



May 8, 2017

TO: Senator Sara Gelser, Chair
Senate Committee on Human Services
FR: Bob Joondeph, Executive Director
RE: HB 2393

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

DRO supports HB 2393 because it will help to ensure that actual life and death decisions made for vulnerable individuals will be made with all available information about that person's wishes.

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person who does not have an appointed health care representative or valid advance directive may be withheld or withdrawn if the person falls into one of four categories at the end of life.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In these circumstances, life-sustaining procedures may be withheld or withdrawn only after the person has consulted with concerned family and close friends, and if the incapable person has a case manager, as defined by rules adopted by the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 in making life and death decisions, it is good to have as much information and advice as possible and that the value of the life of a person with disabilities may not be fully appreciated or understood by someone who is not familiar with that person.

HB 2393 directs the case manager who receives such a notice to "provide the person giving the case manager notice with any information in the case manager's possession that is related to the principal's values, beliefs and preferences with respect to the withholding or withdrawing of life-sustaining procedures."

The sole intention of HB 2393 is to assure that the person whom the law authorizes to make a profound, potentially life-ending decision for an incapable individual with a case

manager, has as much relevant information as possible. DRO believes that more information will result in better decisions.

Thank you for the opportunity to submit this testimony in support of HB 2393.