



Senate Committee on Judiciary and Ballot 110 Implementation

**Testimony in Support of SB 199**

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AARP Oregon is pleased to support SB 199, updating the Advance Directives laws in Oregon. AARP is the nation's largest nonprofit, nonpartisan organization dedicated to empowering Americans 50 and older to choose how they live as they age. AARP has over 503,000 members in Oregon and nearly 38 million nationwide.

AARP recognizes that when adults lack decision-making capacity or the ability to communicate their decisions, the duty to decide on treatment falls to others. Although this raises ethical considerations, concern for the individual's wishes, values and welfare remains at the heart of surrogate decision-making. The legislature should support programs to help patients plan their advanced care and create clear, comprehensive advance health care directives to be shared with providers and loved ones.

Oregon has been a leader in adopting advance directives legislation, starting in 1993 and SB 199 builds on the work done in the 2018, which AARP Oregon supported. HB 4135 (2018) brought together a diverse set of stakeholders including various health care and social supports providers, ethicists, attorneys, and consumers and their families (especially those who have been or are caregivers). Their work has culminated in SB 199, which contains a new Oregon Advance Directive for Health Care form. Here are some important pieces:

- Provides clear language allowing individuals to identify the care they do and do not want and the circumstances while also including places in the form to write out specific wishes (kind of care, quality of life, spiritual or religious beliefs, other values and beliefs, preferred places to receive care and any other information they want to include).
- Retains the Advisory Committee through the Oregon Health Authority with a diverse stakeholder group, as required by law with regularly reporting requirements to the legislature.
- Requires the appointed health care representative (and an alternative) to accept appointment. This encourages dialogue with the patient and the representative.

As our society ages and more of us need and want to plan ahead, this update to Oregon's Advance Directives laws allows for a stronger engagement on these issues of when one lacks capacity to communicate. From a practical perspective, we know that having directives that are easy to fill out and promote a dialogue on values for care is vital. It reduces the potential of family conflicts, engagement of the judicial system and costs involved (both financial and emotional). We urge you to pass SB 199.