

SB 199 A STAFF MEASURE SUMMARY

House Committee On Health Care

Prepared By: Oliver Droppers, LPRO Analyst

Meeting Dates: 5/13, 5/20

WHAT THE MEASURE DOES:

Revises Advance Directive form. Provides increased content, options, and opportunity for direction in section of form on health care instructions. Includes section on values and directions regarding quality of life, spiritual beliefs, life and values, place of care, and other information for health care representative or health care provider. Provides direction to health care representative on discussion of health status with others. Allows acceptance as appointment as health care representative to be by signature or by representing to a third party that the person is the named representative and has accepted the authority and duties of a health care representative. Modifies structure and duty of Advance Directive Adoption Committee. Renames Committee to Advance Directive Advisory Committee (ADAC). Specifies that ADAC will recommend changes to the form to legislature. Removes requirement that ADAC submit form to Legislative Assembly and that it become a measure for ratification. Charges ADAC with providing written explanatory materials to the public. Requires ADAC to report to Legislative Assembly by September 1 of even-numbered years following finalization of its initial recommendation for changes to the form. Takes effect on 91st day following adjournment sine die.

Senate Vote: *Passed. Ayes, 17; Nays, 11; Excused, 2.*

REVENUE: *No revenue impact*

FISCAL: *Has minimal fiscal impact*

ISSUES DISCUSSED:

- Advance Directive Advisory Committee
- History and purpose of Oregon's advance directive form
- Proposed changes to form
- Distinction between progressive and advanced illness
- Ability for individuals with limited English proficiency to use the form
- Terminology used in the form
- Clarification any future changes to the form require legislative approval

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 1993, Oregon adopted the first advance directive legislation in the nation. An advance directive is a legal document that appoints a representative to make health care decisions for another individual when that person becomes incapacitated. Additionally, it allows a person to provide directions and preferences on receiving life-sustaining treatments when one or more conditions exist, including the following: close to death; permanently unconscious; progressive fatal illness with inability to communicate, swallow food or water safely, care for self, and recognize family or others; and medical conditions in which life support would not help the condition and would make the person suffer permanent and severe pain. The advance directive does not apply when individuals can make their own health care decisions. The current advance directive has not been modified since 1993.

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House Bill 4135 established the Advance Directive Adoption Committee (ADAC), which is required to review the current advance directive form every four years. It specifies that future changes to the advance directive form require legislative action through a legislative measure before becoming effective in Oregon. In September 2020, the ADAC submitted a revised form to the legislature for ratification.

Senate Bill 199 A revises Oregon Advance Directive form.