

**2009 Regular Legislative Session**  
**FISCAL ANALYSIS OF PROPOSED LEGISLATION**  
**Prepared by the Oregon Legislative Fiscal Office**

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**MEASURE NUMBER:** SB 451

**STATUS:** A Engrossed

**SUBJECT:** Directs the Department of Human Services to establish and operate a statewide registry of Physician Orders for Life-Sustaining Treatment (POLST). Establishes Oregon POLST Registry Advisory Committee.

**GOVERNMENT UNIT AFFECTED:** Department of Human Services, Oregon Health and Science University

**PREPARED BY:** Kim To

**REVIEWED BY:** John Britton

**DATE:** April 10, 2009

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**2009-2011**

**2011-2013**

**EXPENDITURES:**

See Analysis

**EFFECTIVE DATE:** July 1, 2009

**GOVERNOR'S BUDGET:** This bill is anticipated by the Governor's recommended budget.

**LOCAL GOVERNMENT MANDATE:** This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**ANALYSIS:** This measure directs the Department of Human Services (DHS) to establish and operate a voluntary statewide registry of physician orders for life-sustaining treatment (POLST) to ensure that individuals' wishes regarding life-sustaining treatments are known, communicated and honored across all health care settings. The bill establishes the Oregon POLST Registry Advisory Committee to advise the Department regarding implementation, operation and evaluation of the POLST registry. It also directs DHS to provide staff support for the Advisory Committee.

The bill authorizes DHS to contract with a private or public entity to establish or maintain the registry. DHS will oversee the project including adopting rules for the registry, but the Department plans to contract with Oregon Health and Science University (OHSU) to establish and operate the POLST registry, building on an existing 24/7 emergency system call center infrastructure. OHSU currently serves as the administrative home for the Oregon and National POLST Task Forces supporting statewide education and research about the POLST program and registry. DHS estimates the cost of the contract to be \$740,000 (\$451,400 General Funds and \$288,600 Federal Funds). This amount is based on a pilot project currently underway in Clackamas County. The \$350,000 pilot project is funded by foundation grants and private individual donations garnered by the OHSU Center for Ethics in Health Care for this purpose. In this pilot phase, OHSU has built and tested the database, as well as developed educational materials about the registry. OHSU had conducted the first wave of educational programs and is currently collecting POLST forms in Clackamas County. OHSU anticipates that it will begin to offer POLST emergency system call center services in Clackamas County in May of 2009.

System requirements for the registry include (1) compliance with Health Insurance Portability and Accountability Act (HIPAA); (2) quality review and confirmation of data entry; (3) the capability to upload new POLST forms into the registry within twenty-four hours of receipt; and (4) efficient response

time for the release of registry information to authorized emergency medical personnel. Reporting requirements include a data summary detailing the number of POLST forms entered into the registry and the number of requests for registry information received in a given time period. Because much of the startup costs have been absorbed by the pilot project, the \$740,000 contract cost represents the ongoing cost of expanding and operating the registry. This cost estimate is based on the assumption that the registry will receive an estimated 50,000 new POLST forms each year from throughout the state. OHSU believes this 50,000 number to be a conservative estimate given the fact that approximately 30,000 Oregonians die each year, most from chronic conditions. This reality means that many of those who die have an opportunity to plan ahead and make use of a POLST form. Today, the majority of those who die have a POLST form at the time of death. It is not unusual for persons, as they become more ill to make multiple changes to their POLST form, thus increasing the potential number of POLST forms submitted to the proposed database. The contract amount includes (1) \$546,640 for contractors; (2) \$14,210 for liability insurance; (3) \$147,900 for facilities rent and administrative assessment charges; and (4) \$30,750 for hardware, software and network equipment including SQL server licensing. Salaries for five contractors for 2009-11 are calculated at a full 24 months. This \$546,640 number may be high given the bill's July 1, 2009 effective date.

In addition to the \$350,000 already raised for the pilot program, OHSU is committed to raising additional funds to provide in-kind support for the registry including facilitating the printing and distribution of POLST forms throughout Oregon, delivering educational programs to all stakeholders, and carrying out research for the continual improvement of the POLST program. OHSU values these contributions at \$1 million for the 2009-11 biennium.

Senate Bill 451 represents a portion of a Policy Option Package (POP) within the Department of Human Services 2009-11 Governor's Recommended Budget. The \$7.6 million POP #389 includes \$451,400 General Funds and \$288,600 Federal Funds (\$740,000 Total Funds) the establishment of the POLST registry. POP #389 combines this work with six other Oregon Health Fund Board (OHFB) proposed initiatives.

The \$740,000 contract amount does not include funds for DHS to oversee the project and support the Oregon POLST Registry Advisory Committee. DHS states that because the provisions of this bill fully align with the Department's existing efforts to invest in reliable data collection, analysis and management to enable sound health care planning and decision-making, the Department will assign existing staff and resources to manage this project and support the work of the Advisory Committee.

Note: House Bill 2132 is similar to this measure.