

SB 59-A2  
(LC 611)  
3/29/17 (BLS/ps)

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 59**

- 1       On page 1 of the printed A-engrossed bill, line 2, after the semicolon in-  
2 sert “creating new provisions; amending ORS 125.085;”.
- 3       In line 5, after “section” insert “and ORS 125.085”.
- 4       On page 3, after line 6, insert:
- 5       **“SECTION 3.** ORS 125.085 is amended to read:
- 6       “125.085. (1) The court may remove a fiduciary on the motion of any per-  
7 son who is entitled to file an objection to a petition under the provisions of  
8 ORS 125.075, **on a motion of the Long Term Care Ombudsman** or upon  
9 the court’s own motion.
- 10      “(2) On motion of the fiduciary, the court may accept the resignation of  
11 the fiduciary and make any other order that may be appropriate, including  
12 appointment of a successor fiduciary.
- 13      “(3) Upon motion by any person who is entitled to file an objection to a  
14 petition under the provisions of ORS 125.075, **on a motion of the Long**  
15 **Term Care Ombudsman** or upon the court’s own motion, the court may  
16 order a modification of the powers or authority of the fiduciary or termi-  
17 nation of the protective proceedings.
- 18      **“(4)(a) When the Long Term Care Ombudsman files a motion under**  
19 **this section, the ombudsman shall disclose to the court only:**
- 20      **“(A) Such information as is allowed under ORS 441.407; and**  
21      **“(B) The minimum amount of protected information about the**

1   **resident who is the subject of the motion that the ombudsman believes  
2   in good faith is reasonably necessary to prevent or lessen a serious and  
3   imminent threat to the health or safety of a resident of a long term  
4   care facility, residential facility or adult foster home.**

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

9       **“(c) Protected information disclosed under this subsection is subject  
10   to inspection only by the parties to the proceeding and their attorneys  
11   as provided in paragraph (d) of this subsection. Protected information  
12   disclosed under this subsection is not subject to inspection by mem-  
13   bers of the public except pursuant to a court order entered after a  
14   showing of good cause.**

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

19       **“(e) Notwithstanding ORS 125.155 (4), to the extent that the report  
20   of a visitor appointed by the court under ORS 125.150 contains pro-  
21   tected information that is subject to the requirements of this sub-  
22   section, the report in its entirety shall be considered subject to the  
23   requirements of this subsection and may be disclosed only as provided  
24   in paragraphs (c) and (d) of this subsection.”**

25       In line 7, delete “3” and insert “4”.  
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