV.COURTS.WA.GOV mailing list. To reply to the sender, click Reply.

You can remove yourself from this mailing list at any time by sending a "SIGNOFF CERTIFIEDGUARDIANS" command to LISTSERV@LISTSERV.COURTS.WA.GOV.



5727 Baker Way NW Suite 200
Gig Harbor WA 98332
Toll Free 1-877-460-5880
Fax 253-265-3043

July 17, 2023

Certified Professional Guardian/Conservatorship Board
c/o Administrative Office of the Courts
PO Box 41170
Olympia WA 98504

via email only to: guardianshipprogram@courts.wa.gov

Re: Comments to Proposed Regulation 708

Dear CPGC Board:

The Washington Association of Professional Guardians (WAPG) appreciates the opportunity to comment on the proposed changes to Regulation 708. WAPG would like to propose some changes (provided in a red line version attached). WAPG also proposed a NEW FORM called Request for Termination of Certification, for CPGCs to initiate a request to terminate their certification.

WAPG agrees “Termination of Certification” is a good title for the regulation. The word “termination” makes the seriousness of the process clear. “Termination of Certification” also covers both reasons to voluntarily terminate: (1) the *surrender* of certification in lieu of discipline (per 507.3); and (2) *resignation* (for example, retirement). Decertification is not (and should not be) a part of the 708 process, so it was not included.

708.1 WAPG proposes changing 708.1 to simply state the purpose of the regulation and clarify its use. The information about AOC’s role in granting termination was moved to a later section of this regulation for simplicity and readability.

708.2 WAPG simplified 708.2 by combining paragraphs. It is confusing to read regulations with many layers of subsections (e.g., 708.X.Y.Z).

708.2.4 WAPG added a subsection specifically for the Designated CPGCs of an agency. Designated CPGC should be reminded of their additional duty to comply with Regulation 706.

708.4 WAPG proposes that the AOC has a timeline for processing the request for termination.

708.5 Finally, WAPG has created a new subsection to address the Board's online database of current and past CPGCs. The Board's database only lists *active* CPGCs. Unlike medical providers, lawyers, and other licensed professionals, there is no online record of past CPGCs. This should be corrected.

The Board was created, in part, to prevent bad guardians from going to another jurisdiction and setting up a practice. When searching for information about a CPGC, the website is the logical place to look. The online database should include the names of all CPGCs regardless of their status—resigned, decertified, inactive, active, etc.

WAPG strongly encourages the Board to keep the names of terminated CPGCs on the AOC website and indicate whether they have resigned, surrendered in lieu of discipline, or been decertified. WAPG looks forward to a robust discussion of this regulation and its proposed changes.

Thank you for the work you do.

Very Truly Yours,

WAPG, President
Karen Klem Newland

WAPG Legislative Committee
Christopher E. Neil
Deborah J. Jameson
Christopher J. Fast
Shannon B. Marsh

Encl:

Proposal re: Regulation 708 Voluntary Surrender (markup & non-markup versions).

Proposed NEW form: Request for Termination of Certification

cc: WAPG Board of Directors
WAPG Members

708 Termination of Certification

708.1 A CPGC or Agency may resign their certification or voluntarily surrender in lieu of discipline (per Regulation 507.3) by: completing the Request for Termination of Certification form; sending it to the AOC; and complying with the requirements of this regulation.

708.2 The termination of certification is initiated when the CPGC or Agency has filed the Request for Termination of Certification form with the AOC, signed under penalty of perjury that:

708.2.1 The CPGC/Agency has complied with all statutory and court-ordered requirements for discharge from their responsibilities as a guardian or conservator to ensure the CPGC or Agency no longer meets the definition of "Professional guardian or conservator." RCW 11.130.010(26);

708.2.2 The CPGC/Agency has provided an address where communications may be directed to the former CPGC or Agency, and acknowledges the requirement to keep their address current with the AOC for 36 months following the termination of certification;

708.2.3 The CPGC/Agency confirms they will not engage in work that meets the definition of "Professional guardian or conservator" unless recertified. RCW 11.130.010(26); and

708.2.4 If an Agency, they have, or will, take the steps necessary to comply with CPGC Regulation 706.

708.3 Failure to file the Request for Termination of Certification required by this regulation or failure to comply with other statutory or court-ordered requirements regarding discharge from responsibilities as a guardian or conservator shall subject the CPGC or Agency to revocation of certification.

708.4 AOC staff are authorized to grant termination of certification requests and shall send confirmation of termination to the CPGC/Agency within 30 days of the receipt of the request. If the request for termination is denied by AOC staff, the request must be reviewed by the Certification and Application Committee within 60 days of the initial request for termination.

708.5 When a Request for Termination of Certification is approved, the AOC shall update the CPGC or Agency's status to "voluntary surrender in lieu of disciplinary proceeding" or to "resignation" in the publicly accessible database.

REQUEST FOR TERMINATION OF CERTIFICATION

I request termination of my certification as a Certified Professional Guardian and Conservator because: *(check only one)*

I am resigning. I certify there is no disciplinary investigation or proceeding pending against me; and I have no personal knowledge that the filing of a grievance of substance is imminent.

I am surrendering my certification in lieu of further disciplinary proceedings against me, per Regulation 507.3.

I certify I have complied with all statutory and court-ordered requirements for discharge from my responsibilities as a guardian/conservator in each case in which I have been appointed in compliance with the definition of "Professional Guardian or Conservator" in RCW 11.130.010(26).

I acknowledge that, if granted, my certification as a professional guardian/conservator in the State of Washington will be immediately terminated. I confirm I will not engage in work that meets the definition of "Professional Guardian or Conservator" as defined in RCW 11.130.010(26), unless recertified.

(check only one)

I am not a Designated CPGC of an Agency.

I am a Designated CPGC of _____
(agency name)

and I certify that the Agency has or will comply with Regulation 706 Changes in Designated Guardian and Conservators.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Dated _____ at _____
(City, State)

Signature _____

Printed Name: _____ CPGC # _____

Contact Information. I understand the AOC must be informed of my address for 3 years.

Address: _____

Phone number: _____ Email: _____

**Termination of Certification is not effective until
confirmed in writing by the Administrative Office of the Courts.**

708 Retirement or Resignation and Termination of Certification

708.1 A CPGC or Agency shall notify the Board, in writing, that the CPGC or Agency has met all the requirements defined in Sections 708.1 and 708.2 to have their termination of certification approved. Staff of the AOC are authorized to grant termination of a CPGC's (or Agency's) certification that qualify under these Regulations. AOC Staff denials to termination of the CPGC's (or Agency's) certification must be reviewed for approval by the Certification and Application Committee. A CPGC or Agency may resign their certification or voluntarily surrender in lieu of discipline (per Regulation 507.3) by: completing the Request for Termination of Certification form; sending it to the AOC; and complying with the requirements of this regulation.

708.2 The termination of certification shall be effective is initiated when the CPGC or Agency has met the following requirements filed the Request for Termination of Certification form with the AOC, signed under penalty of perjury that:

708.2.1 The CPGC/Agency has cComplied with all statutory and court-ordered requirements for discharge from their responsibilities as a guardian or conservator to ensure the CPGC or Agency no longer meets the definition of "Professional guardian or conservator." RCW 11.130.010(26);

~~708.2.2 Filed with the Board an affidavit or declaration signed under penalty of perjury stating:~~

~~708.2.2.1 Compliance with these requirements.~~

~~708.2.2.2 The CPGC/Agency has provided an~~ address where communications may be directed to the former CPGC or Agency, and acknowledged ~~gessing the~~ requirement to keep their address current with the AOC for 36 months following the termination of certification;-

~~708.2.3 The~~ That after the termination of certification, the former CPGC/_or Agency confirms they shall will not engage in work that meets the definition of "Professional guardian or conservator" unless recertified. RCW 11.130.010(26); and

708.2.4 If an Agency, they have, or will, take the steps necessary to comply with CPGC Regulation 706.

708.3 Failure to file the Request for Termination of Certification affidavit or declaration required by this regulation or failure to comply with other statutory or court-ordered requirements regarding discharge from responsibilities as a guardian or conservator shall subject the CPGC or Agency to revocation of certification.

708.4 AOC staff are authorized to grant termination of certification requests and shall send confirmation of termination to the CPGC/Agency within 30 days of the receipt of the request. If the request for termination is denied by AOC staff, the request must be reviewed by the Certification and Application Committee within 60 days of the initial request for termination.

708.5 When a Request for Termination of Certification is approved, the AOC shall update the CPGC or Agency's status to "voluntary surrender in lieu of disciplinary proceeding" or to "resignation" in the publicly accessible database.