

SENATE BILL REPORT

SB 5687

As of February 9, 2017

Title: An act relating to the public disclosure of guardianship training curriculum and materials.

Brief Description: Concerning the public disclosure of guardianship training curriculum and materials.

Sponsors: Senators Rivers, Bailey and Becker.

Brief History:

Committee Activity: Health Care: 2/09/17.

Brief Summary of Bill

- Provides for the public disclosure of training curriculum and materials for any certified professional guardianship course or program of a public agency.

SENATE COMMITTEE ON HEALTH CARE

Staff: Kathleen Buchli (786-7488)

Background: Any person or entity may petition the court for the appointment of a guardian or limited guardian for an allegedly incapacitated person. Incapacitated means that the individual has a significant risk of personal harm based upon a demonstrated inability to adequately provide for nutrition, health, housing, or physical safety. A guardian may be a lay guardian, generally a family member or friend of the alleged incapacitated person, or a professional guardian who charges a fee to provide guardianship services. Professional guardians are regulated by the Certified Professional Guardianship Board (Board).

The Board develops, adopts, and implements regulations governing certification, minimum standards of practice, training, and discipline of professional guardians. Regarding training, the Board has approved the University of Washington's Certificate of Guardianship program offered through its Professional and Continuing Education Program. Applicants must complete and pass the Certificate of Guardianship program in order to become a certified professional guardian. The Certificate of Guardianship program consists of in-person classroom meetings and online instruction. Instruction consists of sections: on guardianship

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law, concepts, and practice; roles and duties of guardians; and complex issues in guardianship.

The Public Disclosure Act exempts test questions, scoring keys, and other examination data used to administer license, employment, or academic examinations. It also exempts intellectual property such as formulae, designs, and research data obtained by any agency when disclosure would produce private gain and public loss. Stating that the training materials and documents of the Certificate of Guardianship program are intellectual property and exempt from disclosure under the Public Disclosure Act, the University of Washington has declined public records requests for the Certificate of Guardianship training materials.

Summary of Bill: All training curriculum and materials for any certified professional guardianship course or program of a public agency are subject to public disclosure. Test questions, scoring keys, and other examination data remain exempt from public disclosure.

Appropriation: None.

Fiscal Note: Requested on February 7, 2017.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: There have been issues with complaints about the guardianship program and this starts with training; we are not allowed to find out what is being taught in the program. The University of Washington does not provide their agenda to know what is going to be talked about. The University of Washington's advisory committee meetings are held in secret. I have attempted to get information on training and have been told that is intellectual property. It is not clear why these materials need to be secret; the training may be used as a standard to judge the actions of guardians. Funding of this program should also be audited.

OTHER: Curriculum materials can be protected based on the protection provided to intellectual property. The issue is not the curriculum but the way the guardians practice. If a guardian is abusive, it is unclear if there is a direct link to the class. We are working on getting materials to the sponsor of the bill; this is a quality program. If you request a syllabus from a course at the University of Washington, you will be provided it and will not claim privacy rights over that material. This is about the guardianship industry wanting total transparency over the people who are considered incapacitated but not providing that transparency in return.

Persons Testifying: PRO: Senator Ann Rivers, Prime Sponsor; Jennifer Roach; Claudia Donnelly, citizen.

OTHER: Ian Goodhew, University of Washington /UW Medicine; Michael Brunson, citizen.

Persons Signed In To Testify But Not Testifying: No one.