

April 6, 2015

To: **Senate Committee on Judiciary**

Sen. Floyd Prozanski, Chair
Sen. Jeff Kruse, Vice-Chair
Sen. Ginny Burdick
Sen. Sara Gelser
Sen. Kim Thatcher

From: Liz Baxter, MPH

Re: SB 193

Thank you for your leadership in considering changes to Oregon's Advance Directive form and process. Oregon has a strong history of public engagement around complex policy issues, and that approach of broad community engagement led to the adoption of the Advance Directive that is currently in use.

In looking through the -2 amendments there is one area that I would recommend adding – a charge to the Oregon Health Policy Board. SB 193 prepares to repeal the Advance Directive on January 1, 2018, while the Oregon Health Authority is required to convene a Rules Advisory Committee no later than January 1, 2017. What is unclear is how stakeholders and the public will be able to engage in and influence the design of new options in the time between passage of the bill and January 2017.

I encourage the Committee to consider adding a section that charges the Oregon Health Policy Board (rather than the Oregon Health Authority) to establish an ad-hoc subcommittee that will formulate the approach to Advance Directives 2.0. This ensures a public and transparent process and ample opportunity for members of the public to learn, advocate and participate.

It is critical to engage key stakeholders with varied perspectives before rules are drafted and the Rules Advisory Committee does its work. It is clear from the timelines laid out in the bill that there is adequate time to allow due diligence to the process. Whether the bill moves forward in the 2015 session, or returns for the 2016 session with broader support, it is critical to have a more thoughtful process that involves stakeholders and community members in whatever changes are made.

In addition there is one line that needs clarification: in the introduced bill, Page 1, line 25. "*The power of attorney for health care is effective when it is signed, witnessed and accepted...*" It would help to clarify that the attorney-in-fact cannot (should not?) make decisions for the principal unless the principal is incapable or the principal asks the attorney-in-fact to take on this role.

Thank you for your work on behalf of Oregonians.

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In full disclosure, I sit on the board of Oregon Health Decisions, which oversees distribution of the Advance Directive. My comments are my own and not reflective of an OHD board position.