

SB 199 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 04/08/21
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 4-2-1-0
Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski
Nays: 2 - Heard, Linthicum
Exc: 1 - Thatcher
Fiscal: No fiscal impact
Revenue: No revenue impact
Prepared By: Channa Newell, Counsel
Meeting Dates: 3/3, 4/8

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.

ISSUES DISCUSSED:

- Process of Advance Directive Adoption Committee
- Need for form that can be used by all Oregonians
- Balance between clarity in form and precision with terms
- Modifications to section on Quality of Life

EFFECT OF AMENDMENT:

Uses present tense for instructions section of form. Clarifies language and intent. Allows acceptance as appointment as health care representative to be by signature or by representing to a third party that the person has accepted the authority and duties of a health care representative or alternate. Revises section 3B of form for providing information on what is important to a person and for a person. Revises use of "artificial feeding and hydration" for consistency. Clarifies in instructions under what circumstances a person appointed under ORS 127.635(2) can only decide to withhold or withdraw life sustaining treatments. Removes emergency clause. Specifies measure takes effect on 91st day following adjournment sine die.

BACKGROUND:

An advance directive is a legal planning tool that allows a person to appoint another person, called a health care representative, to make health care decisions for them, should the person be unable to make and communicate their own decisions. The advance directive also includes a form that asks questions on the person's preferences

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for receiving life-sustaining treatments, such as tube feeding or life support.

In 2018, House Bill 4135 revised the advance directive form used in Oregon and established the Advance Directive Adoption Committee (ADAC). The ADAC is composed of 13 members who meet at least twice a year. The charge of the ADAC is to review the form of the advance directive at least once every four years for the purpose of adopting changes to the form that the ADAC deems necessary. The ADAC then adopts the form and sends it to the interim committee on Judiciary by September 1 of even-numbered years. It is then filed as a proposed legislative measure for the next long session.

Senate Bill 199 A is the first revision to the form adopted by the ADAC. The measure also contains updates to the advance directive statutes to mirror changes made in the form and to streamline and clarify the process of adopting revisions to the form.