

## SB 1507 A STAFF MEASURE SUMMARY

### Senate Committee On Health Care

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**Action Date:** 02/12/24

**Action:** Do pass with amendments. Refer to Ways and Means by prior reference. (Printed A-Eng).

**Vote:** 5-0-0-0

**Yeas:** 5 - Bonham, Campos, Gorsek, Hayden, Patterson

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

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**Meeting Dates:** 2/7, 2/12

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#### WHAT THE MEASURE DOES:

Appropriates funds for additional positions within the Office of the Public Guardian and Conservator (OPG).

#### Detailed Summary:

Appropriates funds to OPG for five additional positions, including one supervisory position, to provide guardianship services to patients with complex needs who are being discharged from hospitals to post-acute care settings. Takes effect July 1, 2024. Appropriates \$904,102 for the biennium ending June 30, 2025.

#### ISSUES DISCUSSED:

- Statewide need for guardianship services and OPG capacity
- Scope of OPG practices under existing law
- Dedicated funding to serve patients awaiting hospital discharge

#### EFFECT OF AMENDMENT:

Replaces the measure.

#### BACKGROUND:

A guardian is a qualified person who is appointed by a court to make decisions for a person who is incapable of making some or most decisions necessary for their basic care and safety ([link](#) to ORS 125 et seq). The Oregon Public Guardian (OPG) is the guardian of last resort and only serves when there is no less-restrictive option and no appropriate alternative guardian (ORS 125.680). Under existing law, OPG may only serve when appointed by a court as guardian or conservator and may not otherwise serve as a health care representative or provide supported decision-making services.

Oregon law defines several circumstances in which a person may be appointed to make certain specific kinds of decisions on behalf of another person without being appointed by a court. A person who is capable of making decisions may appoint a health care representative to make decisions for when they are no longer capable (ORS 127.510). A health care advocate may be appointed to make certain limited health care decisions for an individual who does not have a guardian or health care representative (ORS 127.765). An attorney-in-fact is a health care representative or advocate who makes mental health treatment decisions (ORS 127.700). Supported decision-making allows people to make choices with support from a trusted professional. Currently, Oregon law requires school districts to provide information about supported decision-making as a less-restrictive alternative to guardianship ([link](#) to Department of Human Services overview).

In public meetings in November and December of 2023, the Joint Task Force on Hospital Discharge Challenges (HB 3396 (2023)) discussed the availability of guardianship services as a potential barrier for individuals waiting in the hospital for discharge to an appropriate post-acute care setting (December 2023 Status Update available at <https://olis.oregonlegislature.gov/liz/202311/Downloads/CommitteeMeetingDocument/279144>). As of November

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16, 2023, 73 of the 138 individuals served by OPG (53%) were in the hospital without a safe discharge option at the time their case was referred to OPG. At that time, 70 people in different settings across Oregon were on the OPG waitlist.