

## SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 59

By COMMITTEE ON JUDICIARY

April 24

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon insert “amending ORS  
2 125.085;”.

3 Delete lines 4 through 24 and delete page 2.

4 On page 3, delete lines 1 through 6 and insert:

5 “**SECTION 1.** ORS 125.085 is amended to read:

6 “125.085. (1) The court may remove a fiduciary on the motion of any person who is entitled to  
7 file an objection to a petition under the provisions of ORS 125.075, **on a motion of the Long Term**  
8 **Care Ombudsman** or upon the court’s own motion.

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

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

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

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

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

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

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

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

33 “(e) **Notwithstanding ORS 125.155 (4), to the extent that the report of a visitor appointed**  
34 **by the court under ORS 125.150 contains protected information that is subject to the re-**  
35 **quirements of this subsection, the report in its entirety shall be considered subject to the**

1 **requirements of this subsection and may be disclosed only as provided in paragraphs (c) and**  
2 **(d) of this subsection.”.**

3 In line 7, delete “3” and insert “2”.

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