

Meeting Minutes

December 9, 2024



Certified Professional Guardianship and Conservatorship Board

Monday, December 9, 2024

7:30 a.m. – 9:00 a.m.

MEETING MINUTES

Members Present

Judge Cadine Ferguson-Brown, Chair
Commissioner Soloman Kim, Vice Chair
Judge Nancy Retsinas
Judge Jeremy Schmidt
Commissioner Lynn Fleischbein
Ms. Iris Kingston
Ms. Camille Minogue
Dr. K. Penney Sanders¹
Mr. Daniel Smerken
Dr. Anita Souza
Ms. Suzanne Thompson Winingar

Staff Present

Ms. Stacey Johnson
Ms. Kathy Bowman
Ms. Cynthia Kennedy
Ms. Thai Kien
Ms. Kay King
Ms. Collette Mason
Ms. Maureen Roberts
Ms. Rhonda Scott
Ms. Sherri White

Guests – See last page

Members Absent

Ms. Kristina Hammond

1. Meeting Called to Order

Judge Ferguson-Brown called the December 9, 2024 Certified Professional Guardianship and Conservatorship (CPGC) Board meeting to order at 7:02 a.m.

2. Welcome, Roll Call & Approval of Minutes

Judge Ferguson-Brown welcomed all present and the Board members introduced themselves. She then called for approval of the minutes.

Motion: Commissioner Fleischbein moved to approve the October 14, 2024 minutes as written. Mr. Smerken seconded. The motion passed.

3. Chair's Report

Judge Ferguson-Brown explained that this morning will be a long meeting because the November meeting was canceled due to the network outage. Regulation 509.5 Interim Suspension for Conviction of a Crime, will be posted for an additional 30 days to give adequate time for public comment. Judge Ferguson-Brown announced that staff member, Kathy Bowman, will be retiring December 31st.

4. Executive Session (Closed to Public)

5. Reconvene (Open to Public)

6. Grievance Report

¹ Dr. Sanders left at 7:58 a.m.

Ms. Scott presented the October and November grievance reports, which are available in the meeting packet. The board received two (2) new grievances in November. There were no grievances forwarded to superior court due to the outage. There are a total of thirty-one unresolved grievances. Currently, there are two hundred sixty-one (261) active CPGCs.

7. Standards of Practice Committee

Dr. Sanders reported that SOPC has requested a review and update to align with RCW 11.130-001 related to self-petitioning.

8. Education Committee

Dr. Souza presented proposed updated language in Regulation 205.1 Procedure for Approval of Continuing Education Activities.

9. Vote on Executive Session Discussion

On behalf of the Education Committee, Dr. Souza presented proposed regulation amendments for Board action:

Motion: Dr. Souza moved to approve changes to 205.1 and publish for public comment. Dr. Sanders seconded. None opposed. The motion passed.

On behalf of the Application Committee, Commissioner Fleischbein presented the following applications for Board action:

Motion: Comm. Fleischbein moved to conditionally approve Cassandra Newman's application for certification, with transferable skills in healthcare, social services, and financial, conditioned on the successful completion of the UW program. Judge Schmidt seconded. None opposed. Ms. Kingston abstained. The motion passed.

Motion: Comm. Fleischbein moved to approve Jeannette Sepulveda's application for certification, with transferable skills in healthcare, social services, financial, and legal. Mr. Smerken seconded. None opposed. The motion passed.

On behalf of the Standards of Practice Committee, Comm. Kim presented the following grievances for Board action:

Motion: Comm. Kim moved to forward grievance 2024-059 to Superior Court as a complete grievance. Ms. Thompson Winingar seconded. None opposed. Judge Retsinas recused. The motion passed.

Motion: Comm. Kim moved to forward grievance 2024-060 to Superior Court as a complete grievance. Ms. Thompson Winingar seconded. None opposed. The motion passed.

Motion: Dr. Sanders moved to investigate grievance 2024-061. Ms. Kingston seconded. None opposed. The motion passed.

Motion: Dr. Sanders moved to forward grievance 2024-062 to Superior Court as a complete grievance. Ms. Minogue seconded. None opposed. Ms. Thompson Winingar abstained. The motion passed.

Motion: Dr. Sanders moved to dismiss grievance 2024-063 for no jurisdiction. Mr. Smerken seconded. None opposed. The motion passed.

Motion: Dr. Sanders moved to forward 2024-064 to Superior Court as a complete grievance. Mr. Smerken seconded. None opposed or abstained. The motion passed.

Motion: Dr. Sanders moved to forward 2024-065 to Superior Court as a complete grievance. Ms. Minogue seconded. None opposed or abstained. The motion passed.

Motion: Dr. Sanders moved to forward 2024-066 to Superior Court as a complete grievance. Ms. Minogue seconded. None opposed or abstained. The motion passed.

Motion: Dr. Sanders moved to dismissal 2024-067 for no jurisdiction. Ms. Minogue seconded. None opposed or abstained. The motion passed.

Motion: Dr. Sanders moved to forward 2024-068 to Superior Court as a complete grievance. Ms. Minogue seconded. None opposed or abstained. The motion passed.

Motion: Dr. Sanders moved to forward 2024-69 to Superior Court as a complete grievance. Ms. Minogue seconded. None opposed or abstained. The motion passed.

Motion: Dr. Sanders moved to forward 2024-070 to Superior Court as a complete grievance. Ms. Minogue seconded. None opposed or abstained. Judge Retsinas recused. The motion passed.

Motion: Dr. Sanders moved to initiate staff investigation of 2024-071. Ms. Minogue seconded. None opposed or abstained. The motion passed.

Motion: Dr. Sanders moved to forward 2024-072 to Superior Court as a complete grievance. Ms. Minogue seconded. None opposed or abstained. Judge Retsinas recused. The motion passed.

Motion: Dr. Sanders moved to dismiss 2024-073 for no jurisdiction. Ms. Minogue seconded. None opposed. The motion passed.

Motion: Dr. Sanders moved to dismiss 2023-035, following Superior Court review. Mr. Smerken seconded. None opposed. Ms. Thompson Wininger and Ms. Minogue abstained. The motion passed.

Motion: Dr. Sanders moved to dismiss 2024-032, following Superior Court review. Mr. Smerken seconded. Ms. Minogue abstained. The motion passed.

Motion: Dr. Sanders moved to dismiss 2024-033, following Superior Court review. Mr. Smerken seconded. Ms. Minogue and Commissioner Fleischbein abstained. Ms. Thompson Wininger and Judge Retsinas recused.

Motion: Dr. Sanders moved to dismiss 2024-049, following Superior Court review. Mr. Smerken seconded. Ms. Thompson Wininger recused. The motion passed.

Motion: Dr. Sanders moved to dismiss 2024-029 for no actionable conduct, following staff investigation. Judge Retsinas seconded. Ms. Thompson Wininger recused. The motion passed.

10. Wrap Up/Adjourn

Judge Ferguson-Brown expressed her appreciation for the members of the Board. Seeing additional guests present, Judge Ferguson-Brown restated her announcements regarding Regulation 509.5 to be posted for an additional 30 days. Our dear Kathy Bowman is retiring at the end of the month. With no other business to discuss, Judge Ferguson-Brown adjourned the December 9, 2024 CPGC Board meeting at 8:15 a.m. The next Board meeting will take place via Zoom on January 13, 2025, beginning at 9:00 a.m.

Recap of Motions:

MOTION SUMMARY		STATUS
Motion	Commissioner Fleischbein moved to approve the October 14, 2024 minutes as written. Mr. Smerken seconded.	Passed
Motion	Dr. Souza moved to approve changes to 205.1 and publish for public comment. Dr. Sanders seconded. None opposed.	Passed
Motion	Comm. Fleischbein moved to conditionally approve Cassandra Newman's application for certification, with transferable skills in healthcare, social services, and financial, conditioned on the successful completion of the UW program. Judge Schmidt seconded. None opposed. Ms. Kingston abstained.	Passed
Motion	Comm. Fleischbein moved to approve Jeannette Sepulveda's application for certification, with transferable skills in healthcare, social services, financial, and legal. Mr. Smerken seconded. None opposed.	Passed
Motion	Comm. Kim moved to forward grievance 2024-059 to Superior Court as a complete grievance. Ms. Thompson Winger seconded. None opposed. Judge Retsinas recused.	Passed
Motion	Comm. Kim moved to forward grievance 2024-060 to Superior Court as a complete grievance. Ms. Thompson Winger seconded. None opposed.	Passed
Motion	Dr. Sanders moved to investigate grievance 2024-061. Ms. Kingston seconded. None opposed.	Passed
Motion	Dr. Sanders moved to forward grievance 2024-062 to Superior Court as a complete grievance. Ms. Minogue seconded. None opposed. Ms. Thompson Winger abstained.	Passed
Motion	Dr. Sanders moved to dismiss grievance 2024-063 for no jurisdiction. Mr. Smerken seconded. None opposed.	Passed
Motion	Dr. Sanders moved to forward 2024-064 to Superior Court as a complete grievance. Mr. Smerken seconded. None opposed or abstained.	Passed
Motion	Dr. Sanders moved to forward 2024-065 to Superior Court as a complete grievance. Ms. Minogue seconded. None opposed or abstained.	Passed
Motion	Dr. Sanders moved to forward 2024-066 to Superior Court as a complete grievance. Ms. Minogue seconded. None opposed or abstained.	Passed
Motion	Dr. Sanders moved to dismissal 2024-067 for no jurisdiction. Ms. Minogue seconded. None opposed or abstained.	Passed
Motion	Dr. Sanders moved to forward 2024-068 to Superior Court as a complete grievance. Ms. Minogue seconded. None opposed or abstained.	Passed

Motion	Dr. Sanders moved to forward 2024-69 to Superior Court as a complete grievance. Ms. Minogue seconded. None opposed or abstained.	Passed
Motion	Dr. Sanders moved to forward 2024-070 to Superior Court as a complete grievance. Ms. Minogue seconded. None opposed or abstained. Judge Retsinas recused.	Passed
Motion	Dr. Sanders moved to initiate staff investigation of 2024-071. Ms. Minogue seconded. None opposed or abstained.	Passed
Motion	Dr. Sanders moved to forward 2024-072 to Superior Court as a complete grievance. Ms. Minogue seconded. None opposed or abstained. Judge Retsinas recused.	Passed
Motion	Dr. Sanders moved to dismiss 2024-073 for no jurisdiction. Ms. Minogue seconded. None opposed.	Passed
Motion	Dr. Sanders moved to dismiss 2023-035, following Superior Court review. Mr. Smerken seconded. None opposed. Ms. Thompson Wininger and Ms. Minogue abstained.	Passed
Motion	Dr. Sanders moved to dismiss 2024-032, following Superior Court review. Mr. Smerken seconded. Ms. Minogue abstained.	Passed
Motion	Dr. Sanders moved to dismiss 2024-033, following Superior Court review. Mr. Smerken seconded. Ms. Minogue and Commissioner Fleischbein abstained. Ms. Thompson Wininger and Judge Retsinas recused.	Passed
Motion	Dr. Sanders moved to dismiss 2024-049, following Superior Court review. Mr. Smerken seconded. Ms. Thompson Wininger recused.	Passed
Motion	Dr. Sanders moved to dismiss 2024-029 for no actionable conduct, following staff investigation. Judge Retsinas seconded. Ms. Thompson Wininger recused.	Passed

Guests:

Samantha Hellwig, general counsel (AAG)

Katlyn Balsam

Chris Neil

Dan Jackson

Denise Meador

Deborah Jameson

Grievance Review

December, 2024

Certified Professional Guardian and Conservator
Grievance Status
December 2024

Activity during December 2024	
New Grievances Received in December 2024:	13
Grievances Dismissed by Board:	8
Grievances Forwarded to Superior Court:	10
Grievances Determined for Investigation:	2

Grievance Resolutions (UGA)	2022	2023	2024
Total Grievances Received	75	69	81
Dismissed: No Jurisdiction, Insufficient Grievance	30	22	23
Forwarded to Superior Court	45	47	49
Dismissed Following Court Review	39	38	17
Dismissed Following Investigation	5	7	4
Open Pending Investigation, CRC Review or Other Disciplinary Process	1	2	3

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: 257

Grievances Pre-UGA

Pre-UGA Grievance Status	2021
Grievances Resolved this Month:	0
Total Grievances Requiring Investigation:	1

Resolution of Pre-UGA Grievances	2021
Total Grievances Received by Year	95
Dismissal No Jurisdiction	9
Dismissal No Actionable Conduct	70
Dismissal Insufficient Grievance	7
Dismissal Administrative	1
Advisory Letter	3
Termination – Administrative Decertification	4
Total 2021 Grievances Resolved:	94

Guardians and Conservators, or Agencies with Multiple Open Grievances

ID	Year Certified	2024	2023	2021	Total OPEN
A	2002	1	0	1	2
B	2004	2	0	0	2
C	2009	2	0	0	2
D	2011	3	0	0	3
E	2012	2	2	0	4
F	2014	2	0	0	2
G	2015	2	0	0	2
H	2016	3	0	0	3
I	2016	2	0	0	2
J	2017	6	0	0	6
K	2022	2	0	0	2
					30

At the time of this report, 30 of the 41 unresolved grievances involve 11 Certified Professional Guardians/Conservators or Agencies with two or more grievances.

Regulations Committee

Regulation 509.5

Interim Suspension for Conviction of a Crime

Regulation 205

Procedure for Approval of Continuing Education Activities

509.5 INTERIM SUSPENSION FOR CONVICTION OF A CRIME

1. Definitions.

A. "Conviction" means:

~~i. for the purposes of this rule occurs upon~~ An entry of a plea of guilty, or a verdict of guilty for a crime, unless the ~~defendant person~~ affirmatively shows that the ~~guilty~~ plea or verdict was not accepted or ~~was~~ withdrawn, or

~~ii. upon~~ An entry of a finding or verdict of guilty for a crime, unless the ~~defendant person~~ affirmatively shows that the judgment was arrested or a new trial was granted.

Conviction does not include findings or verdicts that were disclosed by the person at the time of application for professional guardian or conservator certification. Convictions previously disclosed at the time of application are not addressed by this regulation and are governed by Washington State Court General Rule 23 and the Board's Series 100 Application Regulations.

B. ~~"Serious Crime" includes any means, regardless of whether under a law of~~ Washington, any other state, or the United States:

~~i. Felony~~ Any felony criminal offense;

~~ii. Crime~~, A criminal offense, a necessary element of which, as determined by its statutory or common law definition, includes ~~any of the following~~ dishonesty, neglect, abuse, violence, or use of physical force;

~~a. Commission of an act of violence;~~

~~b. Interference with the administration of justice;~~

~~c. Perjury;~~

~~d. Fraudulent misrepresentation;~~

~~e. Bribery;~~

~~f. Extortion;~~

~~g. Misappropriation;~~

~~h. Theft.~~

~~iii. Attempt, or a conspiracy, or solicitation of another, to commit a "serious crime"~~ Any criminal offense listed under RCW 43.43.830
Background checks – Access to children or vulnerable persons -
Definitions;

iv. Any criminal offense listed under RCW 43.43.842 Vulnerable adults – Additional licensing requirements for agencies, facilities, and individuals providing services; or

v. Any criminal offense relevant to the functions assumed as guardian or conservator.

~~2. Procedure upon Conviction.~~

~~If a CPGC is convicted of a felony or other serious crime involving dishonesty, neglect, abuse, or use of physical force, or otherwise relevant to the functions of a guardian or conservator, or, is convicted of a misdemeanor or gross misdemeanor involving dishonesty, neglect, abuse, or use of physical force, or otherwise relevant to the functions of a guardian or conservator, AOC must file with the Board a certified copy of the judgment and sentence that sets out such conviction. The Board shall decertify a professional guardian and conservator upon the conviction of such crimes, under either state or federal law, regardless whether such conviction is after a plea of guilty, nolo contendere, not guilty, or otherwise, and regardless of the pendency of any appeal.~~

~~AOC must also petition the Standards of Practice Committee Chair for an order suspending the respondent CPGC during the pendency of disciplinary proceedings.~~

~~The decertification shall be effective upon the filing of a certified copy of such conviction with the Board. The Board shall file the certified copy of the conviction with other Board records pertaining to the professional guardian's certification. The Board shall provide written notice of the decertification to the professional guardian and conservator by certified mail, directed to the guardian and conservator's last known address maintained by the AOC. The notice shall advise the professional guardian and conservator of the decertification and the reason(s) for the decertification. The notice shall further advise that if the professional guardian and conservator should not have been decertified by the Board, the professional guardian and conservator may file a petition requesting an administrative hearing. The petition shall set forth in detail the facts supporting the professional guardian and conservator's claim that an administrative error has occurred and that the professional guardian and conservator has not been convicted of a felony, or a misdemeanor or gross misdemeanor involving dishonesty, neglect, abuse, or use of physical force, or otherwise relevant to the functions of a guardian or conservator. The petition must be signed by the professional guardian and conservator under penalty of perjury. The professional guardian and conservator must file the petition within 15 days of the date of mailing of the Board's notice of decertification. Any petition not filed within 15 days shall be dismissed by the Board. If a timely petition is filed by the professional guardian and conservator, the Board Chair shall appoint a three-person Review Panel to conduct a hearing on the petition. The sole issue before the Review Panel shall be to determine whether the professional guardian has been convicted of a felony, or of a misdemeanor or gross misdemeanor involving dishonesty, neglect, abuse, or use of physical force, or otherwise relevant to the functions of a guardian or conservator. In the sole discretion of the Review Panel, the hearing may be held by telephone. The Review Panel shall make written findings and a recommendation about whether the petition should be granted. The findings and recommendation of the Review Panel shall be filed with the Board and served by first-class mail on the professional guardian and conservator.~~

~~The Board shall review the decision of the Review Panel and shall make a decision approving or denying the petition. If the petition is approved, then the professional guardian and conservator shall be eligible for recertification, if the professional guardian and conservator shows proof of compliance with all other requirements for certification. The members of the Review Panel shall not participate in the decision of the Board. A copy of the Board's order shall be sent by first-class mail to the professional guardian and conservator. Any such order shall be final.~~

~~A. If a CPGC is convicted of a crime that is not a felony, a serious crime, or a misdemeanor or gross misdemeanor involving dishonesty, neglect, abuse, or use of physical force, or otherwise relevant to the functions of a guardian or conservator, the Standards of Practice Committee considers a report of the conviction in the same manner as any other report of possible misconduct by a CPGC~~

~~3. Petition. A petition to the Standards of Practice Committee for suspension under this rule must include a copy of any available document establishing the fact of conviction. AOC may also include additional facts, statements, arguments, affidavits, and documents in the petition. AOC must serve a copy of the petition on the respondent, and proof of service filed with the AOC.~~

~~24. Immediate Interim Suspensionsuspension procedure. If the crime of conviction is a felony or other serious crime or a misdemeanor or gross misdemeanor involving dishonesty, neglect, abuse, or use of physical force, or otherwise relevant to the functions of a guardian or conservator, the Standards of Practice Committee must enter an order immediately suspending the respondent's CPGC certification.~~

~~A. If suspended, the respondent must comply with DR 509.4.4. Upon conviction of a certified professional guardian or conservator (CPGC) of a crime, the Administrative Office of the Courts (AOC) must file a certified copy of the judgment and sentence with the Board.~~

~~A.B. Suspension under this rule occurs: The Standards of Practice Committee (SOPC) shall review the certified copy of the judgment and issue an order suspending the CPGC (respondent) during the pendency of disciplinary proceedings under these rules.~~

~~i. Whether the conviction was under a law of this state, any other state, or the United States;~~

~~ii. Whether the conviction was after a plea of guilty, nolo contendere, not guilty, or otherwise; and~~

~~iii. Regardless of the pendency of an appeal of the underlying conviction.~~

C. The SOPC will direct service of a copy of the order on the respondent.

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D. When suspended, the CPGC must comply with DR 509.4.4 – Duties of CPGC upon suspension.

~~5. Duration of Interim Suspension. An interim suspension under this rule must terminate when the disciplinary proceedings in response to the complaint are fully completed or after appeal of the Standard of Practice Committee's decision.~~

~~63. Termination of interim Suspensionssuspension.~~

~~A. Petition and Response. A respondent may at any time petition the Standards of Practice Committee to recommend termination of an interim suspension. AOC, through disciplinary counsel, may file a response to the petition. An interim suspension will terminate when the disciplinary proceeding under these rules, including any review or appeal of a disciplinary sanction, is complete.~~

~~B. Standards of Practice Committee Recommendation. If either party requests, the Standards of Practice Committee must hear oral arguments on the petition at a time and place and under terms as the Standards of Practice Committee Chair directs. The Standards of Practice Committee may recommend termination of a suspension only if the Committee makes an affirmative finding of good cause to do so. There is no right of appeal from a Standards of Practice Committee's decision regarding interim suspension. At any time, the suspended CPGC may petition the Board to terminate the interim suspension.~~

i. The SOPC, through disciplinary counsel, may file a response. Any response must be filed within 5 business days. The response shall be served on the respondent CPGC.

ii. If either the suspended CPGC or the SOPC requests, a Hearing Officer appointed for the matter must hear oral arguments on the petition at a time and place and under terms as the Hearing Officer directs.

iii. The Hearing Officer shall make written findings and may recommend to the Board that the interim suspension be terminated only upon an affirmative finding of good cause to do so. Any recommendation of the Hearing Officer shall be considered by the Board at its next scheduled meeting.

iv. There is no appeal right from a decision on this petition.

Guardianship and Conservatorship Program Regulations

205 Procedure for Approval of Continuing Education Activities

205.1 An active Guardian and Conservator or sponsoring agency desiring approval of a continuing education activity shall submit to the Committee all information called for by the Continuing Education Activity Credit Approval Form at least 30 days prior to the date scheduled for the class, along with a credit approval fee. **Such continuing education activities may include: courses sponsored by courts, agencies for guardians and conservators, and licensing agencies for other related professions such as the WSBA, Department of Health, etc.; and pertinent non-sponsored courses approved by the Board.** If filed less than 30 days before the activity, the applicant must pay a late credit approval fee. Applications for retroactive approval will be considered if submitted with all the information required by the Continuing Education Activity Credit Approval Form within 30 days of the continuing education activity and with the late credit approval fee. The credit approval fee may be waived, upon request, for court-sponsored training that is designed specifically for guardian or conservators, **or for an individual guardian or conservator attendee of a non-sponsored course.** All fees shall be published annually by the Certified Professional Guardianship and Conservatorship Board no later than September 1 of the preceding year.

205.2 Approval shall be granted or denied in accordance with the provisions of Regulation 207 herein. Upon approval of the activity, a list of Guardian and Conservators will be provided to the class sponsor if requested in the initial application, along with written acknowledgment of approval.

205.3 As to a course that has been approved, the sponsoring agency may announce, in informational brochures and/or registration materials: "This course has been approved by the Continuing Education Committee of the Professional Guardianship and Conservatorship Certification Board for hours of credit." Sponsors may also delineate as between general, ethics and emerging issues credits in their promotional materials.

205.4 On the date of the continuing education activity, the sponsoring agency shall give a copy of the Guardian and Conservator course approval form to each Guardian and Conservator attending.

205.5 No later than 30 days following the activity, the sponsoring agency must send the attendance list to the AOC, along with a copy of the completed evaluation. Materials distributed at the activity shall be available to the AOC upon request.

205.6 The Board may, on its own behalf, approve a course or activity for Continuing Education Credit without an application for Continuing Education Credit from an active Guardian and Conservator or sponsoring agency. A continuing education activity approved under this subsection must be granted or denied in accordance with the provisions of Regulation 207. Neither a credit approval fee nor an attendance list will be required for a continuing education activity approved under this subsection 205.6.

205.6.1 A guardian and conservator who chooses to participate in a continuing education activity approved under this subsection must provide the AOC with a certificate of completion, or some other documentation which demonstrates the guardian and conservator's participation in the activity.

205.6.2 A guardian and conservator or other third party must provide an application for approval of continuing education activity in compliance with subsection 205.1 through 205.4 of this section and cannot request the Board approve a continuing education activity on its own behalf in lieu of the third party submitted the required application.

Public Comments

Jan. 13, 2025

From: Tremblay, Sarah (DSHS/ALTA/HCS)
To: AOC DL - Guardianship Program
Subject: Public Comment for Proposed Rule Revision 509.5 & 205.1
Date: Friday, January 3, 2025 9:46:45 AM
Attachments: image003.png
Importance: High

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.

Thank you for the opportunity to review and provide comment on the Proposed Amendments to Regulations 509.5 and 205.1. Please find comments below. Should you have any questions or would like to discuss any portion, please feel free to contact me directly via this email to schedule a time. Thank you.

509.5(1)(A)(ii): what does “judgment was arrested” mean?

509.5(1)(B)(ii): Should “exploitation” be included in this section as well?

509.5(2)(A) or 509.5(2)(C): If removing the previous procedural sections, it needs to be clarified in this section (A or C) that once notified by the AOC, the Board will provide copy notification of the CPGCs suspension along with a list of the CPGCs caseload of clients receiving Medicaid benefits and services to the Department of Social and Health Services. This is especially important if payment is expected to be suspended in such matters during the suspension period. If added to 509.5(2)(C): something such as “*and the Department of Social and Health Services for all Medicaid recipient clients identified on the suspended CPGCs caseload*” could be added to the end of the existing rule.

509.5(2)(D): This references to DR 509(4)(4); however, it does not discuss if the suspended CPGC may remain in payment status during suspension. For this reason, I think it needs to be clearly stated either as 509.5(2)(E) or as an amendment to DR 509(4)(4) that while suspended, the CPGC shall not receive payment for any cases retained in the event there is no new CPGC to transfer active case to. An example would be as follows:

- If written as 509.5(2)(E): When suspended, the CPGC shall not receive payment for any cases retained on their caseload in the event there is no new CPGC to transfer active case to during suspension period.
- If written as rule amendment for DR 509(4)(4): *Duties of CPGC upon suspension. The CPGC will submit a complete list of all active guardianships and conservatorships in which he or she serves as the court[1]appointed guardian or conservator and must immediately notify the superior court with authority over any of the CPGC’s cases of the suspension. The CPGC shall ensure the timely transfer of any active guardianship or conservatorship cases to a new guardian or conservator and cooperate with the court in this process. The CPGC shall turn over all client records and provide access to client accounts in a timely manner to the newly appointed CPGC. The CPGC shall immediately cease holding him or herself out to the public as a professional guardian and conservator, which includes receipt of payment for guardianship or conservatorship services for any active cases during suspension period.*

509.5(3)(B)(iii): It needs to be clarified that once the Board considers recommendations at the next scheduled meeting, the Board will provide copy notification of the CPGCs suspension termination along with a list of the CPGCs caseload of clients receiving Medicaid benefits and services to the Department of Social and Health Services for purposes of reinstatement. This is especially important if payment is expected to be suspended in such matters during the suspension period and reactivated upon termination of the suspension.

205.1: No comment. Agree with proposed changes.

Sarah Tremblay, MS, MA, LMHC, CPGC (She/Her)

Guardianship Program Manager

564-999-1032/ Sarah.Tremblay@dshs.wa.gov



Aging and Long-Term Support Administration
Operations, Projects, and Integration Team
**Washington State Department
of Social and Health Services**

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From: Dan Jackson <danjacks35@gmail.com>
Sent: Tuesday, December 10, 2024 8:00 PM
To: AOC DL - Guardianship Program <guardianshipprogram@courts.wa.gov>
Subject: Comment on Regulation 205.1

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I am in full support of any amendments that serve to increase the approved edu courses/classes available to meet the ceu requirements for certified public guardians.

Dan Jackson, CPG #15587