

Enrolled
House Bill 2375

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Health Care)

CHAPTER

AN ACT

Relating to authority of health care representatives; amending ORS 127.540 and 127.560.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 127.540 is amended to read:

127.540. ORS 127.505 to 127.660 [*and 127.995*] do not authorize an appointed health care representative to make a health care decision with respect to any of the following on behalf of the principal:

- [(1) *Admission to or retention in a health care facility for care or treatment of mental illness.*]
- [(2)] (1) Convulsive treatment.
- [(3)] (2) Psychosurgery.
- [(4)] (3) Sterilization.
- [(5)] (4) Abortion.
- [(6)] (5) Withholding or withdrawing of a life-sustaining procedure unless:

(a) The appointed health care representative has been given authority to make decisions on withholding or withdrawing life-sustaining procedures; or

(b) The principal has been medically confirmed to be in one of the following conditions:

- (A) A terminal condition.
- (B) Permanently unconscious.

(C) A condition in which administration of life-sustaining procedures would not benefit the principal's medical condition and would cause permanent and severe pain.

(D) A progressive, debilitating illness that will be fatal and is in its advanced stages, and the principal is consistently and permanently unable to communicate, swallow food and water safely, care for the principal, and recognize the principal's family and other people, and there is no reasonable chance that the principal's underlying condition will improve.

[(7)] (6) Withholding or withdrawing artificially administered nutrition and hydration, other than hyperalimentation, necessary to sustain life except as provided in ORS 127.580.

SECTION 2. ORS 127.560 is amended to read:

127.560. (1) Except as otherwise specifically provided, ORS 127.505 to 127.660 and 127.995 do not impair or supersede the laws of this state relating to:

- (a) Any requirement of notice to others of proposed health care;
- (b) The standard of care required of a health care provider in the administration of health care;
- (c) Whether consent is required for health care;
- (d) The elements of informed consent for health care under ORS 677.097 or other law;
- (e) The provision of health care in an emergency;

(f) Any right a capable person may have to consent or withhold consent to health care administered in good faith pursuant to religious tenets of the individual requiring health care;

(g) Delegation of authority by a health care representative;

(h) Any legal right or responsibility any person may have to effect the withholding or withdrawal of life-sustaining procedures including artificially administered nutrition and hydration in any lawful manner;

(i) Guardianship or conservatorship proceedings; or

(j) Any right persons may otherwise have to make their own health care decisions, or to make health care decisions for another.

(2) The provisions of ORS 127.505 to 127.660 and 127.995 do not in themselves impose civil or criminal liability on a health care representative or health care provider who withholds or withdraws or directs the withholding or withdrawal of life-sustaining procedures or artificially administered nutrition and hydration when a principal is in a health condition other than those conditions described in ORS 127.540 [(6)(b)] (5)(b), 127.580 or 127.635 (1). The provisions of ORS 127.505 to 127.660 and 127.995 do not abolish or limit the civil or criminal liability of a health care representative under other statutory or common law if the health care representative withholds or withdraws or directs the withholding or withdrawal of life-sustaining procedures or artificially administered nutrition and hydration when a principal is in a health condition other than those conditions described in ORS 127.540 [(6)(b)] (5)(b), 127.580 or 127.635 (1).

Passed by House April 25, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate May 16, 2011

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State