



Certified Professional Guardian Board Meeting

Monday, November 14, 2011 (9:00 am – 3:00 pm)

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

Meeting Minutes

Chair

Judge James Lawler

Members Present

Robin Balsam
Dr. Barbara Cochrane
William Jaback
Chris Neil
Judge Sally Olsen
Emily Rogers
Prof. Winsor Schmidt
Carol Sloan
Judge Robert Swisher

Members Absent

Gary Beagle
Nancy Dapper
Comm. Joseph Valente

Staff

Shirley Bondon
Katrin Johnson
Kim Rood

Call to Order

Judge Lawler called the meeting to order at 9:00 am.

1. Introductions

Introductions were made and Judge Lawler welcomed Judge Sally Olsen to the Board.

2. Approval of Minutes

Motion: *A motion was made and seconded to approve the October 10, 2011 meeting minutes as presented. The motion passed.*

3. Chair Report

Committee List

Judge Lawler reviewed the committee list. He noted that the Ethics Committee was not formed; it will instead fall under the Regulations Committee.

Standards of Practice (SOP) Committee—The Chair noted that the main committee has four members and that a committee member pointed out that the regulations call for the committee to have only three members. After discussion with other committee members, it was decided that, due to the volume of work, it would be appropriate to maintain four members. The question was raised whether there was any concern over the committee having an even number of members in that it could possibly result in split votes; it was agreed that the even number of members is not a concern because recommendations come to full board for approval.

Alternate Standards of Practice Committee (SOP)— A committee member had raised the question of whether it is appropriate for the Board Chair to serve on this committee. Judge Lawler explained that he is essentially a placeholder on the committee roster. Noting that the Alternate SOP Committee has never met, Judge Lawler questioned whether the Committee is necessary. There was some discussion and explanation that this committee exists to provide back up in the event that a guardian serving on the committee is the subject of a complaint. It was decided that the committee would remain in place and that Judge Lawler would continue to be on the Committee roster.

At the conclusion of the discussion, it was decided that the Committee List would stay as proposed.

Budget

The Administrative Office of the Courts has discussed possibly eliminating both the Certified Professional Guardian Board (CPGB) and the Office of Public Guardianship (OPG) to achieve possible budget cuts. Input was requested from the Superior Court Judges' Association (SCJA) regarding that possibility.

Shirley Bondon explained the current budget situation:

- Certification, continuing education and late fees bring in about \$61,000 per year.
- Currently, the board is staffed by approximately 1.5 FTEs costing about \$100,000 per year.
- Board meetings cost approximately \$15,000 per year.
- Attorney General fees range from \$5,000 to \$20,000 annually.

Total cost of the Board is between \$60,000 and \$70,000 per year. It was confirmed that those meeting costs do include the Long-Range Planning Committee meetings, with each regular meeting at approximately \$1,500 and the Long-Range Planning Committee meeting at \$4000.

In answer to an inquiry from the Board, Ms. Bondon explained that the OPG budget is \$540,000 this year for approximately 80 cases (not including staff); OPG programs are only operating in 10 counties, so it is still considered a pilot program; and that although the program is believed to save money, the cost savings is for the state, not the judiciary, so it doesn't really act as a mitigating factor in Judiciary budgetary decisions.

The Chair noted that board members and co-chairs of the SCJA Guardianship and Probate Committee, Commissioner Valente and Judge Swisher had sent a letter to the SCJA in support of the Board. .

Regarding whether the entire board was definitely on the table to be eliminated, or if they are also considering cutbacks; it was noted that the understanding is that they are looking at all options.

There was a suggestion that the CPG Board make a formal request to the Access to Justice (ATJ) Board for support, and also that it would be worthwhile to reach out and educate Superior Court Judges about the purpose and benefit of the CPG Board.

There was a discussion of possible ways to cut board costs:

Long Range Planning Meeting

- Take care of long-range planning in a regular in-person meeting rather than having a specific long-range planning committee meeting.
- Eliminate some of the in-person meetings and replace them with phone meetings with the following considerations:
 - Cost for phone meeting
 - Cost for in-person meetings
 - Cost if members paid for their own travel
- Streamline reporting regulations of Guardians.
- Set deadline for all applications to one set date to streamline.
- Look at options for handling disciplinary hearings: possibly decreasing frequency of hearings or delegate the work.
- Simplify the education model; it may be overly complicated causing an unnecessary burden on staff.

Ms. Bondon introduced Katrin Johnson and explained that she would be staffing the Applications and Education committees and said that some of the suggestions would be helpful to decrease the workload for staff, such as setting one or two deadline dates rather than accepting and reviewing applications year round, noting that it makes sense, especially in light of the University of Washington Certificate program reducing to one time per year rather than two.

Applications Committee

- Create some proposed language for how to implement some changes at the next meeting to possibly:
 - Streamline applications
 - Look at self-reporting and auditing of continuing education
 - Increase the application fee
 - Additional fees for incomplete applications

In response to a question regarding whether the fees that are collected cover the cost of staff time, Ms. Bondon confirmed that they do not. There was a suggestion of possibly increasing the initial application fee, with a concern being raised that CPGs have a cap on the compensation that is available to them.

There was also a suggestion that each committee discuss possible ways to cut costs, and to take a more detailed look at the various fees and how they are handled.

There were some questions about how the AOC staff is budgeted, also what percentage of applicants have to repeat the process multiple times and what impact that has on staff time. Ms. Bondon will provide the information to the Applications Committee.

The Chair suggested that in lieu of the Long-Range Planning meeting tentatively scheduled for April 9th, the activities be handled instead at the upcoming regular meeting with a possible follow up via teleconference to tie up loose ends.

4. Education Committee Report

Education Regulations 201, 201 and 213 were previously posted for comment. All comments received were included in the meeting materials. The Education Committee reviewed the comments and in response to comments, made recommendations for adjustments. After discussion, a suggestion was made to table the discussion regarding these changes until the budget issues are sorted out.

Board members discussed the benefits and complications of adding the category of "Cultural Diversity" to the continuing education requirements.

A few questions were raised: Shouldn't guardians choose their own classes like attorneys do? Should the Board dictate the allocation of continuing education credits by category or rely on professional discretion to identify what is needed?

It was noted that the training available to CPGs is limited and isn't always of high quality, and that the tendency is that any continuing education credit requests that are submitted are subsequently approved.

It was suggested that guardians might benefit from attending classes designed for other professions, e.g. nurses, social workers, etc.

A board member stated that education providers plan their workshops to ensure participants obtain the credits needed by attending two training days per year. Sometimes if CPGs mix providers, they may not earn the appropriate number of credits, or trainings are stacked in particular categories.

The recommendation regarding the regulation changes was that they be taken back to the Education Committee. The Education Committee was asked to research continuing education requirements for other profession (nurses, social workers, attorneys) and determine how they handle categorization and tracking of continuing education credits.

A suggestion was made that the Board send the regulations back to the Education Committee with some guidance, by way of informal vote, regarding what needs to be addressed:

- Whether to include the category of Cultural Diversity

- How many hours of continuing education to require
- How many categories to have for continuing education

Everyone agreed that cultural diversity is good for CPGs; the problem lies with the number of categories, the number of credits, and the administrative complications.

Motion: *A motion was made and seconded to send regulations 201, 202 and 213 back to the Education Committee to review the issue further, taking budgetary issues into account. The motion passed.*

Board members discussed proposed changes to regulations 208, 209, and 211.

The proposed changes include establishing firm deadlines for completion of continuing education and eliminating extended grace periods for reporting continuing education. The rationale is that moving to a biannual reporting period will provide a longer period of time for guardians to complete credits. There was some discussion regarding ways to motivate guardians to meet requirements by the set deadlines in addition to the current penalties, which aren't entirely effective. There was concern raised that the penalties not be too extreme, but still effective. It was suggested that the issue should be sent back to the Education Committee.

Motion: *A motion was made and seconded to table the issue until there has been further discussion on the budgetary impact on continuing education and reporting categories, and that when the issue was addressed that they should consider the possibility of increasing late fees. The motion passed.*

Standards of Practice Committee

In *Hardee vs. State* the Supreme Court has ruled that the standard of proof required to revoke a professional license is preponderance of the evidence. The standard set by the Supreme Court is inconsistent with the standard currently being used by the CPGB. The language used in the current regulation is "clear and convincing," while Hardee supports a lower standard of "preponderance." The Standards of Practice (SOP) Committee proposes a change to the current regulation by replacing "clear and convincing evidence in all cases" to "a preponderance of the evidence in all cases."

The small number of comments that were submitted in opposition to the change expressed concerns that lowering the standard would make it too easy for the board to revoke a guardian's license. However, the position of the SOP Committee is that the Supreme Court decision satisfactorily explains the rationale behind the change.

Motion: *A motion was made to modify regulation in accordance with Hardee. The motion was seconded and approved.*

5. Executive Session

The Board adjourned to executive session.

6. Open Session

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

Applications Committee

- a. Motion was made and seconded to approve the agency application of Whole Heart Guardianship, LLC. **Motion passed.**
- b. Motion was made and seconded to not decertify Steven E. Lust. Motion passed with two abstentions.
- c. Motion was made and seconded to decertify Jeffrey Buchan for failure to pay the annual certification fee, file an annuals disclosure statement and file an errors and omissions insurance declaration. **Motion passed.**
- d. Motion was made and seconded to decertify Harry Atlas for failure to pay the annual certification fee, file an annuals disclosure statement and file an errors and omissions insurance declaration. . Motion passed.
- e. Motion was made and seconded to not decertify Heather Dretsch for failure to pay the annual certification fee, file an annuals disclosure statement and file an errors and omissions insurance declaration, but to instead allow her to voluntarily surrender subject to verification of a lack of guardianship appointments. **Motion passed.**
- f. Motion was made and seconded to decertify Carin Kvinge for failure to pay the annual certification fee, file an annuals disclosure statement and file an errors and omissions insurance declaration. **Motion passed.**
- g. Motion was made and seconded to table the decertification of Robin Williams pending the resolution of an outstanding grievance. Motion passed.
- h. Motion was made and seconded that the agreement regarding discipline of Carole Gaherin be accepted. **Motion passed.**
- i. Motion was made and seconded that the agreement regarding discipline of Terese Marcoe be accepted. Motion passed.
- j. Motion was made and seconded that the agreement regarding discipline of Julie Crawford individually and as designated CPG of Ethicare be accepted. **Motion passed.**

7. Adjourn

Judge Lawler noted the next meeting will be in person on January 9, 2012 at the AOC SeaTac Facility beginning at 9:00 am. Judge Lawler adjourned the meeting at approximately 12:45 pm.

Respectfully submitted,

Judge Lawler

Meeting minutes approved on _____

Recap of Motions from November 14, 2011 Meeting

Motion Summary	Status
Approve October 10, 2011 meeting minutes as presented.	Passed
Send Education Regulation 201, 202 and 213 back to the Education Committee for further discussion with respect to the budget.	Passed
Table discussion of Continuing Education Regulations 209, 209 and 211, until there has been further discussion on the budgetary impact on continuing education and reporting categories, and that when the issue was addressed that they should consider the possibility of increasing late fees	Passed
Motion was made and seconded to approve the agency application of Whole Heart Guardianship, LLC.	Passed
Motion was made and seconded to not decertify Steven E. Lust.	Passed with two abstentions
Motion was made and seconded to decertify Jeffrey Buchan.	Passed
Motion was made and seconded to decertify Harry Atlas.	Passed
Motion was made and seconded to not decertify Heather Dretsch, but to instead allow her to voluntary surrender	Passed
Motion was made and seconded to decertify Carin Kvinge.	Passed
Motion was made and seconded to table the decertification of Robin Williams pending the resolution of the outstanding grievance.	Passed
Motion was made and seconded that the agreement regarding discipline of Carole Gaherin be accepted.	Passed
Motion was made and seconded that the agreement regarding discipline of Terese Marcoe be accepted.	Passed
Motion was made and seconded that the agreement regarding discipline of Julie Crawford designated CPG of Ethicare be accepted.	Passed

Action Items for November 14, 2011 Meeting

Action Item	Who	Status
Provide information to the Applications Committee regarding how AOC staff is budgeted.	Shirley Bondon	In Process