

**Professional Fiduciaries Bureau  
Advisory Committee Meeting**

**Wednesday February 4, 2015  
10:30a.m. – 1:00p.m. or conclusion**

**Meeting Location:  
Department of Consumer Affairs (DCA) – HQ1  
1625 N. Market Boulevard, 1<sup>st</sup> Floor Hearing Room  
Sacramento, CA 95834**

**Committee Members**

Marguerite Lorenz – Chair  
Barbara de Vries, Vice Chair  
Aileen Federizo  
Kathleen Thomson  
Hang Le To  
Jenny Chacon

**Webcast\***

- 1) Call to Order – Marguerite Lorenz, Chair
- 2) Roll Call – Julia Ansel, Bureau Chief
- 3) Introductions
- 4) Approval of the Advisory Committee Meeting Minutes from November 18, 2014
- 5) Updates from the Director's Office – DCA Executive Staff
- 6) Budget Report – Tommy Nhan, DCA Budget Analyst
  - Budget Overview and Update
- 7) Legislative Update – Scott Allen, DCA Legislative Analyst
  - Legislation Impacting the Professional Fiduciaries Bureau (Bureau)
    1. AB 1571
    2. AB 1859
    3. AB 2024
    4. AB 2034
    5. AB 2171
    6. AB 2741
    7. SB 940

- Legislation Impacting All DCA Licensing Programs
    1. AB 809
    2. AB 1702
    3. AB 1711
    4. AB 2396
    5. AB 2720
    6. SB 1159
    7. SB 1226
    8. SB 1243
    9. SB 1256
- 8) Bureau Update – Julia Ansel, Bureau Chief
- Statistics
    1. Fiscal Year through December 31, 2014 Statistics
    2. Comparison – This Fiscal Year to Last Fiscal Year
  - E-Newsletter
  - Strategic Plan
    1. Update on Bureau's Completed Items
    2. Update on Committee Member Completed Items
  - Collect Citation \$ through Franchise Tax Board (FTB)
- 9) Bureau's New Publications – Angela Bigelow, Program Analyst
- Attention Licensees
  - What You Should Know Before Hiring A Professional Fiduciary
- 10) Continuing Education (CE) Report – Angela Bigelow, Program Analyst
- How Can the Bureau Educate Licensees and the Public About CE Requirements
- 11) Review Suggestions on Pre-licensing Segmentation – Julia Ansel, Bureau Chief
- Topic Headings for Pre-licensing Segmentation
- 12) Committee Elections – Marguerite Lorenz, Chair
- Chair
  - Vice-Chair
- 13) Future Agenda Items
- 14) Future Meeting Dates
- 15) Public Comment on Items Not on the Agenda (See "Note" below)
- 16) 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 take action on any of the above agenda items; however the 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 Jenny Turner at (916) 574-8375, [jenny.turner@dca.ca.gov](mailto:jenny.turner@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. Turner at the same address and telephone number.

\*The Board plans to webcast this meeting on its website at [www.fiduciary.ca.gov](http://www.fiduciary.ca.gov). Webcast availability cannot, however, be guaranteed due to limitations on resources. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location.

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**Professional Fiduciaries Bureau  
Advisory Committee Meeting  
Tuesday, November 18, 2014  
Meeting Minutes**

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

**Committee Members Present**

- Marguerite Lorenz – Chair
- Barbara de Vries, Vice Chair
- Aileen Federizo
- Kathleen Thomson
- Hang Le To
- Prescott Cole
- Diana Amaya

**Staff Present**

- Julia Ansel, Bureau Chief
- Angela Bigelow, Program Analyst
- Angelique Scott, DCA Legal Counsel
- Awet Kidane, DCA Director
- Robert de los Reyes, DCA Budget Analyst
- Greg Pruden, DCA Legislative Analyst

- 1) Call to Order – Ms. Lorenz called the meeting to order at 10:30 a.m.
- 2) Roll Call – Ms. Julia Ansel, Bureau Chief called roll. There were seven members present and a quorum was established. Ms. Ansel welcomed the Committee Members, public, and webcast viewers. The meeting started with Ms. Ansel reading the Professional Fiduciaries Bureau (Bureau) mission statement.
- 3) Introductions – Those in attendance introduced themselves.
- 4) Approval of the Advisory Committee Meeting Minutes from August 27, 2014 – Changes were requested as follows:
  - Page 1, item 4, line 1, change “ay” to “May”
  - Page 2, item 7, bullet 4, line 2, change “dependant” to “dependent”
  - Page 3, item 7, bullet 7, line 3, change “stated” to “states”
  - Page 3, item 7, last paragraph, line 6, add the word “to” after “Bureau”
  - Page 3, item 7, last paragraph, line 7, change “of” to “that”
  - Page 5, item 10, line 1, add the word “said” after “Ms. Scott”

- 1 Page 5, item 11, paragraph 2, 4<sup>th</sup> line from the bottom, change "notice" to "noticed"  
 2 Page 6, item 11, line 2, change "embers" to "members"  
 3 Page 6, item 11, 8<sup>th</sup> line from the bottom, add the word "not" between the words "had received"  
 4 Ms. Federizo made a motion to approve the minutes with changes, Ms. To seconded the motion,  
 5 all were in favor, none were opposed, and the motion carried.  
 6 Public Comment: None.  
 7
- 8 5) Updates from the Director's Office – DCA Director Awet Kidane thanked the Committee Members  
 9 for inviting him to speak and stated that the committee serves a very important role in the  
 10 community. He stated the Governor has brilliantly balanced the budget in a very efficient way and  
 11 is asking all employees to challenge themselves to do their jobs better, faster, and more  
 12 efficiently. In order to do this the he will need data to determine what type of training is needed to  
 13 be more efficient in our jobs. His office will be working closely with the Bureau Chief and  
 14 welcomes any feedback or suggestions from the Committee Members.  
 15 Public Comment: None.  
 16
- 17 6) Budget Report – Mr. Robert de los Reyes, DCA Budget Analyst stated there were no major  
 18 budget updates. The Budgets office is in the process of building the budget and the Governor will  
 19 release the budget on January 10, 2015.  
 20 Public Comment: None.  
 21
- 22 7) Legislative Update – Mr. Greg Pruden, DCA Legislative Analyst presented on the following bills:  
 23 AB 1571 is dead.  
 24 AB 1859 is dead.  
 25 AB 2024 was signed and will be effective January 1, 2015. Ms. Lorenz asked if regulations will be  
 26 in place by the effective date and Ms. Ansel answered that they will not be completed.  
 27 AB 2034 is dead.  
 28 AB 2171 was signed and will be effective January 1, 2015.  
 29 AB 2741 was signed and will extend the Bureau's sunset date to January 1, 2019.  
 30 SB 940 was signed and will be effective January 1, 2016.  
 31 Mr. Cole stated that although AB 2171 was signed the clause "private right of action" was stricken  
 32 from the bill.  
 33 Public Comment: None.  
 34
- 35 8) Bureau Update – Ms. Ansel Stated all licensing, renewals, and enforcement intake were up-to-  
 36 date at this time. The Bureau has established a new process of making a courtesy call to all new  
 37 licensees to answer any questions the new licensee might have and to remind the new licensee of  
 38 his/her reporting duties to the Bureau. The Bureau staff has attended senior scam stopper events  
 39 in partnership with the Contractor's State Licensing Board and the Department of Insurance. The  
 40 Bureau will be attending the Solano County Fraud Fair in Fairfield next week.
- 41 • Statistics – Ms. Ansel presented the statistics for this Fiscal Year as follows:  
 42 2 Accusations, 2 Citations, 55 average days to close complaints, 66 pending complaints,  
 43 54 complaints received, 639 active licenses, 804 total licenses issued since inception. Ms.  
 44 Federizo would like to see a comparison of this Fiscal Year and last Fiscal Year at the next  
 45 meeting.
  - 46 • E-Newsletter – The deadline for submissions for the 2015 Winter edition is February 1,  
 47 2015.
  - 48 • Expiration of Advisory Committee Member's Terms – Some of the Advisory Committee  
 49 Member's terms expire on January 1, 2015. There is a one-year grace period if a new  
 50 member is not appointed prior to the expiration date. If current members would like to  
 51 reapply, he/she should contact the appropriate appointing committee.

- Discussion on Retirement of Licensed Professional Fiduciaries – Ms. Ansel stated the subject of licensees wanting to retire comes up often. With that also comes the problem that the licensee may still have a caseload which requires he/she to be licensed and he/she has not completed the required continuing education needed to renew his/her license because he/she had anticipated retiring. The Bureau expects all licensees to remain licensed as long as his/her caseload is required to by law. Ms. de Vries stated trying to retire is difficult for a Professional Fiduciary. The licensee may stop taking cases but it may take years to finish the caseload. Ms. Lorenz suggested this be part of the discussion with new licensees and to put it in the e-newsletter.

Public Comment: None.

Ms. Angelique Scott, DCA Legal Counsel stated regulations may be needed to have a definition of retired and Ms. Lorenz asked if a subcommittee was needed to help the Bureau with this and Ms. Ansel answered the Bureau did not need the assistance of a subcommittee at this time, but would like to reserve the right to ask for this later if needed.

- 9) Education Subcommittee Report – Ms. de Vries presented the following proposal for the Advisory Committee to recommend to the Bureau for consideration:

#### **Rationale for Professional Fiduciary Uniform Education Requirement**

The hallmark of every profession is the minimum level of competency required of its practitioners. Consumers and the public at large need to be assured that a licensed professional has the knowledge and skills necessary to handle their affairs. The rudimentary qualification of a Professional Fiduciary is to be capable of managing the health and financial affairs of their clients and to be ethical and organized in those endeavors.

In preparation for becoming a licensed Professional Fiduciary a candidate needs to become familiar with the basics of four substantive areas. The substantive areas they need to know are: introduction to being a private Professional Fiduciary and best practices; services dealing with the person; services dealing with finances; and public benefits. The requisite number of hours for each of the substantive areas should be as follows: three hours for introduction and best practices; ten hours for services dealing with the person; fourteen hours for services dealing with finances; and three hours for public benefits. While the Professional Fiduciary may not choose to practice in these areas, he/ she must know what resources are available and how to access them.

With the completion of these hours, by passing the Professional Fiduciary License Exam, and by complying with the other rules for licensing, the public can have confidence that those who hold the Professional Fiduciary license possess the foundation of knowledge necessary for taking over and managing the health and financial affairs of their clients.

Ms. Thomson made a motion to recommend the proposal to the Bureau, Ms. Federizo seconded the motion, all were in favor, none were opposed, there were no abstentions, and the motion carried.

Ms. de Vries stated the Education Subcommittee has no future meetings scheduled at this time.  
Public Comment: None.

- 10) Election of 2015 Chair and Vice Chair – Ms. Ansel stated due to several members terms expiring prior to the next meeting, she would like to continue this item to the next meeting. Ms. de Vries motioned to postpone the election until the February 2015 meeting, Ms. To seconded the motion, all were in favor, none were opposed, there were no abstentions, and the motion carried.  
Public Comment: None.

- 1 11) Future Agenda Items  
2 -Discuss Education Subcommittee proposal and drill down into more detailed subject topics.  
3 -Election of Chair and Vice Chair.  
4 -At a future meeting the Education Subcommittee take a look at continuing education  
5 requirements.  
6 -How the Bureau can educate the public and licensees on requirements.  
7 -Discussion on how to provide outreach and education about the profession.  
8 -Invite a representative from the Trust & Estates section of the California BAR Association to  
9 speak about their program.  
10 Public Comment: Mr. Counts suggested the Bureau use you tube videos for education. He also  
11 suggested the Bureau ask the Franchise Tax Board to add a question to the Form 541 asking if a  
12 person is doing Professional Fiduciary work and is not licensed by the Bureau, how are they  
13 exempt.  
14  
15 12) Future Meeting Dates  
16 -February 4, 2015  
17 -May 6, 2015  
18 -August 19, 2015  
19 -November 18, 2015  
20  
21 13) Public Comment on Items Not on the Agenda – None.  
22  
23 14) Adjournment – The meeting was adjourned at 12:30p.m.

# 3108 - Professional Fiduciaries Bureau

## Analysis of Fund Condition

Prepared 1/20/2016

(Dollars in Thousands)

### Gov's Budget FY 2015-16

	Actuals 2013-14	CY 2014-15	GOV BUDGET		
			BY 2015-16	BY +1 2016-17	BY +2 2017-18
<b>BEGINNING BALANCE</b>	\$ 348	\$ 399	\$ 289	\$ 212	\$ 175
Prior Year Adjustment	\$ -4	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 344	\$ 399	\$ 289	\$ 212	\$ 175
<b>REVENUES AND TRANSFERS</b>					
Revenues:					
125600 Other regulatory fees	\$ 2	\$ 2	\$ 5	\$ 5	\$ 5
125700 Other regulatory licenses and permits	\$ 105	\$ 109	\$ 115	\$ 115	\$ 115
125800 Renewal fees	\$ 368	\$ 385	\$ 420	\$ 420	\$ 420
125900 Delinquent fees	\$ 3	\$ 4	\$ 5	\$ 5	\$ 5
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 1	\$ 1	\$ 1	\$ 2	\$ 1
150500 Interest from Interfund loan	\$ -	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 479	\$ 501	\$ 546	\$ 547	\$ 546
Transfers from Other Funds					
Transfers to Other Funds					
Totals, Revenues and Transfers	\$ 479	\$ 501	\$ 546	\$ 547	\$ 546
Totals, Resources	\$ 823	\$ 900	\$ 835	\$ 759	\$ 721
<b>EXPENDITURES</b>					
Disbursements:					
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ 422	\$ 611	\$ 622	\$ 584	\$ 596
8880 Financial Information System for California (State Operations)	\$ 2	\$ -	\$ 1	\$ -	\$ -
Total Disbursements	\$ 424	\$ 611	\$ 623	\$ 584	\$ 596
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 399	\$ 289	\$ 212	\$ 175	\$ 124
<b>Months in Reserve</b>	7.8	5.6	4.4	3.5	2.4

# 89 - PROFESSIONAL FIDUCIARIES BUREAU

Item 1111-002-3108

## BUDGET SUMMARY

	<u>CY 2014-15</u>	<u>Governor's Budget BY 2015-16</u>		
2014 Governor's Budget	596,000			
2014 Budget Act	596,000	596,000		
One-Time Costs:				
BCP 1110-1A BreZEe One Time Cost			-1,000	
Baseline Adjustments:				
Retirement Adjustment (BL 13-17)	8,204	8,000		
Employee Comp Adjustment (BL 13-18)	6,433	7,000		
Department Distributed Costs			-20,000	
OIS	\$20,818			
Admin/Exec.	\$21,413			
DOI Internal	\$611			
Public Affairs	\$598			
PCSD	\$168,813			
DOI Investigative	\$0			
Statewide (Central Admin.) Prorata			3,000	
Equipment Adjustment			1,000	
Budget Change Proposals (BCPs):				
Bureau BCPs:				
BCP 1111-06 Enforcement BCP			-8,000	
BCP 1111-06 Bureau Chief BCP			36,000	
<b>REVISED APPROPRIATION</b>	<b>610,637</b>	<b>622,000</b>	<b>Net Change</b>	
Reimbursements	0	0	<b>11,363</b>	<b>1.9%</b>
<b>Revised Net Appropriation (from fund)</b>	<b>610,637</b>	<b>622,000</b>		
<b>PERSONNEL YEARS</b>	<b>2.7</b>	<b>3.0</b>	<b>0.3</b>	<b>11.1%</b>
Authorized Positions	2.7	2.7		
BCP 1111-06 Bureau Chief BCP	0.0	0.3		

## Legislation Impacting the Professional Fiduciaries Bureau

### AB 1571 (Eggman) Residential care facilities for the elderly: licensing and regulation.

This bill requires an applicant seeking a license for a residential care facility for the elderly (RCFE) to provide additional information on the application submitted to the Department of Social Services (DSS). This bill requires RCFE applications to additionally be reviewed by the Department of Public Health (DPH). This bill also requires DSS to establish an online RCFE consumer information service system and a rating system, and to meet specific benchmark implementation deadlines in 2015 and 2019.

**Location:** Held on Senate Appropriations Suspense File

### AB 1859 (Maienschein) Professional fiduciaries: professional corporations.

This bill authorizes the formation of Licensed Professional Fiduciary Corporations pursuant to the Moscone-Knox Professional Corporation Act and the Professional Fiduciaries Act. June 15, 2014 amendments required registration with Bureau, payment of a \$250 fee, require employees of corporation to be licensed, authorize Bureau to adopt regulations to enforce, require an insurance amount of \$250,000, among other provisions.

*Sponsored by the Professional Fiduciaries Association of California*

**Location:** 2-year bill, was never heard in Senate Judiciary Committee.

### AB 2024 (Bonilla, Chapter 336, Statutes of 2014) Professional fiduciaries

This bill authorizes the Bureau to designate a license as "retired" or as "cancelled." This bill also authorizes the Bureau to cancel a license that is not renewed within three years following expiration and to reinstate a license from "retired" to "active" upon request of the licensee and completion of specific requirements. Additionally, this bill specifies that the Bureau has jurisdiction over a license that is retired, inactive, cancelled, suspended, or otherwise restricted.

**Location:** Signed by the Governor on 9/15/14.

### AB 2034 (Gatto) Elder and dependent adults.

This bill would require the conservator of an elder or dependent adult to inform the relatives of the conservatee whenever the conservatee dies or is admitted to a medical facility for acute care for a period of 3 days or more and would require the conservator, in the event of the death of the conservatee, to inform the relatives of any funeral arrangements and the location of the conservatee's final resting place. This bill would allow a relative of the first degree to bring a petition for a visitation order to enjoin a respondent from keeping an elder or dependent adult in isolation from contact with the petitioner. The bill would make these provisions operative on January 1, 2016, and would repeal these provisions on January 1, 2019.

**Location:** Held in the Senate Judiciary Committee.

AB 2171 (Wieckowski, Chapter 702, Statutes of 2014) Residential care facilities for the elderly

This bill establishes a bill of rights for residents of Residential Care Facilities for the Elderly. This bill also establishes a private right of action for current or former residents of RCFEs, providing a three-year statute of limitation that begins when the violation is discovered.

**Location:** Signed by the Governor on 9/28/14.

AB 2741 (Bonilla, Chapter 344, Statutes of 2014) Professional Fiduciaries Bureau

This bill extends the sunset date of the Professional Fiduciaries Bureau (Bureau) four years, to January 1, 2019.

**Location:** Signed by the Governor on 9/15/14.

SB 940 (Jackson, Chapter 553, Statutes of 2014) California Conservatorship Jurisdiction Act

Beginning January 1, 2016, this bill codifies a set of recommendations developed by the California Law Revision Commission (Commission) which are based on the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. Specifically, this bill, 1) establishes a process for resolving jurisdictional disputes regarding conservatorships; 2) establishes a process for transfer of a conservatorship to California and from California to another jurisdiction; 3) establishes a registration procedure to facilitate recognition of a conservatorship that was established in another state, and; 4) conforms several provisions of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act to existing California law.

**Location:** Signed by the Governor on 9/25/14.

## **2014 Legislation Impacting All department of Consumer Affairs Licensing Programs**

### **AB 809 (Logue, Chapter 404) – Patient Consent for Telehealth Services**

This bill revises the patient consent provisions related to the use of telehealth services by health care providers. The bill allows written consent in addition to verbal consent and specifies that the consent is valid for a designated course of health care and treatment. This bill took effect September 18, 2014.

### **AB 1702 (Maienschein, Chapter 410) – Denying or Delaying Licensure Due to Incarceration**

This bill prohibits programs within the Department from denying a license or delaying the processing of licenses based solely on any licensure requirements having been completed during an applicant's incarceration.

### **AB 1711 (Cooley, Chapter 779) - Administrative Procedures Act: Economic Impact Assessment**

This bill requires state agencies to include an economic impact assessment in its published initial statement of reasons document for all proposed regulations. The bill also requires the Department of Finance to provide, and periodically update, instructions on how to prepare the economic impact assessment, which will be placed in the State Administrative Manual.

### **AB 2396 (Bonta, Chapter 737) - Denial of Licensure Based on Expunged Convictions**

This bill prohibits a licensing authority under the Department from denying a license based solely on a prior conviction if the conviction has been dismissed pursuant to Penal Code expungement procedures.

### **AB 2720 (Ting, Chapter 510) - Record of Action Taken at Public Meetings**

This bill amends the Bagley-Keene Open Meeting Act to require all state bodies, including all licensing programs within the Department, to keep a record of, and publicly report, every vote and abstention of each voting member on every action taken by a board, committee, or commission.

### **SB 1159 (Lara, Chapter 752) - Use of ITINs on Licensure Applications**

This bill requires all programs within the Department to accept an individual taxpayer identification number (ITIN) from applicants in lieu of a social security number (SSN) and explicitly directs the Department's licensing programs to issue licenses to individuals qualified for licensure but are not legally present in the United States. All programs must implement this bill no later than January 1, 2016. However, a program cannot begin accepting these numbers prior to January 1, 2015.

### **SB 1226 (Correa, Chapter 657) - Expediting Applicants from the Military**

This bill requires programs under the Department to expedite the licensure process for individuals honorably discharged from the United States Armed Forces. This bill also allows a program to assist the licensure process for these individuals. This bill is operative July 1, 2016. Programs will need regulations to specify what documentation is needed to qualify for the expedited licensure process.

**SB 1243 (Lieu, Chapter 395) - Department-Wide Reforms**

This bill makes a number of changes to program authority and requirements:

- It allows a program to provide a meeting notice by regular mail , email, or by both. The program must give each person who requests a notice the option of receiving the notice by regular mail, email, or by both.
- It requires that any program that intends to webcast a meeting, to indicate on the meeting notice that it will be webcasted.
- It extends current telephone disconnect authority from specific Department programs to all programs.
- It requires the Department to annually report additional enforcement statistics to the Legislature.

**SB 1256 (Mitchell, Chapter 256) - Third Party Medical Creditors**

This bill requires all healing arts licensees to present patients with a specified notice and treatment plan that includes estimated costs and items to be pre-paid prior to facilitating a thirdparty line of credit for payment of medical expenses. The bill also forbids the arrangement of such a credit plan with a patient that is under the influence of anesthesia.



# Six Month Comparison FY 2013/14 vs. FY 2014/15

LICENSING	July 1, 2013 - December 31, 2013	July 1, 2014 - December 31, 2014
Licenses Issued	42	37
Active Licenses	628	648
Total Licenses Issued	751	816
ENFORCEMENT	July 1, 2013 - December 31, 2013	July 1, 2014 - December 31, 2014
Complaints Received	54	81
Complaints Closed	55	33
Complaints Pending	26	83
Average Days to Close Complaints	87	82
Accusations	0	1
Citations	2	2

# **Professional Fiduciaries Pre-Licensing Segmentation Topic**

## **Headings (30 Hours Total)**

Detailed below are topics that might be covered in a pre-licensing class. Applicants may choose to take any of the sub-topics under each category to satisfy the requirement.

### **I. Introduction to Being a Fiduciary and Best Practices (3 Hours)**

- a. Overview of the profession
- b. Terms - fiduciary, probate, trusts, conservatorships, personal representative, power of attorney, representative payee, bill payer
- b. Liability for breach of fiduciary duty
- c. Bonding
- d. Working with/employing other professionals as part of a team
- e. Recognizing and reporting personal or financial abuse
- f. Finding the right mentor/ internship
- g. Developing systems and practices in your office
- h. Communication - with clients, beneficiaries and other providers
- i. Conflict resolution
- j. Ethics

### **II. Services Dealing with the Person (10 Hours)**

- a. How to evaluate a case before acceptance
- b. Powers and Duties of a Conservator of the Person – legal aspects, Probate Code
- c. Health Care Concerns – memory care and or adverse health conditions
- d. Hiring care managers
- e. Planning for long-term care - Skilled Nursing Facility, Assisted Living, Residential Care Facility for the Elderly, Hospice
- e. Legal Capacity in making personal and health care decisions
- f. Ethics

### **III. Services Dealing with Finances (14 Hours)**

- a. How to evaluate a case before acceptance
- b. Powers and Duties of a Conservator of the Estate – legal aspects, Probate Code
- c. Basics of Estate Management
- d. Different types of trusts
- e. Budgeting and financial planning
- f. Investment and risk management strategies, understanding different types of investments, Prudent Investor Act, tax consequences
- g. Fiduciary accounting and bookkeeping
- h. Taxation – required taxes and forms
- i. Legal capacity in making financial decision
- j. Knowledge of software programs
- k. Ethics

**IV. Understanding Public Benefits (3 Hours)**

- a. Financial Benefits – Social Security, Supplemental Security Income and Social Security Disability Insurance, Veterans Benefits
- b. Health Care Benefits – Medi-Cal, Medicare, Affordable Health Care Act Exchange, Veterans benefits
- c. Special Needs Trusts – purpose and legal requirements
- d. Recognizing issues and finding assistance
- e. Ethics