

NANCY DOTY, INC.

Care Coordination & Consultation to Individuals & Families

March 15, 2013

House Committee on Human
Services and Housing

RE HB3129:

First Hearing, HR D
Personal Testimony

Good afternoon Representative Tomei,
and Ladies and Gentlemen of the Committee:

Thank you for allowing me to speak with you today.

My name is Nancy Doty and I am a professional fiduciary—a guardian, conservator, trustee and representative payee. I have been in private practice since the late 80's, and started my career in this field by being a nurse, hospital-based care coordinator, and assistant to the Multnomah County Public Guardian. I am a founding member of the Guardian/Conservator Association of Oregon and the President-elect for 2013.

Through my work in the Public Guardian's office, I met other individuals who were also interested in providing guardianship and conservatorship services to the vulnerable population. By 1988, we and a few others conceptualized the Guardian/Conservator Association of Oregon. We even participated in the very first National Guardian Conference as we were striving to learn more about our 'profession' and the inherent Standards and Ethics that would keep us on track, guiding us in our practices and assuring the highest possible level of care for our clients. (Two of my co-founders, Nancy MacDonald and Jeff Brandon are here today. Mr. Brandon was my supervisor boss at the Public Guardian's office.)

With our new *Mission Statement*, our *Standards of Practice* and the *Code of Ethics*, we were ready to tackle our roles and do the very best job possible. But we recognized that while we were all well-meaning and trustworthy individuals, we had come to our roles and positions through a variety of career paths. We were attorneys, nurses and social workers, theologians, bankers and bookkeepers, an engineer, and other jobs that gave us unique perspective on the newly-chosen, newly emerging roles of guardian and conservator.

We devised a plan for continuing education, and membership in our Association that introduced the *Standards of Practice* and *Code of Ethics*. We didn't want 'bad apples' in our midst. Yet, sadly, over the years there have been a few who have given professional guardians and conservators a bad name. However, in our collective experience, it has been the family members and close friends who have perpetrated more abuse than the professionals!

We understand the need to monitor our own fellow-fiduciaries. But, we have no authority to remove an individual professional fiduciary and exclude them from the Guardian/Conservator Association if that member has failed to adhere to the expected standards of practice or ethical guidelines.

Our most effective tool has been the standardized testing for certification by the National Guardian Association (NGA) and its allied Center for Guardian Certification (CGC). These entities back up our Oregon certification efforts that were initiated several years ago. This standardized testing is imperative because it requires that all professional fiduciaries, whether arising through the medical, social, or financial fields, will have a foundation of common knowledge.

The current structure allows anyone to call themselves a 'professional fiduciary', and they can be nominated for appointment to any of the roles that fiduciaries play. In other words, a Certified Financial Planner can call him/herself a professional fiduciary and be named a guardian of the person with no previous exposure to medical or social resources or education. Conversely, a former nurse (like me) can become a conservator and manage large estates with no background in financial management.

In Oregon there is no minimum requirement for 'professional' fiduciaries beyond the disclosure as required by the statutes (ORS 125.055). There is no educational requirement, no experience necessary, and no particularly compelling need to demonstrate competency in the field. Therefore, it is imperative that we assure that entry-level preparation is expected, even required for all who want to be known as 'professional fiduciaries'.

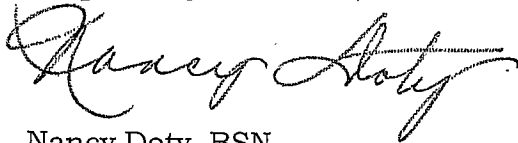
The newly proposed State Board of Professional Fiduciaries deserves our support. We hope the Board will allow input from experienced fiduciaries—those who rise from the trenches—and that it will honor the attempts we have made to require standardized testing as a means of preparing a common foundation for all professional fiduciaries. The continuing education credit requirement will assure an interest in providing a better basis for professional-level care of our clients – those who, by their very nature, may be incapable of making life-altering decisions on their own.

As fiduciaries, we adhere to the Court's guidelines as found in the Oregon Revised Statutes, Chapter 125 for Protective Proceedings. And, as a group that has emerged from many facets of life and career, we need to assure a common understanding of the broad base of support that our clients deserve with our *Standards of Practice* and a *Code of Ethics*. We want to prove we are worthy of being recognized as *professionals*.

House Bill 3129 is a step in the right direction. It will assist us in attaining a high level of professionalism among our fiduciary peers that will, in turn, assure the vulnerable citizens of Oregon that they will receive a high level of professional fiduciary services.

Thank you for your interest in this matter. And thank you for hearing my testimony today. My contact information is available on my letterhead and I am available to answer your questions as they may arise.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nancy Doty". The signature is written in black ink and is positioned to the left of the typed name.

Nancy Doty, BSN,
Registered Guardian/CGC and
Oregon Certified Professional Fiduciary

What is a Professional?

Professional

1. Person formally certified by a professional body of belonging to a specific profession by virtue of having completed a required course of studies and/or practice. And whose competence can usually be measured against an established set of standards.
2. Person who has achieved an acclaimed level of proficiency in a calling or trade. See also professionalism.

(<http://www.businessdictionary>)

pro·fes·sion·al  (prə-fesh'ə-nəl)

adj.

1.

- a. Of, relating to, engaged in, or suitable for a profession: *lawyers, doctors, and other professional people.*
 - b. Conforming to the standards of a profession: *professional behavior.*
2. Engaging in a given activity as a source of livelihood or as a career: *a professional writer.*
 3. Performed by persons receiving pay: *professional football.*
 4. Having or showing great skill; expert: *a professional repair job.*

n.

1. A person following a profession, especially a learned profession.
2. One who earns a living in a given or implied occupation: *hired a professional to decorate the house.*
3. A skilled practitioner; an expert.

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Definition of Professional

- Professional is defined by Merriam-Webster's dictionary as "characterized by or conforming to the technical or ethical standards of one's profession."

Read more: [Definition of Professional Behavior |](#)