

Certified Professional Guardian Board

Meeting Minutes

September 14, 2009

SeaTac Office Center, 18000 International Blvd., SeaTac, WA

CHAIR

Judge Kimberley Prochnau

MEMBERS PRESENT

Robin Balsam

Gary Beagle

Ree Ah Bloedow

Nancy Dapper

John Jardine

Chris Neil

Lori Petersen

Comm. Joseph Valente

Sharon York

MEMBERS ABSENT

Ruth Craven

Judge M. Karlynn Haberly

Winsor Schmidt

Judge Chris Wickham

VISITORS

Shirley Bondon, Office of Public Guardianship (OPG)

Ken & Sylvia Curry, Your Advocates, CPGA

Tom Goldsmith

Michael L. Johnson, Washington Association of Professional Guardians (WAPG)

Chad Standifer, Assistant Attorney General

Glenda Voller, Montlake Guardianship & Trustee Svcs, LLC & WAPG

STAFF

Sharon Eckholm

Deborah Jameson

CALL TO ORDER

Judge Prochnau called the meeting to order and asked the attending guests to introduce themselves.

BOARD BUSINESS

1. Approval of Minutes

A motion was made and seconded to approve the minutes as presented for the Board meeting held on August 10, 2009. The motion passed.¹

2. Chair Report

Judge Prochnau reported on the following topics:

- WSBA Elder Law Section Guardianship Task Force Report. The task force was formed in 2007 to examine concerns about the guardianship system. The report² contains the following recommendations for improving Washington's guardianship system: (1) Courts should actively monitor guardianship cases; (2) Reliable, statewide guardianship information should be available; (3) Training should be required for lay guardians; (4) The Office of Public Guardianship should be supported and expanded; (5) Adequate public funding should be allocated to the guardianship system.

- South King County Hansen Dam Emergency Preparedness. Areas below the Howard Hanson Dam in the Green River Valley in King County may be at risk for potential flooding this fall and winter resulting from diminished storage capacity of the Hanson Dam. Parts of Auburn, Kent, Renton and Tukwila could be flooded and evacuations in some communities are possible. Judge Prochnau asked for volunteers to work on a brochure for guardians with clients at risk for the effects of potential flooding. Staff will work with Sharon York, Gary Beagle and a WAPG representative in creating the brochure.

- Recognition of Departing Board Members. Judge Prochnau thanked departing Board members Lori Petersen and Judge Haberly for their devoted time and committed service to the Board. Judge Prochnau presented a commemorative plaque and a certificate and letter from Chief Justice Alexander thanking the board members for their dedication to the efforts of the Board in improving the guardian services and care provided to incapacitated persons. Lori Petersen expressed her gratitude for the opportunity for such rewarding and meaningful service. Judge Haberly was unable to attend the meeting.

- Committee Appointments & 2010 Board Meeting Calendar were distributed.

3. Progress Towards 2010 Goals

- (1) Improve and refine the UW Guardianship Certificate Program.
 - Board approved the updated curriculum on August 10, 2009.
 - Board members will each review an online lesson or classroom session in the fall program.
 - Board will review student comments on the spring program at the October 19 meeting.

¹ Except in the event of a tie vote, the Chair does not vote on any motions before the Board.

² The WSBA Guardianship Task Force report is available at:
<http://www.wsba.org/lawyers/groups/elderlaw/guardianshiptfrept81409.pdf>

(2) Review of DR 520 audit results and consider whether other types of monitoring is needed.

- Staff to report audit results at each Board meeting beginning August 10, 2009.
- It is anticipated that the audit process will be completed in approximately six months.

(3) Ensure quality continuing education available in areas of need.

- The Education Committee has requested staff to consult with the UW regarding the possibility of a partnership in providing continuing education.
- WAPG will provide an outline of its next continuing education program at the October 19 Board meeting.

(4) Develop the core competencies of a successful guardian, and consider whether testing should be part of the certification process.

- Discussion of implementation of this goal, to be informed by the Board's review of the UW certificate program, is scheduled for the Board's April 2-3, 2010, planning meeting.

PROPOSED NEW REGULATION 102.4

Proposed new Regulation 102.4 excludes services provided to family members from qualifying experience for certification as a professional guardian. The Board proposed new Regulation 102.4 after concluding that there are no reliable measures to evaluate and qualify experience gained from providing services to a family member. Following a tie vote on the motion to adopt the regulation at the August 10th meeting, the Board deferred consideration of the proposed regulation to the September meeting when more members would be present (8 of 14 members were present in August).

A motion was made and seconded to adopt the regulation, following which each Board member provided comments. Members of the audience were also invited to comment. Comments reflected earlier discussions of the proposed regulations wherein proponents advocated recognition of the valuable experience family service may provide, and opponents raised concerns regarding the lack of available reliable measures of family service. The motion to adopt Regulation 102.4 was approved.

COMMITTEE REPORTS

1. Standards of Practice Committee – DR 520 Audit Report

The audit is in its third month and 118 guardians have been selected for auditing. Of those selected, 59 have completed the audit process with no action taken because the guardians have been in compliance with filing requirements. Ms. Jameson reviewed 463 cases in completing the 59 audits. The SOPC opened one inquiry because the guardian is not currently in compliance with filing requirements. It is anticipated that the selection of guardians for auditing will be complete in another four months (there are 136 guardians left to audit). The audit process will take an additional two-four months after selection is complete.

2. Ethics Committee

The Board asked the Committee to review Ethics Advisory Opinion (EAO) 2005-001 (Professional Guardian Petitioning for Appointment) and consider whether it should be

amended or adopted in regulation. The Board also requested that the Committee review the opinion in light of concerns raised by CPGs regarding DSHS payment policies. There was consensus on the Committee that the questions regarding DSHS payment policy are appropriately addressed to DSHS. In regards to review of the EAO, the Committee recognized the reasons underlying why the opinion was made advisory and was so extensive, in that the opinion addresses the concern for protection of the vulnerable AIPs while considering the limited resources available in smaller communities. Committee members discussed some specific suggestions for changes to the opinion and will circulate those within Committee prior to recommendation to the Board. Finally, the Committee noted that the underlying concern might be related to how the advisory opinion is to be enforced and recommended that the Board ask the SOPC to review this issue and make a recommendation to the Board.

After discussing the experience the SOPC has had in addressing self-petitioning concerns, the Board asked the Ethics Committee to report back with any suggested changes to the EAO so that the Board can consider the enforcement issue.

OFFICE OF PUBLIC GUARDIANSHIP – UPDATE

Shirley Bondon, Manager of the Office of Public Guardianship (OPG), reported that there is no change in the status of the program and that the future of the program will depend on the supplemental budget request in the next legislative session.

CPG PRACTICE EXPERIENCE

Glenda Voller, CPG, related a practice experience with one of her clients and reported on the effect of the economic climate on guardianships, particularly the ability to sell real property and effectively manage a limited estate.

CPGB 2004-004B – PRESENTATION OF AGREEMENT REGARDING DISCIPLINE

This matter includes allegations that the certified professional guardian, executive director for the certified professional guardian agency, knew or should have known that the chief financial officer pre-paid agency expenses on an accrual basis using fiduciary funds, and that the certified professional guardian authorized and signed large checks for payments from the fiduciary account to the agency account which were categorized as “advanced fees”. The SOPC recommends the proposed Agreement Regarding Discipline in resolution of this matter, which includes findings of violations of the Standards of Practice, a letter of reprimand, required training of an additional three hours of ethics continuing education in 2010, and agreement to notify the Board within 30 days of any adverse finding by an auditor. \

EXECUTIVE SESSION

The Board adjourned to executive session to consider the disciplinary matter. Robin Balsam and John Jardine (members of the SOPC), and Board member Chris Neil recused themselves from participating in Executive Session for deliberation on this matter.

OPEN SESSION

The Board reconvened in open session and took the following action:

1. Action on Disciplinary Matters

CPGB No. 2004-004B A motion was made and seconded to adopt the SOPC recommendation that the Agreement Regarding Discipline as presented be accepted in resolution of the disciplinary matter. The motion passed. Robin Balsam and John Jardine (members of the SOPC), and Board member Chris Neil abstained.

2. Action on Applications:

(1) Motion for conditional approval* of each of the following applications for certification passed:

Renel A. Anderson, CPG No. 11039

Christina M. Davitt, CPG No. 11067

Mary E. Publos, CPG No. 11040

Susan Titus, CPG No. 11059

* Conditional approval is granted pending successful completion of the mandatory training and absent any intervening disqualifying events.

(2) Motion for approval of the application for certification as a professional guardian agency of Angel Guardianship Services, CPGA No. 11076, passed.

(3) Motion to approve decertification of Louise Kuyper, CPG No. 10565, for non-compliance with continuing education requirements passed.

Adjourn

Judge Prochnau adjourned the meeting at approximately 11:50 a.m.

Respectfully submitted,

Judge Prochnau

Sharon Eckholm

Board Approved: October 19, 2009