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H-487

Bill Brief: HB 3129 -1 Amendment Certification of Professional Fiduciaries

PROFESSIONAL FIDUCIARIES

A Professional Fiduciary is defined as serving 3 or more protected persons who are not related to the person serving as fiduciary. The fiduciary serves clients by making consequential determinations regarding the client's physical and or financial self.

BACKGROUND

Fiduciaries are authorized to make decisions that will fundamentally impact the life of another person. Vulnerable populations including the elderly, infirm, and those suffering from intellectual disabilities are often the people that use the services of Professional Fiduciaries. These populations are particularly susceptible to abuse, grave financial harm, and exploitation. In the absence of clear requirements to practice as a professional fiduciary little opportunity exists for oversight of those serving protected persons in this capacity. There is not currently a sufficient mechanism for those served by a Professional Fiduciary to file a grievance or a complaint, nor is there a clear path for appropriate disciplinary action to be taken for legitimate cases of wrongdoing.

Not having a Rigorous Process also creates complications for the profession as a whole. By minimizing the incidents of abuse and exploitation and creating uniform standards a more level competitive environment is created and the practices of all Professional Fiduciaries are enhanced.

HB 3120:

The bill originally sought to create a State Board of Professional Fiduciaries. The board would have established requirements for licensure, continuing education, and grievance claims.

WHY AMEND HB 3129:

There is not a need to establish a State Board of Professional Fiduciaries. A process already exists for "certification and regulation of professional fiduciaries." It makes more sense to require Oregon's professional fiduciaries to gain certification and resolve grievances through an existing process.

HB 3129 AMENDMENT:

The Dash-1 Amendment will require professional fiduciaries in the state of Oregon to have a National Certified Guardian or National Master Guardian certificate issued by the Center for Guardian Certification.

The Dash-1 Amendment will also create a work group to:

- review best practices for training and ongoing education
- recommend the best ongoing education requirements
- recommend the best mechanism for offering and tracking those requirements