

Thank you Chair Prozanski and Committee for the opportunity to give my testimony. I deeply appreciate it.

I am in opposition to SB 494 as it stands now. I have several concerns. I will concentrate on the portions which concern me most and support that with the reasons why I take that position.

## Section 2 – Advance Directive Rules Adoption Committee

This committee described in the bill removes the responsibility of the form for the Advance Directive from the Legislature to a Committee appointed by the Governor. The form is submitted to interim committees related to healthcare and judiciary but does not provide for the same Public Hearings as the one we are attending at this moment.

There is the effort to assure that the members of the committee are experts in their fields. They will meet at least twice a year and though they are unpaid, they will receive reimbursement for travel and other expenses. THERE'S NO OVERSIGHT or limit to these expenses. During the first 5 years of this Temporary form they may meet 10 times and be reimbursed for expenses. FOR WHAT? The members conceivably could be paid by an employer while they attend these meetings and then be reimbursed by the taxpayer. For what? We are not reimbursed for our travel expenses when we come to the Legislature to testify and this committee should not be either. Another committee with no oversight of expenses is not appropriate or prudent.

This bill would add another layer of bureaucracy of experts. These same experts could be invited to testify before the Legislature. Legislators could seek advice from such experts. The Legislators are the representatives of the people of Oregon. Taking the decision making for this form out of the Legislative process that we have today is wrong. The people you as Legislators are supposed to represent would no longer be represented.

At the very least, I would like to see different criteria for the members of the committee. The most troubling part is that all of the members are insulated in their expertise and none of the members are lay people, or family members who have taken care of, and been with a family members during the time an Advance Directive was signed and the subsequent demise of that person. The Professional sees only the downside of the situation. A lay person may have a different view. The professional or expert views are more for the situation instead of the protection of the Principal. I am more concerned about people like my parents and others . . . and for myself at age 80.

I also have a concern that trying to update my form with current and addresses, etc. will be cumbersome because I do not want to use the new form.

My personal experiences lead me to firmly believe that the current legislative process is better than the creation of a committee to make decisions about the form without adequate input from citizens like we have today.

# 1 – My mother injured her big toe. Gangrene developed even though doctors were treating it. I fired the doctor and the surgeon they had scheduled to remove her toe. We got rid of the gangrene in 2 weeks and it was confirmed by a new doctor.

# 2 - My daughter was ill. Surgery was recommended and she developed klebsiella pneumoniae in the hospital. My research at OHSU convinced the doctor to administer the preferred antibiotic for 3 days instead of 2. The surgery did not fix the problem. We went to 35 doctors after that. 34 were wrong. The 35<sup>th</sup> found she had Mercury toxicity.

# 3 – When my father had a heart attack he landed on a respirator due to Post Polio Syndrome. The Pulmonary specialist said to find a care center for him because he'd never be able to care for himself again at 86. He went home and had the best 2 years of the last 15 and his great grandchildren had a memory of him.

# 4 – I cared for my mother 24/7 for 2 years after she had a stroke. I had to lie to get her out of the hospital because the attending physician wrote an order that I couldn't possibly take care of her adequately and she would need to be in a nursing home. I signed the form. Due to another case I was involved with where I had police come to my home .... I had consulted an attorney who told me that had my mother had money or property without a Trust in place they probably would have taken her from me. I was lucky she had no money or property. The doctor I also go to now . . . said that she was in better health under my care except for the permanent effects of the stroke.

After the 2nd stroke, when paralyzed on one side, she was sent home on hospice. The hospital changed my order for the Hospice without my knowledge until the day they showed up with the hospital bed. When I demanded it be changed back, they said I'd have to move my mom to a couch when they picked up the bed.... Until the new bed arrived. I demanded they wait until the new bed arrived. I questioned why a slit pan or chair had not been provided for mom. They said the file showed she was incontinent. They wouldn't believe me when I said that she had full control of her bladder and the Depends were only necessary because she'd had leaky bowels after contracting an infection when she was in the hospital the first time. I couldn't leave her and they wouldn't believe me.

# 5 – My shop began delivering Monday flowers in 1981. I have continued that practice. I was delivering to an extremely overweight woman that was in care center after breaking her leg. They did not believe me when I told them she'd fixed dinner for her 90 year old mother every night. They thought her incapable even before the broken leg. Many of the employees in that facility who cared for her spoke very little English. Would they do anything but follow a supervisors instructions if asked to witness a document? I doubt it.

THESE ARE THE REASONS that I do not want a committee of experts to determine what this form should look like or for the changes in the law to take place. These experts you would have put on a committee are only doing their job. They seldom have the kind of experience that family members have. They don't see the successes because no one writes about them.

I do believe there are more safeguards for the Principal who signs this form in the current Legislative process which gives me the right to testify today. This is the process I learned from my mentor when I ran for State Representative, Senator Victor Atiyeh. It is a system which may not be perfect but gives us citizen input.

Page 9 - line 25 – A. Witness Declaration: Should include that the person is NOT an employee of any of those listed.

Page 11: Section 8 lines 35,36 and 37 – one of the witnesses must be an individual designated by the facility and having any qualifications that may be specified by the Department of Human Services by rule. NO EMPLOYEE SHOULD BE A WITNESS for the Principle. The facility should not be able to designate. Note: Also pertains to page 12 (5) lines 14-18.

Respectfully submitted,

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