

SENATE AMENDMENTS TO SENATE BILL 57

By COMMITTEE ON JUDICIARY

May 1

1 On page 2 of the printed bill, line 25, delete “8” and insert “7”.

2 On page 3, delete lines 7 through 13.

3 In line 14, delete “(3)(a)” and insert “(2)(a)”.

4 In line 24, after the comma delete the rest of the line and insert “a request from the Oregon
5 Public Guardian and Conservator for the purpose of conducting a needs assessment is presumed to
6 be a”.

7 After line 26, insert:

8 “(c) Any health care provider not identified in either paragraph (a) or (b) of this subsection may
9 disclose protected health information to the Oregon Public Guardian and Conservator in accordance
10 with 45 C.F.R. 164.512 (j) to prevent or lessen a serious or imminent threat to the health or safety
11 of a person if the health care provider, in good faith, believes the disclosure is necessary to prevent
12 or lessen the threat. For purposes of this paragraph, a request from the Oregon Public Guardian and
13 Conservator for disclosure under this paragraph for the purposes of conducting a needs assessment,
14 or the good faith belief and disclosure of the health care provider under this paragraph, are pre-
15 sumed to be situations that will prevent or lessen a serious and imminent threat to the health or
16 safety of the person.”.

17 In line 27, delete “(4)” and insert “(3)”.

18 On page 4, line 21, delete “established by the”.

19 In line 22, delete “court” and insert “determined in consultation with the Oregon Department
20 of Administrative Services”.

21 Delete lines 40 through 45.

22 On page 5, delete lines 1 through 42 and insert:

23 “**SECTION 6. For the purpose of requesting a state or nationwide criminal records check**
24 **under ORS 181A.195, the Oregon Public Guardian and Conservator may require the finger-**
25 **prints of an employee of the Oregon Public Guardian and Conservator, an applicant for em-**
26 **ployment with the Oregon Public Guardian and Conservator or a volunteer or party under**
27 **contract with the Oregon Public Guardian and Conservator.”.**

28 In line 43, delete “8” and insert “7”.

29 On page 6, after line 13, insert:

30 “**SECTION 8. (1) The Oregon Public Guardian and Conservator Protected Person Trust**
31 **Account is established in the State Treasury separate and distinct from the General Fund**
32 **and the Oregon Public Guardian and Conservator Fund. Moneys in the Oregon Public**
33 **Guardian and Conservator Protected Person Trust Account consists of moneys received on**
34 **behalf of persons for whom the Oregon Public Guardian and Conservator has been appointed**
35 **as a guardian or conservator. All moneys in the account are continuously appropriated to**

1 the Oregon Public Guardian and Conservator to be used for the benefit of a person for whom
2 the Oregon Public Guardian and Conservator has been appointed as a guardian or
3 conservator and on whose behalf the Oregon Public Guardian and Conservator has received
4 moneys.

5 “(2) The Oregon Public Guardian and Conservator shall administer the trust account:

6 “(a) For the benefit of persons for whom the Oregon Public Guardian and Conservator
7 has been appointed a guardian or conservator and on whose behalf the Oregon Public
8 Guardian and Conservator has received moneys; and

9 “(b) In accordance with the provisions of this chapter or as ordered by the court.

10 “(3) The Oregon Public Guardian and Conservator may establish subaccounts within the
11 Oregon Public Guardian and Conservator Protected Person Trust Account when the Oregon
12 Public Guardian and Conservator determines that subaccounts are necessary or desirable.
13 Interest earned by the account or subaccounts, if any, shall accrue to the benefit of the ac-
14 count or subaccounts.”.

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