



Oregon

Kate Brown, Governor

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TO: Senate Judiciary Committee
FROM: The Oregon Public Guardian & Conservator
DATE: March 2, 2023

RE: SB 793

Chair Prozanski and members of the Senate Judiciary Committee,

The Oregon Public Guardian & Conservator (OPG) program, in its role as decision-maker for some of our most vulnerable Oregonians, requests to participate on any workgroup or discussions that may occur on SB 793. As guardian for over 140 protected persons, there have been countless times where OPG has needed to make medical decisions on behalf of protected persons. In many cases, OPG does its best to take direction from the protected person for their medical decisions, but there are cases where we need to override their wishes given the circumstances. While the intention behind SB 793 appears to be well-meaning, as drafted the bill would create multiple problems for the effective administration of guardianship and would also further deprive protected persons with having choice in the decisions made for them.

Issues identified by OPG that could use additional discussion include:

- SB 793 would create a large, additional workload for the courts and would leave guardianship decisions in the hands of judges, instead of qualified guardians. Requiring that guardians “petition” the court for instructions anytime that following the wishes of protected person regarding medical treatment may lead to harm would result in hundreds of these petitions each month in Oregon. Those decisions would then be in the hands of judges instead of trained and certified guardians. Currently, Oregon law requires that guardians follow the National Guardian Association model ethical and practice standards, which provides a clear and effective roadmap for appropriate decision making in these situations.
- SB 793 would deprive protected persons of having a choice in relation to end of life care. One of the main ethical responsibilities of a guardian is to seek input from the protected person and understand their wishes, including whether the person would want artificial nutrition and hydration. Based on the limitations around this type of decision making in SB 793, there would be times where a guardian would be forced to authorize artificial nutrition and hydration for a protected person, where the guardian is aware that is not what the person would want.



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Again, if there is a desire to form a workgroup to address these elements of the bill, I would hope to be of assistance in finalizing these concepts.

Respectfully,

Chris Rosin, JD, NCG

The Oregon Public Guardian & Conservator.