

Emerson Levy
STATE REPRESENTATIVE
House District 53



HOUSE OF REPRESENTATIVES

March 25th, 2025

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

For the record, my name is Emerson Levy, and I am the State Representative for House District 53, representing parts of Bend, Sisters, Redmond and Tumalo. Thank you for the opportunity to speak this afternoon in support of HB 3080, legislation to expand the list of individuals who can make healthcare decisions on behalf of someone who is incapacitated and unable to do so for themselves. This statute is a minor change that codifies what is in practice in emergency rooms in Oregon. This statute mirrors the state of Washington's statute on incapacity in emergency room settings.

This legislation would broaden the list of people who can serve as a health care representative for an incapacitated individual, ensuring that in those critical moments, decisions are made quickly and by someone who understands the person's wishes and needs.

The order is:

1. Guardian (if authorized)
2. Spouse
3. Adult children
4. Parents
5. Adult siblings
6. Adult grandchildren or nieces/nephews
7. Other trusted adults who know the individual's values and are available.

To be Noted:

- Trusted adults (e.g., friends, family) who wish to act as healthcare representatives must submit a declaration outlining their relationship with the individual and confirming their ability and willingness to make healthcare decisions. This declaration is valid for up to six months.
- A representative may only consent to healthcare decisions if they believe, in good faith, that the individual would consent if capable. If unsure, they can make decisions based on the individual's best interests.
- The bill clarifies who cannot serve as a healthcare representative, including medical providers, caregivers, and others with a conflict of interest.
- This does not change decision making around Death with Dignity or change any healthcare plans around mental illness or mental illness treatment.

As Legislators, it is our primary responsibility to ensure the well-being of all Oregonians, especially those in vulnerable situations. Under current law, individuals who have not appointed a healthcare representative or do not have an advance directive can face delays and complications when medical decisions need to be made on their behalf. This is a simple good governance bill. It does not open the conversation or statute on capacity.

HB 3080 ensures that healthcare decisions can be made by those who know the individual best and are in a position to act in their best interest. By enumerating the pool of those who can step in as healthcare representatives, we empower families and loved ones, reduce the burden on medical providers, and streamline the decision-making process. I urge your support of this bill and I will be available for questions.

A handwritten signature in black ink, appearing to read "E. Levy". The signature is written in a cursive, flowing style.

Emerson Levy

State Representative, House District 53