



May 26, 2015

To: Certified Professional Guardianship Board

From: Regulations Committee

RE: GR 31.1 Implementation

The Regulations Committee submits the following revisions to Administrative Regulation 003 to implement GR 31.1. General Rule 31.1 supersedes Regulation 003.1 to 003.3.2

003 Public Records

~~003.1 Disclosure. Existing records that are prepared, owned, used, or retained by the Board shall be disclosed upon request using established procedures for inspection, copying, and disclosure except as otherwise provided in rules, regulations of the Board, or other authority.~~

~~003.2 Exemptions from Disclosure. The following records are exempt from public inspection, copying, and disclosure:~~

~~003.2.1 Test questions, scoring keys, test results, test answers test scores and other examination data used to administer a certification or license examination.~~

~~003.2.2 Investigative records compiled by the Board as a result of an investigation conducted by the Board as part of the application process, while a disciplinary investigation is in process under the Board's rules and regulations, or as a result of any other investigation conducted by the Board while an investigation is in process.~~

~~003.2.3 Investigative records compiled by the Board, the nondisclosure of which is essential to effective law enforcement.~~

~~003.2.4 Deliberative records compiled by the Board or a panel or committee of the Board as part of a disciplinary process.~~

~~003.2.5 Deliberative records of the Board, a hearing officer or hearing panel, review panel, or board committee made confidential by a court order.~~

~~003.2.6 Personal information, including, but not limited to, home address, home telephone number, financial information, health information, Social Security number, and date of birth.~~

~~003.2.7 Certain personal and other records of an individual such that disclosure would be highly offensive to a reasonable person and is not of legitimate concern to the public.~~

~~003.2.8 Other records related to the Certified Professional Guardian Board that are required by law, rule, regulation, court order, or other authority to be confidential.~~

~~003.3 Other Records.~~

~~003.3.1 Dismissed grievances shall be disclosed upon written request using established procedures for inspection, copying, and disclosure with identifying information about the grievant, incapacitated person, and professional guardian and/or agency redacted. A request for dismissed grievances shall cover a specified time period of not less than 12 months. (Amended 6/14/10)~~

~~003.3.2 The identity of a person requesting an ethics advisory opinion is confidential and not subject to public disclosure.~~

003.4 Records Retention. Records related to the Certified Professional Guardian Board shall be retained in accordance with records retention schedules for the judicial branch and the Washington State Administrative Office of the Courts (AOC).

~~003.5 Posting of Disciplinary Actions. Disciplinary sanctions involving admonitions or reprimands will be archived twelve months after the disciplinary action is completed. Disciplinary actions will remain permanently linked to an individual certified professional guardian's listing on the web site. (Adopted 1-9-12)~~

003.5 Posting Records. For a grievance or complaint that results in discipline to a professional guardian, the grievance or complaint, any response submitted by the professional guardian, the agreement or order imposing discipline, any order on appeal by the professional guardian, and all attachments or exhibits to the foregoing records shall be posted for public access on the website for the Administrative Office of the Court.

Need for the Revision

GR 31.1, the Supreme Court's rule governing access to administrative records, was adopted in 2013 and is scheduled for implementation in 2015. According to the AOC website GR 31.1 makes the following changes regarding disclosure of Certified Professional Guardian records.

The standards for public access to records of the Certified Professional Guardian Board have been revised to allow for greater access to records concerning grievances filed against certified professional guardians. See section (f)(12) below:

(f) Exemptions. In addition to exemptions referred to in section (j)¹, the following categories of administrative records are exempt from public access:

(12) The following records of the Certified Professional Guardian Board:

- (i) Investigative records compiled by the Board as a result of an investigation conducted by the Board as part of the application process, while a disciplinary investigation is in process under the Board's rules and regulations, or as a result of any other investigation conducted by the Board while an investigation is in process. Investigative records related to a grievance become open to public inspection once the investigation is completed.
- (ii) Deliberative records compiled by the Board or a panel or committee of the Board as part of a disciplinary process.

¹ **(j) Administrative Records—General Right of Access.** Court and judicial agency administrative records are open to public access unless access is exempted or prohibited under this rule, other court rules, federal statutes, state statutes, court orders, or case law. To the extent that records access would be exempt or prohibited if the Public Records Act applied to the judiciary's administrative records, access is also exempt or prohibited under this rule. To the extent that an ambiguity exists as to whether records access would be exempt or prohibited under this rule or other enumerated sources, responders and reviewing authorities shall be guided by the Public Records Act, Chapter 42.56 RCW, in making interpretations under this rule. In addition, to the extent required to prevent a significant risk to individual privacy or safety interests, a court or judicial agency shall delete identifying details in a manner consistent with this rule when it makes available or publishes any public record; however, in each instance, the justification for the deletion shall be provided fully in writing.

- (iii) A grievance shall be open to public access, along with any response to the grievance submitted by the professional guardian or agency, once the investigation into the grievance has been completed or once a decision has been made that no investigation will be conducted. The name of the professional guardian or agency shall not be redacted from the grievance.