

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: HB 3129**Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office***Only Impacts on Original or Engrossed
Versions are Considered Official***

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Measure Description:

Prohibits person from being nominated as fiduciary or serving as fiduciary for three or more protected persons who are not related to person unless person is certified as professional fiduciary by Department of Human Services.

Government Unit(s) Affected:

Department of Human Services (DHS)

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

House bill 3129 establishes an eleven-member State Board of Professional Fiduciaries within the Department of Human Services (DHS) charged with adopting by rule a process for certifying professional fiduciaries including determining qualifications and a code of conduct for professional fiduciaries. The bill requires DHS to certify professional fiduciaries in accordance with rules adopted by this State Board of Professional Fiduciaries, investigate complaints made against professional fiduciaries, and revoke certification of a professional fiduciary not in compliance. The bill authorizes DHS to adopt by rule a certification fee.

The Department of Human Services estimates the fiscal impact of this bill to be approximately \$750,000 Other Funds and 4.00 FTE per biennium. If this bill passes, DHS anticipates forming a new unit to comply with the provisions of this bill. The department would establish two Client Care Surveyors positions, one Operations & Policy Analyst 3 position, and one Administrative Specialist 1 position carry out the work required with certifying and investigating professional fiduciaries. The \$750,000 estimate includes Personal Services, and related Services and Supplies for these positions, as well as reimbursement for the members of the State Board of Professional Fiduciaries.

The bill authorizes DHS to adopt by rule a certification fee. DHS reports that the president of the Guardian/Conservator Association of Oregon estimates that roughly 100 individuals would register to become professional fiduciaries each year. Assuming this number of applicants, DHS anticipates charging a fee of \$3,600 for each certification.