

**State of California  
Office of Administrative Law**

**In re:**  
**Professional Fiduciaries Bureau**

**Regulatory Action:**

**Title 16, California Code of Regulations**

**Amend sections: 4440, 4442, and 4444**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2022-1129-01**

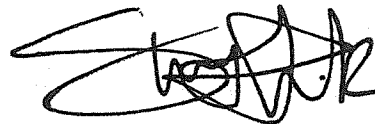
**OAL Matter Type: Regular (S)**

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Existing law, the Professional Fiduciaries Act (the "Act"), provides for the licensure and regulation of professional fiduciaries and provides for the administration of those provisions by the Professional Fiduciaries Bureau (the "Bureau"). The Act requires an applicant to complete 30 hours of prelicensing education courses provided by an educational program approved by the Bureau as a condition of licensure. The Act also requires a licensee to complete 15 hours of continuing education courses each year as a condition of license renewal or restoration. Business and Professions Code section 6538 was recently amended by Statutes of 2021, chapter 167, section 1 (Assembly Bill 465), to, beginning January 1, 2023, require the prelicensing education courses to include at least one hour of instruction in cultural competency, as defined. The statutory changes also, beginning January 1, 2023, require a licensee to complete at least two hours of instruction in ethics, cultural competency, or both every year as a condition of license renewal or restoration. In this regular rulemaking, the Bureau is implementing the recent amendments to Business and Professions Code section 6538.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2023.

**Date:** December 28, 2022



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**Steven J. Escobar  
Senior Attorney**

**Original:** Rebecca May, Bureau Chief  
**Copy:** Angela Cuadra

**For:** Kenneth J. Pogue  
Director

# REGULAR

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z- 2022-0725-02</b>	REGULATORY ACTION NUMBER <b>2022-1129-015</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW  
2022 NOV 29 PM 2:38

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

**DEC 28 2022**

*1:48 pm*

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Professional Fiduciaries Bureau, Department of Consumer Affairs

AGENCY FILE NUMBER (If any)

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER <b>2022, 31-2</b>	PUBLICATION DATE <b>8/5/2022</b>

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) <b>Cultural Competency</b>		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
		AMEND	
<b>16</b>		<b>4440, 4442, 4444</b>	
TITLE(S)		REPEAL	

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)  
**October 17, 2022 to November 2, 2022**

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <b>1/1/2023</b>

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input checked="" type="checkbox"/> Other (Specify) <b>Kimberly Kirchmeyer, Director, Department of Consumer Affairs</b>			

7. CONTACT PERSON <b>Angela Cuadra</b>	TELEPHONE NUMBER <b>(916) 574-7498</b>	FAX NUMBER (Optional) <b>(916) 574-8645</b>	E-MAIL ADDRESS (Optional)
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Rebecca May</i> <small>Rebecca May (Rev. 10/2019) (10/14/2019)</small>	DATE <b>11.15.22</b>
TYPED NAME AND TITLE OF SIGNATORY <b>Rebecca May, Chief, Professional Fiduciaries Bureau</b>	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**DEC 28 2022**

Office of Administrative Law

Per agency's request: SE 12/28/2022

**TITLE 16  
PROFESSIONAL FIDUCIARIES BUREAU  
DEPARTMENT OF CONSUMER AFFAIRS**

**ORDER OF ADOPTION**

**CULTURAL COMPETENCY IN PRELICENSING AND CONTINUING EDUCATION**

§ 4440. Prelicensing Education Requirements

To qualify for licensure under the Act an applicant shall complete thirty (30) hours of prelicensing education credit subject to the conditions of this Article and section 6538 of the Business and Professions Code. The following courses shall qualify for prelicensing education credit:

- (a) Any education course taken on or after January 1, 2007 that meets the requirements of an approved education course under Section 4444.
- (b) Any fiduciary management course taken from the California State University, Fullerton, Extended Education Program.

Note: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.

§ 4442. Continuing Education Requirements.

(a) Annual time requirements.

- (1) To renew a license, a licensee shall earn during each annual renewal period a minimum of fifteen (15) hours of continuing education credit from approved education courses as defined in Section 4444 subject to the conditions of this Article.
- (2) Courses qualifying for continuing education credit must be completed following licensure and within the one-year renewal period each cycle.
- (3) A licensee who serves as an instructor in an approved education course for continuing education as provided for in subdivision (a) of Section 4444, may receive 1.5 hours of continuing education course participation credit for each hour of new course instruction presented. A maximum of 6 of the fifteen (15) hours of continuing education credit may be earned under this paragraph.
- (4) A maximum of 4 of the fifteen (15) hours of continuing education credit may be earned through independent study under the supervision of an approved education provider pursuant to Section 4446 that supplies evidence of completion.

(b) Annual subject topic requirements.

(1) Continuing education credit shall be earned by taking approved education courses in at least one of the subject topics as provided for in Section 4444.

(2) As part of the continuing education credit requirements for renewal in subdivision (a)(1), a licensee shall complete at least either two hours of instruction in ethics or cultural competency every year, or alternatively a total of two hours of instruction in both ethics and cultural competency combined every year. ~~At least 2 hours of continuing education credits each year shall be in ethics for fiduciaries.~~

Note: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.

§ 4444. Approved Education Courses.

(a) Eligible education courses, as defined in subdivision (b) or (c), offered or approved by an approved education provider listed in Section 4446, are approved education courses that meet the prelicensing and continuing education requirements of this Article.

(b) Programs, seminars, and courses of study that are relevant to fiduciary responsibilities of estate management or of fiduciary responsibilities of the person for at least one of the subject topics as specified in subdivision (e), that address the areas of proficiency, competency, and performance of a fiduciary, and impart knowledge and increase understanding of the fiduciary profession or of the California judiciary or the legal process as it relates to the administration of fiduciary responsibilities are eligible education courses.

(c) Beginning January 1, 2023, programs, seminars, and courses of study in cultural competency, as defined in Section 6538 of the Business and Professions Code, are eligible education courses.

~~(e)~~(d) An approved education course may be offered in a real-time classroom setting, delivered by video presentation from a remote location or by other delivery means, including online.

~~(d)~~(e) An approved education course may include independent study, subject to the limitations of paragraph (4) of subdivision (a) of Section 4442, if the education provider supplies evidence of completion. A course is not independent study if the education provider requires evidence of comprehension prior to issuing a certificate of completion, as required in subdivision (c) of Section 4448.

(e)(f) Subject topics for eligible education courses, as defined in subdivision (b), include the following:

(1) Conservatorship;

(2) Guardianship;

(3) Trust administration;

(4) Durable Power of Attorney;

(5) The California court system including court jurisdiction and responsibilities; the state and federal constitution, California statutes, rules of court, case law, administrative law, and current issues in the California court system relevant to the fiduciary profession;

(6) Ethics for fiduciaries; and

(7) Cultural competency, as defined in Business and Professions Code section 6538.

Note: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.