



May 13, 2015

TO: Senator Laurie Monnes Anderson, Chair
Senate Health Care Committee
FR: Bob Joondeph, Executive Director
RE: HB 2369

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

Under ORS 127.635, life-sustaining procedures that would otherwise be applied to an incapable person who does not have an appointed health care representative or valid advance directive may be withheld or withdrawn if the person falls into one of four categories at the end of life. The law provides a prioritized list of individuals who should be empowered to make that decision on behalf of the incapacitated person. If none of those individuals are available, the decision is given to the attending physician.

In these circumstances life-sustaining procedures may be withheld or withdrawn only after the person has consulted with concerned family and close friends, and if the incapable person has a case manager, as defined by rules adopted by the Department of Human Services, after giving notice to the principal's case manager.

While DHS rules make clear what a "case manager" is, it remains unclear what the case manager is expected to do upon receipt of notice. Including case managers in the notification requirements of ORS 127.635 reflects the legislature's recognition that when a family member, friend or professional makes a life and death decision, it is good to have as much information as possible about the affected person, especially when the decision-maker is not familiar with the person.

This bill requires DHS to develop and set forth the responsibilities of a case manager when s/he receives notice of intent to withdraw life-sustaining procedures from a person whose case s/he manages. This includes "any knowledge, documentation or other information in the case manager's possession that is related to the principal's values, desires and preferences concerning the withholding or withdrawing of life-sustaining procedures."

Thank you for the opportunity to submit this testimony.