

**Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session**  
**STAFF MEASURE SUMMARY**  
**House Committee On Health Care**

**MEASURE: HB 2368**  
**CARRIER: Rep. Kennemer**

**Fiscal:** No Fiscal Impact  
**Revenue:** No Revenue Impact

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**Action Date:** 03/02/15

**Action:** Do Pass.

**Meeting Dates:** 02/20, 03/02

**Vote:**

Yeas: 9 - Buehler, Clem, Greenlick, Hayden, Kennemer, Keny-Guyer, Lively, Nosse, Weidner

**Prepared By:** Sandy Thiele-Cirka, Committee Administrator

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**WHAT THE MEASURE DOES:**

Clarifies that if a person has a valid health care directive or valid power of attorney for health care, as well as a declaration for mental health treatment, the declaration takes precedence over the other document.

**ISSUES DISCUSSED:**

- Oregon law provides for two kinds of health care advanced directives
- Advanced directives and declaration for mental health treatment
- Differences between the types of documents
- Law does not stipulate which directive takes precedence

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

Currently, Oregon has two kinds of advanced directives for health care. One relates primarily to end-of-life decisions and can cover all health and mental health issues. The second, which is specifically designed for mental health treatment, is called a “declaration for mental health treatment.” The law does not state precedence when an individual has both types of directives.

House Bill 2368 clarifies that a declaration for mental health treatment prevails when there are two directives.