



February 4, 2016

TO: Senator Floyd Prozanski, Chair
Senate Committee on Judiciary
FR: Bob Joondeph, Executive Director
RE: SB 1552

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

SB 1552 and the -1 amendments would provide for the appointment of a committee to make recommendations regarding the form of an advance directive. This provision appears to recognize that our advance directive laws are complex from both a statutory and ethical perspective. In our estimate, this is a positive step. We are particularly encouraged that a member of that committee would represent the interests of Oregonians with disabilities.

To the extent that the bill or the proposed amendments would immediately change the existing form or limit the recommendations of the committee to certain language or format, we think that would be a mistake for the very reason that a committee is needed. All changes need to be carefully vetted to minimize unintended consequences or open the door to discriminatory use of the document.

Some examples of potential problems are that the forms set out in the bill and amendments do not mention that a directive may be used to involuntarily place a principal in a psychiatric hospital or nursing home. The witness declaration in the proposed forms does not mention the need for the principal to be "capable" at the time of signing.

Many individuals with disabilities have experienced a history of having the value of their lives be discounted. This has resulted in skepticism about the fairness of many forms of substituted decision-making, particularly those that can strip them of their freedom or their lives. An advance directive can be an important tool to allow an individual's wishes to be carried out in the event that s/he is incapacitated. It can, however, be misused if an individual does not understand what they are signing or what possible outcomes may result from the document such as institutionalization or the withdrawal of treatment based upon false assumptions of how the person values their own life.

For these reasons, DRO would support the creation of a committee but oppose any changes to the advance directive form until the committee fully studies and the legislature reviews its work. Thank you for this opportunity to provide testimony.