



February 11, 2015

TO: Representative Mitch Greenlick, Chair
House Health Care Committee
FR: Bob Joondeph, Executive Director
RE: HB 2678

Disability Rights Oregon (DRO) is Oregon's federally-funded *Protection and Advocacy* office that provides legal-based advocacy services to Oregonians with disabilities.

DRO takes no position on HB 2678 but offers a possible amendment.

DRO reminds the committee that this bill would affect only *voluntary* sterilization. At times, the ability of a person to consent to sterilization may come into question. In such cases, ORS Chapter 436 requires that a court process be followed to determine capacity and, if the person is found to lack capacity, the limited circumstances under which a person may be sterilized without his or her consent.

DRO is given an oversight role in Chapter 436. Notice of any petition or hearing under this chapter must be given to DRO. DRO also has the responsibility under ORS 436.335(2) to "review biennially all cases pertaining to sterilization under this chapter and shall report to the Legislative Assembly its assessment of the need for any changes in the procedures or standards set forth in this chapter."

We are using the opportunity of this testimony to share our observation that the medical community and the community at large are widely unaware of the requirements of Chapter 436. DRO provides trainings and a handbook about the law's requirements but this information is not generally known.

Although it would be a small step, it might be helpful if ORS 435.305 were amended to state that if a person's capacity to consent is in doubt, the process set forth in ORS Chapter 436 must be followed.