



**Professional Fiduciaries Bureau**  
Post Office Box 989005  
West Sacramento, CA 95798-9005  
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Website: [www.fiduciary.ca.gov](http://www.fiduciary.ca.gov)



## **Professional Fiduciaries Bureau Education Subcommittee Meeting**

**Thursday, May 29, 2014  
9:30 a.m. – 11:30 a.m.**

**Meeting Location:  
Department of Consumer Affairs – HQ2  
1747 N. Market Boulevard, Floor Hearing Room #186  
Sacramento, CA 95834**

### **Subcommittee Members Present**

Barbara de Vries, Subcommittee Chair  
Kevin Urbatsch, Subcommittee Vice Chair  
Prescott Cole

- 1) Call to Order – Barbara de Vries, Subcommittee Chair
- 2) Introductions / Roll Call – Julia Ansel, Bureau Chief
- 3) Approval of the Education Subcommittee meeting minutes from February 3, 2014
- 4) Updates from prior Education Subcommittee – Julie Ansel, Bureau Chief
  - Number of Exams taken in 2012 and 2013
  - Correlation Between Number of exam attempts and complaints received
  - Statutes & Regulations pertaining to education
- 5) Updates from prior Education Subcommittee - Barbara de Vries, Subcommittee Chair
  - Discussion on Dividing Education Hour Requirements by Subject Matter
  - Mentoring Report/Intern report
- 6) Overview of the Essential Steps in an Examination Program – Sonja Merold, Acting Chief of the Division of Programs & Policy Review
- 7) Tasks to be Completed by Subcommittee Members Prior to the Next Meeting – Barbara de Vries, Subcommittee Chair
- 8) Future Agenda Items
- 9) Future Meeting Dates

10) Public Comment on Items Not on the Agenda (See “Notes” below)

11) Adjournment

**Please Note:** Government Code Section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration. The public can participate in the discussion of any item on this agenda. If the committee does not offer public comment before going on to the next agenda item, the public may request the floor at the start of the next agenda item to comment on a prior agenda item.

**Note:** The Professional Fiduciaries Bureau Advisory Committee may not discuss or take action on any matter raised that is not included in this agenda. The Committee may, however, decide to place the matter on the agenda of a future meeting.

**Notice:** The meeting is accessible to persons with disabilities. A person who needs accommodations or modifications in order to participate in the meeting should make a request no later than five working days before the meeting to the Bureau by contacting Angela Bigelow at (916) 574-7341, [angela.bigelow@dca.ca.gov](mailto:angela.bigelow@dca.ca.gov) or by sending a written request to the Professional Fiduciaries Bureau, 1625 North Market Blvd., Ste. S-209, Sacramento, California 95834. Requests for further information should be directed to Ms. Bigelow at the same address and telephone number.



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## MEMORANDUM

<b>DATE</b>	May 29, 2014
<b>TO</b>	Education Subcommittee Members Professional Fiduciaries Bureau
<b>FROM</b>	Professional Fiduciaries Bureau
<b>SUBJECT</b>	Agenda Item #1 - Call to Order- Barbara de Vries, Subcommittee Chair Agenda Item #2 – Introductions/Roll Call – Julia Ansel, Bureau Chief

### Education Subcommittee Members:

Barbara de Vries – Subcommittee Chair

Kevin Urbatsch – Subcommittee Vice Chair

Prescott Cole – Governor Appointee – Nonprofit organization advocating on behalf of the elderly



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## MEMORANDUM

<b>DATE</b>	May 29, 2014
<b>TO</b>	Education Subcommittee Members Professional Fiduciaries Bureau
<b>FROM</b>	Professional Fiduciaries Bureau
<b>SUBJECT</b>	Agenda Item #3 – Approval of Minutes of the Education Subcommittee Meeting Minutes from February 3, 2014

Attachment #1: February 3, 2014 Education Subcommittee Meeting Minutes

Public Comment:

# **Attachment #1**



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**Professional Fiduciaries Bureau  
 Education Subcommittee Meeting  
 Monday, February 3, 2014**

**Department of Consumer Affairs – HQ1  
 1625 N. Market Blvd., 1<sup>st</sup> Floor Hearing Room  
 Sacramento, CA 95834**

**Committee Members Present**

Barbara de Vries, Subcommittee Chair  
 Kevin Urbatsch, Subcommittee Vice Chair  
 Prescott Cole, Subcommittee Member

**Staff Present**

Julia Ansel, Bureau Chief  
 Angela Bigelow, Program Analyst  
 Angelique Scott, DCA Legal Counsel

- I. Call to Order – Barbara de Vries, Subcommittee Chair  
 The meeting was called to order by Barbara de Vries at 9:35am.
- II. Introductions/Roll Call – Julia Ansel, Bureau Chief  
 Ms. Ansel took roll and there were three members present. Those in attendance introduced themselves.
- III. Approval of Minutes of the Education Subcommittee Minutes from the December 12, 2013 Meeting  
 Mr. Prescott moved to approve the minutes as written, the motion was second by Mr. Urbatsch. There were none opposed and the motion carried.
- IV. Examination Passage Rates – Julia Ansel, Bureau  
 Ms. Ansel stated the Center for Guardianship Certification (CGC) develops the national and state portions of the exam and the passage rates are reported to the Bureau by CGC. In 2012 the passage rate for the national portion of the exam was approximately 80% and in 2013 it was approximately 69%. In 2012 the passage rate for the state portion of the exam was approximately 70% and in 2013 it was approximately 59%. Ms. de Vries asked if it was the same exam both years and how often is the exam given. The exam was updated in August of 2012 and the exam is given on a daily basis. Ms. de Vries asked why there was a drop in the passage rates and Ms. Ansel answered she could not infer why there was a drop, but the exam was evaluated and changes were made in August of 2012. Mr. Urbatsch asked how many candidates took the exam and Ms. Ansel stated we would provide the number at the next subcommittee meeting. Mr. Cole asked if the candidate takes the same exam if he/she fails the first time and Ms.

Bigelow explained there are three versions of each portion and it is possible the candidate would receive the same exam after the third time.

Mr. Counts made a public comment and asked how many within this percentage have taken the exam more than one time and Ms. Ansel stated the Bureau will see if CGC can provide this information for the next subcommittee meeting.

#### V. Examination Process – Sonja Merold, Acting Chief, Division of Programs and Policy Review

Ms. Merold was on the agenda to discuss the Examination Process but Ms. Ansel stated that Ms. Merold was not able to attend this meeting due to a scheduling conflict and this agenda item would be tabled until the next subcommittee meeting. Mr. Cole would like an analysis of complaints against licensees and how many times the licensee took the exam to see if there is a correlation between the two. Ms. Lorenz made a public comment stating she has received feedback from applicants and licensees that they did not have the proper training needed to pass the exam and asked the subcommittee members to use the [PSI] Psychological Services, LLC candidate information bulletin as an outline to create or change education criteria.

#### VI. Dividing Education Hour Requirements by Subject Matter

Mr. Urbatsch asked if there is a study on areas licensees are interested in working in. Ms. de Vries stated [PFAC] Professional Fiduciaries Association of California has done a survey on this and Ms. Ansel suggested one of the subcommittee members work with PFAC if this information would be beneficial in dividing the hours. Mr. Cole stated the division should reflect the client's needs with at least 1/3 of the hours to be in elder advocacy and 2/3 for substantive material. Each subcommittee member has started a draft of how to divide the hours. Ms. de Vries would like the division to be: 1 - introduction to include conservatorships, trusts, power of attorney and decedent estates. 2 – conservatorships to include the person, estate and healthcare. 3 – trusts to include all types of trusts. 4 – accounting to include court accountings. 5 – use of other professions and how to interface with other professions. Mr. Cole suggested the hours be divided by percentages so if legislation changes in the future, the regulations will not have to be changed again. Mr. Urbatsch suggested the division be: Trustee, Conservatorship/Guardianship, Probate, Power of Attorney, and other roles. Ethics would be included in each section. Ms. de Vries asked that each subcommittee member return with a more formal division at the next subcommittee meeting and the subcommittee members can work to meld the recommendations together. Ms. Scott explained the regulations can be changed working within the hours approved in statute. The Bureau does not have authority to require the certificate programs to require a specific curriculum. Ms. Lorenz made a public comment stating she would like the subcommittee members to take notice that the exam outline is broken down by percentages and her concern is that the curriculum created may not be an exam requirement. By using the examination outline it would encourage the educational organizations to focus on these areas and ethics in each area the applicant will be tested on. The categories on the examination outline could help educational providers to focus on these areas. Ms. Lorenz would also encourage a survey be taken of licensees to determine in which areas they are working in. Mr. Counts made a public comment suggesting the subcommittee members use the Bureau's brochure as a starting point which has seven categories listed.

#### VII. Tasks to be Completed by Subcommittee Members Prior to the Next Meeting

All subcommittee members should bring their recommendations of how to divide content hours for education by percentage.

The Bureau will provide a copy of the laws and regulations pertaining to education for the next subcommittee meeting.

#### VIII. Future Agenda Items

Ms. de Vries will talk about the feasibility of internships in the certificate programs.

Dividing hour requirements by subject matter by percentages.

Ms. Merold or the Office of Professional Examination Services will explain the exam process.

Ms. Lorenz made a public comment that the role of a Professional Fiduciary is not always due to the absence of family. Professional Fiduciaries are objective, neutral, professional third parties. Much of the elder abuse seen is perpetrated by family members.

#### IX. Future Subcommittee Meeting Date

Wednesday, April 2, 2014 at 10:00a.m.

#### X. Adjournment

The meeting was adjourned at 10:17a.m.



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## MEMORANDUM

<b>DATE</b>	May 29, 2014
<b>TO</b>	Education Subcommittee Members Professional Fiduciaries Bureau
<b>FROM</b>	Professional Fiduciaries Bureau
<b>SUBJECT</b>	Agenda Item #4 – Updates From Prior Education Subcommittee – Julia Ansel, Bureau Chief

- Number of Exams Taken in 2012 and 2013
  
- Correlation Between Number of Exam Attempts and Complaints Received
  
- Statutes & Regulations Pertaining to Education  
     Attachment #2: Law and Regulations

Public Comment:

# **Attachment #2**

## Laws and Regulations Pertaining to Education

### Laws

6518. (b) The bureau shall approve classes qualifying for prelicense education, as well as classes qualifying for annual continuing education required by this chapter. The bureau shall maintain a current list of all approved classes.

6533. In order to meet the qualifications for licensure as a professional fiduciary a person shall meet all of the following requirements:

(e) Have completed the required prelicensing education described in Section 6538.

(g) Have at least one of the following:

(1) A baccalaureate degree of arts or sciences from a college or university accredited by a nationally recognized accrediting body of colleges and universities or a higher level of education.

(2) An associate of arts or sciences degree from a college or university accredited by a nationally recognized accrediting body of colleges and universities, and at least three years of experience working as a professional fiduciary or working with substantive fiduciary responsibilities for a professional fiduciary, public agency, or financial institution acting as a conservator, guardian, trustee, personal representative, or agent under a power of attorney.

(3) Experience of not less than five years, prior to July 1, 2012, working as a professional fiduciary or working with substantive fiduciary responsibilities for a professional fiduciary, public agency, or financial institution acting as a conservator, guardian, trustee, personal representative, or agent under a power of attorney.

6538. (a) To qualify for licensure, an applicant shall have completed 30 hours of prelicensing education courses provided by an educational program approved by the bureau.

(b) To renew a license, a licensee shall complete 15 hours of approved continuing education courses each year.

(c) The cost of any educational course required by this chapter shall not be borne by any client served by a licensee.

6540. Individuals, entities, agencies, and associations that propose to offer educational programs qualifying for the prelicensing educational or continuing educational requirements of this chapter shall apply for and obtain the approval of the bureau.

6541. (b) A license may be renewed by filing a renewal application with the bureau, submitting the annual statement required by Section 6561, submitting proof of the licensee's compliance with the continuing education requirements of this chapter, and payment of the renewal fee set by the bureau, provided that the licensee has not engaged in conduct that would justify the bureau's refusal to grant the renewal. Acts justifying the bureau's refusal to renew a license shall include any of the following:

- (1) Conviction of a crime substantially related to the qualifications, functions, or duties of a fiduciary.
- (2) Fraud or deceit in obtaining a license under this chapter.
- (3) Dishonesty, fraud, or gross negligence in performing the functions or duties of a professional fiduciary.
- (4) Removal by a court as a fiduciary for breach of fiduciary duty if all appeals have been taken or the time to file an appeal has expired.

## Regulations

### 4422. Application.

(a) A person applying for a license as a professional fiduciary shall submit an application for licensure to the Bureau and pay the application fee required in Section 4580.

(b) An application for licensure shall require the applicant to meet the qualifications of Section 6533 of the Business and Professions Code and, in addition, provide the following information:

(1) For a determination of compliance with the education requirements under subdivision (g) of Section 6533, if applicable, the applicant shall provide the names of the universities or colleges, the dates of graduation, and the applicable degrees awarded.

**Note: Authority cited: Section 6517, Business and Professions Code. Reference: Sections 141, 480, 481, 490, 6533, 6534, 6536, 6538, 6539 and 6561, Business and Professions Code.**

### 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. 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) 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.**

4443. Continued Education for First License Renewal.

For the initial license period established pursuant to Section 4428, each licensee must comply with the continued education requirements of Section 4442.

**Note: Authority cited: Sections 152.6 and 6517, Business and Professions Code. Reference: Sections 134 and 152.6, Business and Professions Code.**

4444. Approved Education Courses.

(a) Eligible education courses, as defined in subdivision (b), 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) 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) 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) 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.

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

#### 4446. Approved Education Providers.

(a) Approved education providers may include accredited educational institutions, professional associations, professional continuing education entities, public or private for-profit or not-for-profit entities, and court-connected groups. An "accredited educational institution" is a college or university, including a community or junior college, accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation.

(b) The following educational entities that offer or approve eligible education courses as defined in subdivision (a) of Section 4444, in accordance with the requirements of Section 4448, are approved education providers of courses that meet the prelicensing and continuing education requirements of this Article:

- (1) An accredited educational institution;
- (2) An education provider offering courses sponsored by a local court of the State of California;
- (3) An education provider offering courses approved by the California State Bar for continuing education;
- (4) An accountancy organization or an education provider, if the education qualifies with the California State Board of Accountancy for continuing education credit for renewal of an individual license as a Certified Public Accountant;
- (5) An education provider offering courses registered with the Certified Financial Planner Board of Standards, Inc.;
- (6) An education provider offering courses approved by the California Department of Insurance;
- (7) An education provider of continuing education courses approved by the California Board of Registered Nursing;
- (8) An education provider offering courses approved by the California Board of Psychology;
- (9) An education provider offering courses approved by the California Board of Behavioral Sciences;
- (10) The California Department of Mental Health, Social Services and Developmental Services;
- (11) The Professional Fiduciary Association of California;
- (12) The California State Association of Public Administrators, Public Guardians, and Public Conservators;
- (13) The National Guardianship Association and its state affiliates;
- (14) The National Association of Professional Geriatric Care Managers;
- (15) The American Bar Association;

- (16) The American Society of Aging;
- (17) The Gerontological Society of America;
- (18) The National Association of Social Workers;
- (19) The National College of Probate Judges;
- (20) The National Elder Law Foundation;
- (21) The American Bankers Association and its training providers;
- (22) The Cannon Financial Institute;
- (23) Any Long Term-Care Ombudsman program certified by the California Department of Aging; and,
- (24) An Internal Revenue Service/Office of Professional Responsibility Approved Program Sponsor for Continuing Education for Enrolled Agents.

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

#### 4448. Requirements for Education Providers.

Each education provider shall:

- (a) Ensure that the instructors teaching qualified education courses are proficient and knowledgeable in the subject matter;
- (b) Monitor and evaluate the quality of courses, curricula, instructors, and instructor training;
- (c) Maintain records of attendance or independent study and distribute to each participant a certificate of completion that identifies the education provider and documents the subject taught, the date of completion of the education course, and the amount of education credit offered;
- (d) Maintain documentation of approved education courses offered for prelicensing and continuing education credit under this article for a period of at least five years from the date the education course was offered; and
- (e) Provide to the Bureau upon request any documentation of approved education courses for prelicensing and continuing education credit, including records of attendance or independent study.

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

#### 4450. Proof of Compliance of Prelicensing Education.

Each applicant is responsible for ensuring compliance with the prelicensing education requirements of this Article.

- (a) To demonstrate compliance an applicant shall sign under penalty of perjury on an application form, as provided for in Section 4422, provided by the Bureau that they have completed thirty (30) hours of approved prelicensing education courses.
- (b) An applicant shall maintain documentation of completion of prelicensing education courses for a period of at least three years from the date of the issuance of the license.

(c) Each applicant shall provide any information requested by the Bureau within ten (10) business days of the request, to determine compliance with the prelicensing education requirements of the Act.

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

4452. Proof of Compliance of Continuing Education Requirements.

Each applicant is responsible for ensuring compliance with the continuing education requirements of this Article.

(a) To demonstrate compliance a licensee shall sign under penalty of perjury on an annual renewal application form provided by the Bureau that they have completed fifteen (15) hours of approved continuing education courses.

(b) A licensee shall maintain documentation of completion of continuing education courses for a period of at least three years from the date of renewal.

(c) Each licensee shall provide any information requested by the Bureau within ten (10) business days of the request, to determine compliance with the continuing education requirements for license renewal.

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

4560. Renewal.

(a) A license may be renewed for a period of twelve (12) months.

(b) For license renewal, a licensee shall have met the annual reporting requirements of subdivision (b) of Section 4540, show proof of compliance with the continuing education requirements of Section 4442, and submit the renewal fee as required in Section 4580.

(c) For the first license renewal following the initial license period as provided in Section 4428, each licensee shall comply with the continued education requirements of Section 4442.

**Note: Authority cited: Sections 152.6 and 6517, Business and Professions Code. Reference: Sections 152.6, 6538, 6541, 6561 and 6592, Business and Professions Code.**



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## MEMORANDUM

<b>DATE</b>	May 29, 2014
<b>TO</b>	Education Subcommittee Members Professional Fiduciaries Bureau
<b>FROM</b>	Professional Fiduciaries Bureau
<b>SUBJECT</b>	Agenda Item #5 – Updates from Prior Education Subcommittee – Barbara de Vries, Subcommittee Chair

- Discussion on Dividing Education Hour Requirements by Subject Matter
  
- Mentoring/Intern Report
  - Attachment #3: Report

Public Comment:

# **Attachment #3**

## Questions for Certification/Education Program Directors

**I would like to know your thoughts regarding the feasibility of making an internship, or a mentoring program, to be one of the requirements for graduation from your certificate program.**

I will bring your comments back to the Professional Fiduciaries Bureau Education Sub-committee.

### **1. UC Berkeley Extension Response:**

It's difficult for students to meet this requirement because most fiduciaries are sole proprietors and don't have the time to mentor. Suggest Bureau make mentoring a licensing renewal requirement in this way all licensees will have to mentor and get credit for this. Second suggestion is that students complete studies, take exam but cannot practice until they work one or two years with a licensed fiduciary.

### **2. PFAC Response:**

PFAC cannot mandate mentoring or internship as part of their curriculum. Mentors are worried about being sued. Internships are difficult as the participants must be paid for their work. Will there be compensation to intern fiduciary? Maybe CEUs can be provided to the provider. Maybe we can work with estate/probate attorneys to provide this service.

### **3. Cal State Fullerton Extension Response:**

If the certificate requirements are further increased and the pre-licensing requirements remain the same, students will just opt to complete the minimum pre-licensing education hours to sit for the exam.

Internships need to have CEU's. Internships must tie into curriculum and an MOU in place between school and business to insure applied learning is taking place. Online programs cannot guarantee that there would be internships available in the students' region.

All accepting organization will have to show proof of insurance.

#### **4. UC Riverside Extension Response:**

Would not like to require this because a large number of students do not want to become licensed, some take only a few classes, and some have real world experience already. Difficulty finding licensed fiduciaries who want to take this on.

A well-structured mentor or coaching program is best solution – could be coordinated by PFAC and local chapters and promoted by the educational institutions.

Developing detailed guidelines for the pre-licensing education hours may be a more appropriate role for the Bureau.



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## MEMORANDUM

<b>DATE</b>	May 29, 2014
<b>TO</b>	Education Subcommittee Members Professional Fiduciaries Bureau
<b>FROM</b>	Professional Fiduciaries Bureau
<b>SUBJECT</b>	Agenda Item #6 – Overview of the Essential Steps in an Examination Program – Sonja Merold, Acting Chief of the Division of Programs and Policy Review

Attachment #4: PFB Core Competencies

Attachment #5: Overview of the Essential Steps in an Examination Program

Public Comment:

# **Attachment #4**

## **PFB Core Competencies\***

1. **Professional Practices:** (16.6%)  
Knowledge and application of fiduciary principles as they relate to the professional roles of the fiduciary.
  - CA Code of Ethics, NGA Standards of Practice
  - Alternatives to court-appointed fiduciaries
  - Working with a co-fiduciary
  - Confidentiality
  - Conflict of interest
  - Management of fiduciary practice/risk management
  - Fees
  
2. **Conservatees:** (12.6%)  
Knowledge of the personal aspects of a conservatee's life and the ability to address those special situations or circumstances affecting the conservatee.
  - Cultural/religious diversity
  - Mental illness/disabilities
  - LPS Conservatorships
  - Difficult clients
  - Family dynamics and concerns
  - Social history, values, and beliefs of conservatee
  
3. **Surrogate Decision-Making:** (10.6 %)  
Knowledge and application of decision-making principles and limitations in making surrogate decisions.
  - Functional assessment
  - Informed consent
  - Least restrictive alternatives

- Capacity
  - Limits to fiduciary's authority
  - Fiduciary responsibilities
4. **Legal and Courts:** (14%)  
Knowledge and application of laws, courts, and legal processes governing fiduciary relationships.
- Due process
  - Conservatee's rights
  - Relationship with other officers of the court
  - Court supervision, sanctions, surcharge
  - Modification of conservatorships or trusts, successors
  - Compliance with monitoring systems
  - Financial powers of attorney
  - Mediation
5. **Personal Management** (9%)  
Knowledge and application of the responsibilities of the conservator of the person, including planning, monitoring, reporting, placement, and community programs.
- Needs assessment
  - Care plans and reports
  - Residential placement
  - Well-being oversight
  - Abuse, neglect, and exploitation
  - Death of the conservatee, probate estate
  - Community and professional resources
6. **Financial Management:** (30%)  
Knowledge and application of the responsibilities for financial management of a client's estate and assets.

- Inventory/marshal of estate
- Personal property management
- Real property management
- Real estate sales/escrow procedures
- Asset safe-keeping and protection
- Public benefits
- Medicare
- Financial planning, Medi-Cal planning
- Trusts and trust administration
- Prudent investor rule, investment principles
- Consulting with other professionals

7. **Medical Decision-Making:** (7%)

Knowledge and application of the specific issues and responsibilities surrounding surrogate medical decisions, including the ability to identify issues that have legal and ethical consequences for both the conservator and the conservatee.

- End of life care
- Special medical decisions/conditions
- Medical advocacy
- DNR/withhold/withdraw medical care
- Durable power of attorney for health care

[\*Source document: PSI Candidate Information Bulletin – May 2014]

# **Attachment #5**

Professional Fiduciaries Bureau  
Education Sub-Committee Meeting  
May 29, 2014

OVERVIEW OF THE ESSENTIAL STEPS IN AN  
EXAMINATION PROGRAM

The Professional Fiduciaries Bureau (PFB) contracts with the Center for Guardianship Certification (CGC) for examination development, validation, and administration services. CGC develops both the national and the California-specific examination. The term of the current contract is from September 1, 2013 through August 31, 2016.

CGC is responsible for ensuring that the examination validation and occupational analyses adhere to the minimum requirements for generally accepted psychometric standards and are in compliance with CA law. CGC must also ensure that the occupational analysis (OA) is current and updated every five years.

**CGC DEVELOPMENT OF CORE COMPETENCIES**

In order to be valid, licensing examinations must be job-related. Job relatedness of an examination is established through an OA. OA is a systematic study of the profession aimed at identifying the competencies (i.e., knowledge, skills, and abilities) that new licensees must possess in order to perform the job safely and competently.

A key element of an OA process that ensures job relatedness of results is the utilization of actual licensees (i.e., subject matter experts) at each step of the process.

Steps in the CGC Occupational Analysis of the Fiduciary Profession in California:

**1. Convened a panel of SMEs to review the 7 core competencies that were identified at the national level for applicability in California**

Over the years, CGC identified 7 core competencies, each broken down into several subtopics, at the national level. In order to ensure that these apply to the professionals in California, during the 2007 OA the CGC assembled a panel of California SMEs who evaluated the subtopics under each of the competencies for applicability in California. Subtopics were revised and new subtopics added as needed. (Refer to the attachment labeled "PFB Core Competencies".)

**2. Surveyed California licensees to obtain input regarding relative importance of competencies and subtopics**

During the 2012 OA, an online survey was distributed to 647 PFs for whom CGC had contact information. The survey was sent to all known PFs in CA, specifically to PFAC and the National Certified Guardians Association membership. The respondents were asked to “force rank” seven core competencies and rate specific areas of knowledge within each core competency.

**3. Developed an examination plan on the basis of survey results**

The survey results were used to identify the weight of each core competency and sub-topic. This enabled CGC to develop an examination plan which identifies the proportion of questions from each subtopic and competency area to appear on each version of the exam.

### **EXAMINATION DEVELOPMENT AND SCORING**

In order to ensure that a licensure examination measures competencies that are necessary for safe and effective performance of PF duties (i.e., that the questions are job related), each examination question is linked to a core competency and a subtopic on the examination plan by SMEs.

SMEs are also utilized to develop new questions, review and revise existing questions that do not meet content or statistical standards, and create new examination forms that contain questions from each competency and subtopic area in proportion to the examination plan.

The six member California test writing committee performs all examination-related work in California. The committee typically consists of two experienced California fiduciaries, two California attorneys who are experienced in providing counsel in conservatorship and trust matters, one representative of Cal State Fullerton, and one representative of the judiciary.

The committee maintains a minimum of 300 California-specific questions in order to satisfy the needs of the candidate pool and prevent item overexposure. The legal source or citation of each question’s answer is documented during item development.

A two-hour, 100-item examination consists of two equally weighted parts:

- 50 questions from the existing CGC National Certified Guardian examination pool that demonstrate knowledge of universal guardianship ethics and practices, and
- 50 questions from California laws, procedures, code of ethics, and standards of practice.

Following the 2012 OA, CGC developed three forms of the California examination. Additional three forms of the national examination were also developed for administration.

Candidates must pass both portions of the examination with a 75% or higher on each portion. Candidates are only required to retake the portion in which they were not successful. Passage of the national portion of the exam will qualify a candidate to be automatically certified as CGC National Certified Guardians. They can renew the certification in two years if they remain qualified and take 20 hours of continuing education.



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## MEMORANDUM

<b>DATE</b>	May 29, 2014
<b>TO</b>	Education Subcommittee Members Professional Fiduciaries Bureau
<b>FROM</b>	Professional Fiduciaries Bureau
<b>SUBJECT</b>	Agenda Item #7 – Task to be Completed by Subcommittee Members Prior to the Next Meeting-Barbara de Vries, Subcommittee Chair

Public Comment:



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<b>DATE</b>	May 29, 2014
<b>TO</b>	Education Subcommittee Members Professional Fiduciaries Bureau
<b>FROM</b>	Professional Fiduciaries Bureau
<b>SUBJECT</b>	Agenda Item #8 – Future Agenda Items

Public Comment:



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## MEMORANDUM

<b>DATE</b>	May 29, 2014
<b>TO</b>	Education Subcommittee Members Professional Fiduciaries Bureau
<b>FROM</b>	Professional Fiduciaries Bureau
<b>SUBJECT</b>	Agenda Item #9 – Future Meeting Dates



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## MEMORANDUM

<b>DATE</b>	May 29, 2014
<b>TO</b>	Education Subcommittee Members Professional Fiduciaries Bureau
<b>FROM</b>	Professional Fiduciaries Bureau
<b>SUBJECT</b>	Agenda Item #10 – Public Comment on Items Not on the Agenda (See “Notes” below)

**Note:** The Professional Fiduciaries Bureau Advisory Committee may not discuss or take action on any matter raised that is not included in this agenda. The Committee may, however, decide to place the matter on the agenda of a future meeting.



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## MEMORANDUM

<b>DATE</b>	May 29, 2014
<b>TO</b>	Education Subcommittee Members Professional Fiduciaries Bureau
<b>FROM</b>	Professional Fiduciaries Bureau
<b>SUBJECT</b>	Agenda Item #11 – Adjournment