



March 25, 2025

To: Representative Kropf, Chair, and House Committee on Judiciary

From: Oregon Developmental Disabilities Coalition

RE: HB 3080 (Neutral)

To Chair Kropf, Vice-Chairs Chotzen and Wallan, and Members of the Committee:

The Oregon Developmental Disabilities Coalition (DD Coalition) is a group of approximately 30 organizations across Oregon that promote quality services, equity, and community integration for Oregonians with intellectual and developmental disabilities (I/DD) and their families. Our members include the Oregon Self-Advocacy Coalition (a statewide coalition of people with I/DD or “self-advocates”), peer-based family support organizations, support services brokerages, advocacy organizations, and developmental disability providers and the DD Act Network Partners.

Every individual has the right to make voluntary decisions about their own medical care, with respect for their autonomy and personal values. House Bill 3080, however, raises several concerns related to that fundamental right. It may have negative impacts on people with I/DD due to:

- The lack of due process afforded in delegating the right to make healthcare decisions to an unchosen health care representative.
- The lack of safeguards in terms of who determines whether the individual can make their own health care decisions.
- The ambiguous duration of ad hoc appointments that the statute permits.

There are already mechanisms under Oregon law to legally appoint a person to make decisions on behalf of another person when they are unable to make those decisions themselves under the state’s guardianship laws. One concern with HB 3080 is the way it appears to sidestep those laws and permit an alternative means



to take away the right to self-determination with no opportunity to be heard. Generally, a guardian once appointed has the legal authority with respect to healthcare decisions on behalf of another person when that person is deemed unable to make informed decisions by a court of law. That court proceeding means that the protected person's best interests and rights are being preserved to the greatest extent possible. Under HB 3080, however, there is no judicial oversight associated with the appointment of a healthcare representative, and that raises the likelihood that individuals right to self-determination will be violated. Particularly in the instance of an individual with I/DD, where cognitive impairments may be longstanding, the likelihood of intentionally avoiding guardianship proceedings through repeated ad hoc appointments of health care representatives in non-emergency situations seems too great under HB 3080.

The bill allows an opinion of the individual's attending physician or "health care provider," instead of the courts, to determine whether the person's fundamental rights will be delegated to someone else. Health care provider is broadly defined and includes a "health care facility." While a health care provider or facility that receives compensation to provide care cannot be the health care representative, they do determine whether the individual is unable to make healthcare decisions and identify the available party to assume that role. Those circumstances may give rise to misuse. It also contradicts existing regulations relating to health care "advocates" that require opinions about the ability to make and communicate health decisions to be made only by a court or an "attending physician."¹

The duration of the appointments under HB 3080 are also unclear. Temporary guardianships are typically used in emergency situations where an individual is at immediate risk such as if an adult becomes suddenly incapacitated due to illness or injury. While it is possible to obtain a court-granted extension, temporary guardianships generally last for a maximum of 30 days. HB 3080 does not specify the duration of appointments, but it implies they could be as long as six months.² For those reasons, the DD Coalition believes HB 3080 gives rise for concern.

¹ OAR 411-390-0120(8)

² See House Bill 3080, Section 2(2)(a) (stating that a declaration of a close friend who has expressed "special care and concern" for the individual is "effective for up to six months" from when the declaration is signed)