

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by Prior Reference
Vote:	9 - 0 - 0
Yeas:	Gallegos, Gelser, Gilliam, Gomberg, Keny-Guyer, Olson, Whisnant, Whitsett, Tomei
Nays:	0
Exc.:	0
Prepared By:	Regina Wilson, Administrator
Meeting Dates:	3/15, 4/3

WHAT THE MEASURE DOES: Creates State Board of Professional Fiduciaries (Board), within the Department of Human Services (DHS), to adopt rules for fiduciaries. Mandates Board adopt code of conduct for professional fiduciaries. Directs DHS to certify fiduciaries. Requires individual seeking appointment as fiduciary be certified as National Certified Guardian or National Master Guardian by Center for Guardianship Certification.

ISSUES DISCUSSED:

- Professional fiduciary standards
- Code of ethics
- Mandatory certification

EFFECT OF COMMITTEE AMENDMENT: Requires an individual seeking appointment as a professional fiduciary to provide proof of certification by the Center for Guardianship Certification or its successor organization as a National Certified Guardian or a National Master Guardian. Establishes the Fiduciary Education Work Group.

BACKGROUND: Courts may appoint guardians to make decisions for protected persons, and/or conservators to manage the property and assets of protected persons. Both guardians and conservators are “fiduciaries,” in that they are required to act for the benefit of another or others (ORS Chapter 125).

In 2011, the legislature created the Joint Interim Task Force on Public Guardian and Conservator, (via House Bill 2237), that recommended mandatory certification and licensure of professional fiduciaries. House Bill 3129A creates a State Board of Professional Fiduciaries, within the Department of Human Services, to adopt rules and a code of conduct, for professional fiduciaries to be certified by the Department of Human Services.