

STAFF MEASURE SUMMARY

Senate Committee On Health Care

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

**Action Date:** 04/29/15

**Action:** Do Pass.

**Meeting Dates:** 04/29

**Vote:**

Yeas: 5 - Knopp, Kruse, Monnes Anderson, Shields, Steiner Hayward

**Prepared By:** Zena Rockowitz, 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:**

- Adults can plan in advance for health care if they cannot make their own decisions and are incapacitated
- Clarification on which document takes precedence when person has two advanced directives which differ
- Declaration for mental health treatment is more limited in scope and duration

**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.