

Enrolled
Senate Bill 59

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CHAPTER

AN ACT

Relating to the Long Term Care Ombudsman; amending ORS 125.085; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 125.085 is amended to read:

125.085. (1) The court may remove a fiduciary on the motion of any person who is entitled to file an objection to a petition under the provisions of ORS 125.075, **on a motion of the Long Term Care Ombudsman** or upon the court's own motion.

(2) On motion of the fiduciary, the court may accept the resignation of the fiduciary and make any other order that may be appropriate, including appointment of a successor fiduciary.

(3) Upon motion by any person who is entitled to file an objection to a petition under the provisions of ORS 125.075, **on a motion of the Long Term Care Ombudsman** or upon the court's own motion, the court may order a modification of the powers or authority of the fiduciary or termination of the protective proceedings.

(4)(a) When the Long Term Care Ombudsman files a motion under this section, the ombudsman shall disclose to the court only:

(A) Such information as is allowed under ORS 441.407; and

(B) The minimum amount of protected information about the resident who is the subject of the motion that the ombudsman believes in good faith is reasonably necessary to prevent or lessen a serious and imminent threat to the health or safety of a resident of a long term care facility, residential facility or adult foster home.

(b) Any protected information disclosed by the ombudsman under this subsection shall remain confidential and must be identified and marked by the ombudsman as confidential and protected information that is subject to the requirements of this subsection.

(c) Protected information disclosed under this subsection is subject to inspection only by the parties to the proceeding and their attorneys as provided in paragraph (d) of this subsection. Protected information disclosed under this subsection is not subject to inspection by members of the public except pursuant to a court order entered after a showing of good cause.

(d) The court may enter an order allowing inspection of protected information subject to disclosure under this subsection upon the filing of a written request for inspection and the payment of any fees or costs charged to copy the protected information.

(e) Notwithstanding ORS 125.155 (4), to the extent that the report of a visitor appointed by the court under ORS 125.150 contains protected information that is subject to the re-

quirements of this subsection, the report in its entirety shall be considered subject to the requirements of this subsection and may be disclosed only as provided in paragraphs (c) and (d) of this subsection.

SECTION 2. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by Senate April 26, 2017

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 5, 2017

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

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Dennis Richardson, Secretary of State