

Guardianship and Conservatorship Program ~~Rules~~ Regulations

Regulation 300 Ethics Advisory Opinion

301.1. The Certified Professional Guardianship and Conservatorship Board (Board) may issue written ethics advisory opinions for Certified Professional Guardian and Conservators (Guardian and Conservators) and Certified Professional Guardian and Conservator Agencies (Agencies).

301.2 Any Guardian and Conservator, Agency, or Board member may request in writing that the Board issue an ethics advisory opinion regarding the application of the Standards of Practice to a specific factual circumstance. ~~(Amended 3-09-09)~~

301.3 A request for an ethics advisory opinion is confidential and not public information.

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302 Ethics Advisory Committee

302.1 The Chair of the Board shall appoint an Ethics Advisory Committee consisting of at least three Board members. The Chair of the Board shall designate one of the members as the chairperson of the Committee.

302.2 The Committee shall review all requests for ethics advisory opinions and draft responses to those requests the Committee decides to answer. The Committee's decision whether or not to draft an ethics advisory opinion shall be based on whether a specific factual circumstance is presented, whether the opinion would involve the application of the Standards of Practice, whether the opinion would duplicate already-existing public opinions, whether the question involves an issue of general significance, and the resources of the Committee. The Committee and the Board shall be under no obligation to draft an ethics advisory opinion in response to a request. ~~(Amended 3-09-09)~~

302.3 Draft ethics advisory opinions may be written by one or more individuals, as determined by the Chair of the Committee.

302.4 Ethics advisory opinions shall be based upon existing law, legal decisions, court rules, regulations, statutes, Standards of Practice, and other information ordinarily relied upon in the course of legal and ethical decision-making.

302.5 The Committee shall send draft ethics advisory opinions to the Board for approval.

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303 Approval by the Board

303.1 The action of the Board to issue an ethics advisory opinion shall be by majority vote of the entire membership of the Board. For this purpose the Chair of the Board may accept votes in person, by mail, email, or by other means which shall provide a record of the vote cast.

303.2 The Board may approve, disapprove or approve with modifications a proposed ethics advisory opinion presented by the Ethics Advisory Committee. Discussion and action by the Board shall include discussion at a regular public meeting of the Board.

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304 Ethics Advisory Opinions Shall be Public

304.1 Ethics advisory opinions that are approved by the Board shall be public information.

304.2 The Board shall distribute regularly Ethics advisory opinions that have been approved by the Board to all Guardian and Conservators, Agencies and others determined by the Board to have a significant interest in these opinions. The Board shall decide the method by which to distribute public ethics advisory opinions.

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305 Overruled, Revised or Withdrawn Ethics Advisory Opinions

305.1 After the Board has approved an ethics advisory opinion, the Board may overrule, revise or withdraw an ethics advisory opinion based upon any subsequent change or reinterpretation of the law, legal decisions, court rules, regulations, Standards of Practice or other information.

305.2 The Board shall give notice in a timely manner to Guardian and Conservators and Agencies that an ethics advisory opinion has been overruled, revised or withdrawn by the Board.

305.3 Reliance on an Ethics Advisory Opinion by a Guardian and Conservator or Agency on an Ethics advisory opinion that has not been overruled, revised or withdrawn by the Board may be offered as evidence of good faith in any subsequent disciplinary proceeding involving a Guardian and Conservator or Agency.