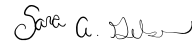


**Subject:** FW: Questions re: SB 567  
**Date:** Wednesday, June 2, 2021 at 8:47:49 AM Pacific Daylight Time  
**From:** Sen Gelser  
**To:** Sen Steiner Hayward  
**Attachments:** image001.jpg

From the Desk of  
Senator Sara Gelser



Questions posed by health care community and answered by LC. Please see below. I've highlighted the LC responses. SG

Senator Sara Gelser  
Senate Majority Whip  
Chair, Senate Committee on Human Services, Mental Health and Recovery  
Sen.saragelser@oregonlegislature.gov  
(503) 986-1708\* 900 Court Street NE, Salem, OR 97301  
Pronouns: She/Her/Hers

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**From:** Sen Gelser <Sen.SaraGelser@oregonlegislature.gov>  
**Date:** Tuesday, March 16, 2021 at 2:26 PM  
**To:** Freeman Lorey <Lorey.Freeman@oregonlegislature.gov>  
**Subject:** Re: Questions re: SB 567

Thank you! This is very helpful!  
Sara

Senator Sara Gelser  
Senate Majority Whip  
Chair, Senate Committee on Human Services, Mental Health and Recovery  
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**From:** Freeman Lorey <Lorey.Freeman@oregonlegislature.gov>  
**Date:** Tuesday, March 16, 2021 at 1:55 PM

**To:** Sen Gelser <Sen.SaraGelser@oregonlegislature.gov>

**Subject:** RE: Questions re: SB 567

Senator Gelser,

Senate Bill 567 does not override current state laws. Please see my answers below.

**Lorey H. Freeman | Chief Deputy**

Office of the Legislative Counsel Committee

[Lorey.freeman@oregonlegislature.gov](mailto:Lorey.freeman@oregonlegislature.gov)

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**From:** Sen Gelser <Sen.SaraGelser@oregonlegislature.gov>

**Sent:** Sunday, March 14, 2021 10:35 PM

**To:** Freeman Lorey <Lorey.Freeman@oregonlegislature.gov>

**Subject:** Questions re: SB 567

Hi Lorey,

The hospitals and providers have raised several concerns about SB 567 in the form of questions. Can you advise as to the appropriate answers to these questions if SB 567 was to pass? Would any of the answers be different if the bill was to pass with the -1 amendment?

- If SB 567 passes, who has the authority to decide whether a patient receives treatment?

The patient or a surrogate decision-maker for the patient has the right to decide whether to consent to treatment. ORS 109.575, 109.640, 109.675 and 677.097.

- Would SB 567 allow a family member to demand a patient receive treatment the patient does not want?

No, only the patient or the patient's surrogate decision-maker can consent to treatment. ORS 109.575, 109.640, 109.675 and 677.097.

- If a provider recommends a treatment that is likely to benefit a patient, but the patient declines the treatment will the provider be liable for discrimination for not providing the treatment?

No the bill only applies to the denial or restriction of treatment. A patient has a right to refuse to consent to treatment. ORS 109.575, 109.640, 109.675 and 677.097.

- Would a frail elderly patient whose family members desire a knee replacement be required to have a knee replacement?

Yes, if all of the following are true: the knee replacement is likely to benefit the patient based on an individualized assessment of the patient using objective medical evidence, the patient or surrogate decision maker consent to the treatment and the provider is denying the treatment based solely on the patient's age or disability and not on whether the knee replacement is medically appropriate.

- Would a provider for a pediatric patient under age 16 or adult patient under age 65 who are not yet eligible for COVID vaccines under federal and state age category limitations be required to be provided the vaccine?

No. A denial based on state vaccine requirements would not be a denial based on age.

- Would the husband of a spouse with severe dementia be able to demand that all available treatments be provided regardless of their efficacy?

No. The bill only prohibits the denial or restriction of treatment that is likely to benefit the patient based on an individualized assessment of the patient using objective medical evidence.

- What about a patient with a POLST limiting end of life treatment; must all medical resources nonetheless be provided?

No. this bill does not override the patient's right to consent to medical treatment or to have a POLST.

- Would a patient desiring a specific brand name prescription drug have the right to be provided that drug even though a lower cost, generic drug or alternate therapy would be considered more appropriate?

No. The bill only prohibits the denial or restriction of medical treatment based on the patient's race, color, national origin, sex, sexual orientation gender identity, age or disability. It would not limit the ability of a physician or an insurer to use a formulary, to the extent already permitted by state law.

- Would SB 567 fundamentally change the practice of medicine and what treatments or resources patients are entitled to receive?

The bill appears to be consistent with existing federal and state requirements so it is not likely to fundamentally change the practice of medicine and what treatments or resources patients are entitled to receive.

Thank you!  
Sara

Senator Sara Gelser  
Senate Majority Whip  
Chair, Senate Committee on Human Services, Mental Health and Recovery  
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