

Senate Bill 579

Sponsored by Senator JOHNSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows hospital to appoint patient advocate to make health care decisions on behalf of patient incapable of making health care decisions.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to patient advocates; and declaring an emergency.

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

SECTION 1. (1) As used in this section:

4
5 (a) **"Health care instruction" means a document executed by a patient to indicate the**
6 **patient's instructions regarding health care decisions, including an advance directive or**
7 **power of attorney for health care executed under ORS 127.505 to 127.660.**

8 (b) **"Health care provider" means a person licensed, certified or otherwise authorized by**
9 **the law of this state to administer health care in the ordinary course of business or practice**
10 **of a profession.**

11 (c) **"Hospital" has the meaning given that term in ORS 442.015.**

12 (d) **"Incapable of making health care decisions" means that a person's ability to receive**
13 **and evaluate information effectively or to communicate decisions is impaired to such an ex-**
14 **tent that the person currently lacks the capacity to make decisions regarding health care**
15 **services to be provided for the person.**

16 (e) **"Medically confirmed" has the meaning given that term in ORS 127.505.**

17 (f) **"Mental health treatment" means convulsive treatment, treatment of mental illness**
18 **with psychoactive medication, admission to and retention in a health care facility for care**
19 **or treatment of mental illness, and related outpatient services.**

20 (2) **A hospital may appoint a health care provider as a patient advocate.**

21 (3) **A patient advocate appointed by a hospital may give informed consent to medically**
22 **necessary health care services on behalf of a patient admitted to the hospital in the best**
23 **interest of the patient if:**

24 (a) **It has been medically confirmed that the patient is incapable of making health care**
25 **decisions;**

26 (b) **The patient advocate has performed a reasonable search for and is unable to locate**
27 **a health care representative appointed under ORS 127.505 to 127.660 or an adult relative or**
28 **adult friend of the patient who is capable of making health care decisions for the patient;**
29 **and**

30 (c) **The patient advocate has performed a reasonable search for and is unable to locate**
31 **any health care instruction executed by the patient.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(4) Notwithstanding subsection (3) of this section, if a patient's wishes regarding health**
2 **care services were made known during a period when the patient was not incapable of mak-**
3 **ing health care decisions, the hospital and the patient advocate shall comply with those**
4 **wishes.**

5 **(5) A patient advocate may not consent to mental health treatment on behalf of a pa-**
6 **tient.**

7 **(6) If the patient advocate knows the patient's religious preference, the patient advocate**
8 **shall make reasonable efforts to confer with a member of the clergy of the patient's religious**
9 **tradition before giving informed consent to health care services on behalf of the patient.**

10 **SECTION 2.** **This 2011 Act being necessary for the immediate preservation of the public**
11 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
12 **on its passage.**

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