

## **GUARDIANSHIP CERTIFICATION BOARD**

### **MINUTES OF MEETING**

March 16, 2009

2:30 p.m.

Office of Court Administration

205 W. 14th St., Sixth Floor

Austin, Texas

### **COMMENCEMENT OF MEETING**

Judge Gladys Burwell called the meeting of the Guardianship Certification Board (GCB or Board) to order on March 16, 2009 at 2:38 p.m. The meeting was held at the Office of Court Administration in Austin, Texas. Notice of this meeting was posted on the GCB's website and distributed to interested persons in accordance with the GCB's public meetings policy.

### **ATTENDANCE OF MEMBERS**

Lesley Ondrechen, Guardianship Certification Program Director at the Office of Court Administration, called the roll. The following members of the GCB were present:

Judge Gladys Burwell, Chair

Leah Cohen

Dr. Raymond Costello

Carol Patrice Dabner

Susan Eason

Don Ford III

Phillip A. Grant

Marlane Meyer

Gina Patterson

Patti Turner

Robert Warach

All members present attended via telephone conference call. Barry Anderson, Jason Armstrong, Garth Corbett and Kathy Strong did not participate. Others present were Lesley Ondrechen, Guardianship Certification Program Director and Katie Bond, Assistant General Counsel, of the OCA. Member of the public present at the meeting was Rosa Black of the Texas Department of Aging and Disability Services (DADS).

The director gave a brief legislative update for the Board's information. She gave the status of four Senate bills affecting guardianship certification, and summarized two House bills: one to adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, and one to establish a Legislative Committee on Aging. The Chair added that a committee of judges has been formed to study those bills and make recommendations to the legislature. No discussion took place and the Board took no action.

### **CERTIFICATION EXAMINATION REQUIREMENTS**

Judge Burwell reminded the Board that it addressed whether to continue to require a national and state exam at its February 20 meeting, and referred the matter to the Rules Committee. Because of timing factors - the current Exam Services Contract expires on August 31, 2009 and a new

request for proposals is required - the Board is re-addressing the issue at this time, rather than waiting for a recommendation from the Rules Committee.

Ms. Bond noted that OCA staff has begun working on a request for proposals. The Board's decision on whether to continue to require a national exam, in addition to the Texas-specific exam, will affect how the request for proposal is structured.

There was a lengthy discussion, including conflicting areas of national and Texas law; the need for more questions if a Texas-only exam is given; cost concerns; vendors for a small testing group; and other states' exam requirements. Ms. Bond noted that the request for proposals could be structured to ask proposers to propose two alternatives: for a Texas-only exam and for a Texas and national exam.

Ms. Bond also suggested another option would be to go forward with a request for proposals under the current examination requirements, and award a contract for a two year period. This option would give the Board additional time to study the issue and make its decision.

There was further discussion, including feasibility of preparing a Texas-only exam in the required time frame and the possibility of a one-year contract. Ms. Meyer moved, and Mr. Warach seconded, that the Board require a Texas-only exam. The motion carried.

The Chair asked the Rules Committee to make any necessary changes to the Rules Governing Guardianship Certification. Ms. Bond stated a rule change may be done to clarify the change to a Texas-only exam, but is not required. She noted that if fees are changed as a result of the procurement process, the new fees must be approved by the Supreme Court.

The director suggested setting an effective date for the new exam requirement. The Chair recommended, and the Board concurred, making the new requirement effective September 1, 2009.

Judge Burwell, Ms. Turner and Ms. Patterson volunteered to be on the screening committee to review proposals that are submitted. Ms. Cohen remarked she is a private professional guardian certified by the Board, and did not want to take any action that could interfere with the procurement process.

#### **PUBLIC COMMENT**

No public comment was made.

#### **ADJOURNMENT**

On motion by Ms. Meyer and second by Ms. Turner, the meeting was adjourned at approximately 3:40 p.m.