

HOUSE AMENDMENTS TO HOUSE BILL 2652

By COMMITTEE ON JUDICIARY

March 30

- 1 On page 1 of the printed bill, delete lines 6 through 29 and insert:
2 **“SECTION 1.** ORS 125.205 is amended to read:
3 **“125.205. (1)** A person is not qualified to serve as a fiduciary if the person:
4 **“(a)** Is incapacitated, financially incapable[,] **or** a minor; [or]
5 **“(b)** Is acting as a health care provider, as defined in ORS 127.505, for the protected person[.];
6 **or**
7 **“(c) Is the protected person’s parent or former guardian and:**
8 **“(A) At any time while the protected person was under the care, custody or control of**
9 **the person, a court entered an order:**
10 **“(i) Taking the protected person into protective custody under ORS 419B.150; or**
11 **“(ii) Committing the protected person to the legal custody of the Department of Human**
12 **Services for care, placement and supervision under ORS 419B.337; and**
13 **“(B) The court entered a subsequent order that:**
14 **“(i) The protected person should be permanently removed from the person’s home, or**
15 **continued in substitute care, because it was not safe for the protected person to be returned**
16 **to the person’s home, and no subsequent order of the court was entered that permitted the**
17 **protected person to return to the person’s home before the protected person’s wardship was**
18 **terminated under ORS 419B.328; or**
19 **“(ii) Terminated the person’s parental rights under ORS 419B.500 and 419B.502 to**
20 **419B.524.**
21 **“(2) A protected person, while not incapacitated, may petition the court to remove a**
22 **prohibition contained in subsection (1)(c) of this section.**
23 **“SECTION 2.** ORS 127.520 is amended to read:
24 **“127.520. (1)** Except as provided in ORS 127.635 or as may be allowed by court order, the fol-
25 **lowing persons may not serve as health care representatives:**
26 **“(a) If unrelated to the principal by blood, marriage or adoption:**
27 **“[(a)] (A) The attending physician or an employee of the attending physician[.]; or**
28 **“[(b)] (B) An owner, operator or employee of a health care facility in which the principal is a**
29 **patient or resident, unless the health care representative was appointed before the principal’s ad-**
30 **mission to the facility[.]; or**
31 **“(b) A person who is the principal’s parent or former guardian and:**
32 **“(A) At any time while the principal was under the care, custody or control of the per-**
33 **son, a court entered an order:**
34 **“(i) Taking the principal into protective custody under ORS 419B.150; or**
35 **“(ii) Committing the principal to the legal custody of the Department of Human Services**

1 for care, placement and supervision under ORS 419B.337; and

2 **“(B) The court entered a subsequent order that:**

3 **“(i) The principal should be permanently removed from the person’s home, or continued**
4 **in substitute care, because it was not safe for the principal to be returned to the person’s**
5 **home, and no subsequent order of the court was entered that permitted the principal to re-**
6 **turn to the person’s home before the principal’s wardship was terminated under ORS**
7 **419B.328; or**

8 **“(ii) Terminated the person’s parental rights under ORS 419B.500 and 419B.502 to**
9 **419B.524.**

10 **“(2) A principal, while not incapable, may petition the court to remove a prohibition**
11 **contained in subsection (1)(b) of this section.**

12 “[2] (3) A capable adult may disqualify any other person from making health care decisions for
13 the capable adult. The disqualification must be in writing and signed by the capable adult. The dis-
14 qualification must specifically designate those persons who are disqualified.

15 “[3] (4) A health care representative whose authority has been revoked by a court is disqual-
16 ified.

17 “[4] (5) A health care provider who has actual knowledge of a disqualification may not accept
18 a health care decision from a disqualified individual.

19 “[5] (6) A person who has been disqualified from making health care decisions for a principal,
20 and who is aware of that disqualification, may not make health care decisions for the principal.”.

21 On page 2, delete lines 1 through 24.

22 On page 3, delete lines 31 through 45 and insert:

23 **“(6) A principal, while not incapable, may petition the court to remove a prohibition contained**
24 **in subsection (5) of this section.**

25 **“SECTION 4.** ORS 127.727 is amended to read:

26 **“127.727. (1) None of the following may serve as attorney-in-fact:**

27 **“[(1)] (a) The attending physician or mental health service provider or an employee of the phy-**
28 **sician or provider, if the physician, provider or employee is unrelated to the principal by blood,**
29 **marriage or adoption.**

30 **“[(2)] (b) An owner, operator or employee of a health care facility in which the principal is a**
31 **patient or resident, if the owner, operator or employee is unrelated to the principal by blood, mar-**
32 **riage or adoption.**

33 **“(c) A person who is the principal’s parent, guardian or former guardian if:**

34 **“(A) At any time while the principal was under the care, custody or control of the per-**
35 **son, a court entered an order:**

36 **“(i) Taking the principal into protective custody under ORS 419B.150; or**

37 **“(ii) Committing the principal to the legal custody of the Department of Human Services**
38 **for care, placement and supervision under ORS 419B.337; and**

39 **“(B) The court entered a subsequent order that:**

40 **“(i) The principal should be permanently removed from the person’s home, or continued**
41 **in substitute care, because it was not safe for the principal to be returned to the person’s**
42 **home, and no subsequent order of the court was entered that permitted the principal to re-**
43 **turn to the person’s home before the principal’s wardship was terminated under ORS**
44 **419B.328; or**

45 **“(ii) Terminated the person’s parental rights under ORS 419B.500 and 419B.502 to**

1 **419B.524.**

2 **“(4) A principal, while not incapable, may petition the court to remove a prohibition**
3 **contained in subsection (1)(c) of this section.”.**

4 On page 4, delete lines 1 through 6.

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