

HB 3080-3
(LC 2684)
3/26/25 (LAS/ps)

Requested by Representative LEVY E

**PROPOSED AMENDMENTS TO
HOUSE BILL 3080**

1 On page 1 of the printed bill, line 3, after “ORS” insert “107.115,” and
2 after “127.533,” insert “127.535.”

3 In line 14, before “shall” insert “with authority to consent to the proposed
4 health care decision”.

5 Delete line 20 and insert:

6 “(c) A majority of the principal’s adult children who can be located;”.

7 On page 2, delete lines 34 to 45.

8 On page 3, delete lines 1 to 20 and insert:

9 “(5) The authority of an incapable principal’s spouse to act under this
10 section as the principal’s health care representative is terminated upon the
11 filing of a petition for dissolution or annulment of marriage.

12 **“SECTION 3.** ORS 127.520 is amended to read:

13 “127.520. (1) *[Except as provided in ORS 127.635 or as may be]* **Unless**
14 **otherwise** allowed by court order, the following persons may not serve as
15 health care representatives:

16 “(a) If unrelated to the principal by blood, marriage or adoption:

17 **“(A) Except as permitted under ORS 127.635 (1)(c)(A)(ii),** the attend-
18 ing physician or attending health care provider of the principal, or an em-
19 ployee of the attending physician or attending health care provider of the
20 principal; *[or]*

21 **“(B) An owner, operator or employee of a health care facility in which**

1 the principal is a patient or resident, unless the health care representative
2 was appointed before the principal's admission to the facility; or

3 **"(C) Any other person who receives compensation to provide care**
4 **to the principal; or**

5 **"(b) Notwithstanding section 2 of this 2025 Act,** a person who is the
6 principal's parent or former guardian if:

7 "(A) At any time while the principal was under the care, custody or
8 control of the person, a court entered an order:

9 "(i) Taking the principal into protective custody under ORS 419B.150; or

10 "(ii) Committing the principal to the legal custody of the Department of
11 Human Services for care, placement and supervision under ORS 419B.337;
12 and

13 "(B) The court entered a subsequent order that:

14 "(i) The principal should be permanently removed from the person's home,
15 or continued in substitute care, because it was not safe for the principal to
16 be returned to the person's home, and no subsequent order of the court was
17 entered that permitted the principal to return to the person's home before
18 the principal's wardship was terminated under ORS 419B.328; or

19 "(ii) Terminated the person's parental rights under ORS 419B.500 and
20 419B.502 to 419B.524.

21 "(2) A principal, while not incapable, may petition the court to remove a
22 prohibition described in subsection (1)(b) of this section.

23 "(3) A capable adult may disqualify any other person from making health
24 care decisions for the capable adult. The disqualification must be in writing
25 and signed by the capable adult. The disqualification must specifically des-
26 ignate those persons who are disqualified.

27 "(4) A health care representative whose authority has been revoked by a
28 court is disqualified.

29 "(5) A health care provider who has actual knowledge of a disqualifica-
30 tion may not accept a health care decision from the disqualified person.

1 “(6) A person who has been disqualified from making health care deci-
2 sions for a principal, and who is aware of that disqualification, may not
3 make health care decisions for the principal.

4 **“SECTION 3a. ORS 127.535 is amended to read:**

5 “127.535. (1) A health care representative has the authority over the
6 principal’s health care that the principal would have if the principal were
7 not incapable, subject to the limitations of the appointment and ORS 127.540
8 and 127.580. A health care representative who is known to a health care
9 provider to be available to make health care decisions has priority over any
10 person other than the principal to act for the principal with respect to health
11 care decisions. A health care representative has authority to make a health
12 care decision for a principal only when the principal is incapable.

13 “(2) A health care representative is not personally responsible for the cost
14 of health care provided to the principal solely because the health care rep-
15 resentative makes health care decisions for the principal.

16 “(3)(a) Except to the extent that the right is limited by the appointment
17 or by federal law or regulation, a health care representative for an incapable
18 principal has the same right as the principal to receive information regard-
19 ing the proposed health care, to receive and review medical records and to
20 consent to the disclosure of medical records. The right of the health care
21 representative to receive information as described in this section is not a
22 waiver of any evidentiary privilege or any right to assert confidentiality with
23 respect to others.

24 **“(b) Nothing in this subsection is intended to supersede a health**
25 **care provider’s authority under the federal Health Insurance Porta-**
26 **bility and Accountability Act privacy regulations, parts 160 and 164, to**
27 **deny access to a principal’s information or records if the health care**
28 **provider, in the health care provider’s professional judgment, deter-**
29 **mines that access is reasonably likely to endanger the life or physical**
30 **safety of the principal or other person.**

1 “(4) In making health care decisions, a health care representative has a
2 duty to act consistently with the desires of the principal as expressed in the
3 principal’s advance directive, or as otherwise made known by the principal
4 to the health care representative. If the principal’s preferences are unknown,
5 a health care representative has a duty to act in a manner that the health
6 care representative in good faith believes to be in the best interests of the
7 principal.

8 “(5) ORS 127.505 to 127.660 do not authorize a health care representative
9 or health care provider to withhold or withdraw life-sustaining procedures
10 or artificially administered nutrition and hydration if the principal manifests
11 an objection to the health care decision. If the principal objects to the health
12 care decision, the health care provider shall proceed as though the principal
13 is capable with respect to the health care decision.

14 “(6) An advance directive or form appointing a health care representative
15 that would be valid except that the advance directive or form appointing a
16 health care representative is expired, is not properly witnessed or otherwise
17 fails to meet the formal requirements of ORS 127.505 to 127.660 shall consti-
18 tute evidence of the patient’s desires and interests.

19 “(7) A health care representative is a personal representative for the
20 purposes of ORS 192.553 to 192.581 and the federal Health Insurance Porta-
21 bility and Accountability Act privacy regulations, 45 C.F.R. parts 160 and
22 164.”.

23 On page 4, line 10, delete “who” and insert “whom”.

24 On page 25, after line 12, insert:

25 **“SECTION 17a.** ORS 107.115 is amended to read:

26 “107.115. (1) A judgment of annulment or dissolution of a marriage re-
27 stores the parties to the status of unmarried persons, unless a party is mar-
28 ried to another person. The judgment gives the court jurisdiction to award,
29 to be effective immediately, the relief provided by ORS 107.105. The judgment
30 shall:

1 “(a) Revoke a will pursuant to ORS 112.315.

2 “(b) Revoke a transfer on death deed pursuant to ORS 93.981.

3 “(c) Terminate the authority of an agent under a power of attorney pur-
4 suant to ORS 127.015, a health care representative pursuant to ORS 127.545
5 (5)(c)(B) **or section 2 of this 2025 Act** or an attorney-in-fact pursuant to
6 ORS 127.722.

7 “(2) The marriage relationship is terminated when the court signs the
8 judgment of dissolution of marriage.

9 “(3)(a) The Court of Appeals or Supreme Court shall continue to have
10 jurisdiction of an appeal pending at the time of the death of either party.
11 The appeal may be continued by the personal representative of the deceased
12 party. The attorney of record on the appeal, for the deceased party, may be
13 allowed a reasonable attorney fee, to be paid from the decedent's estate.
14 However, costs on appeal may not be awarded to either party.

15 “(b) The Court of Appeals or Supreme Court shall have the power to de-
16 termine finally all matters presented on such appeal. Before making final
17 disposition, the Court of Appeals or Supreme Court may refer the proceeding
18 back to the trial court for such additional findings of fact as are
19 required.”.

20 On page 39, line 18, after “ORS” insert “107.115.”.

21 In line 19, after “127.533,” insert “127.535.”.

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