

House Concurrent Resolution 1

Sponsored by Representative TOMEI, Senators ROSENBAUM, DINGFELDER; Representatives DOHERTY, GELSER, VEGA PEDERSON, WILLIAMSON, Senator STEINER HAYWARD (Pre-session filed.)

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**.

Affirms inviolable nature of doctor-patient relationship and right of patients to self-determination and bodily autonomy.

CONCURRENT RESOLUTION

1
2 Whereas the sanctity of the doctor-patient relationship is a fundamental tenet of health care in
3 the United States; and

4 Whereas all people have a right to expect that they will receive health information and care
5 that is evidence-based and medically appropriate; and

6 Whereas discussions between a health care provider and a patient, which are based on trust,
7 privacy and open and candid communication, are the foundation of the doctor-patient relationship;
8 and

9 Whereas health care providers should have the ability to communicate freely with their patients
10 and provide information about the health and safety of their patients without intrusion by govern-
11 ment or other third parties; and

12 Whereas patients are most vulnerable when confronted with difficult medical decisions, and
13 health care providers must therefore be able to assist patients with their decision making free from
14 value judgments or political influences; and

15 Whereas health care providers must not be forced to choose between practicing medicine in
16 accordance with the standard of care and medical ethics or in accordance with the law; and

17 Whereas laws should not interfere with the doctor-patient relationship by preventing health care
18 providers from freely discussing medical care and procedures with patients or providing information
19 to patients; and

20 Whereas laws that interfere with the doctor-patient relationship can also interfere with patient
21 safety and with the patient's ability to access adequate medical information; and

22 Whereas laws that prescribe elements of counseling or care can create a conflict between the
23 health care provider's obligation to the patient and the health care provider's obligation to the law;
24 and

25 Whereas patients have a right to self-determination and bodily autonomy; and

26 Whereas medical tests and procedures can provide vital information for patients and their
27 health care providers, and this information should support the patient, help the patient make deci-
28 sions and enable the patient to pursue health and well-being; and

29 Whereas patients should not be forced to undergo tests or interventions that violate the
30 patient's values, are not medically necessary, are not supported by scientific evidence or could ex-
31 pose the patient to unnecessary risk; and

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 Whereas laws should not direct health care providers to provide specified information or per-
2 form specified tests that are not medically necessary; and

3 Whereas mandated ultrasounds represent a dangerous intrusion into patient privacy and
4 encroach on the doctor-patient relationship, interfering with a health care provider's ability to make
5 sound clinical judgments based on medical reasoning and in the best interests of the patient; and

6 Whereas the imposition of a medically unnecessary waiting period for any legal medical proce-
7 dure encroaches on the doctor-patient relationship and prevents health care providers from acting
8 in the best interests of their patients; now, therefore,

9 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

10 That we, the members of the Seventy-seventh Legislative Assembly, affirm a health care
11 provider's right and duty to provide patients with truthful, uninhibited and medically appropriate
12 information under the doctor-patient relationship without intrusion; and be it further

13 Resolved, That a health care provider's ability to act in a patient's best interests should be
14 preserved; and be it further

15 Resolved, That health care providers should not be forced to direct patients to undergo med-
16 ically unnecessary tests or procedures, such as transvaginal ultrasounds, or to provide medically
17 inaccurate information, and should not otherwise delay or deny care for nonmedical reasons; and
18 be it further

19 Resolved, That health care providers should not be asked to compromise their medical judgment
20 when it comes to decisions about the provision of information and treatment that is in the best in-
21 terests of the patient; and be it further

22 Resolved, That we, the members of the Seventy-seventh Legislative Assembly, do not condone
23 interference in the doctor-patient relationship.

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