

SB 494 B STAFF MEASURE SUMMARY**Carrier:** Sen. Prozanski**Senate Committee On Rules****Action Date:** 06/05/17**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 3-2-0-0**Yeas:** 3 - Beyer, Burdick, Roblan**Nays:** 2 - Boquist, Ferrioli**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Cherie Stone, LPRO Analyst**WHAT THE MEASURE DOES:**

Modifies statutory advance directive form. Creates Advance Directive Adoption Committee (ADAC) consisting of Long Term Care Ombudsman and 12 members appointed by Governor. Requires ADAC to adopt advance directive form and to review form at least once every four years. Establishes components of form that cannot be changed by ADAC. Directs ADAC to submit adopted form to interim committee of Legislative Assembly related to judiciary on or before September 1 of even-numbered year subsequent to adoption of form. Requires interim committee to submit the form as proposed legislative measure. Requires ratification by Legislative Assembly and Governor prior to new form becoming effective. Allows advance directive form to be notarized or witnessed by two adults other than health care provider or health care representative. Continues effectiveness of advance directives completed prior to effective date of act and allows good-faith execution of older advance directive forms.

ISSUES DISCUSSED:

- Current use, application and efficacy of advance directives
- Personal experiences relating to advanced directives of family members, loved ones and patients
- Importance of respecting and honoring an individual's end-of-life decisions
- Concerns with provision of food and water

EFFECT OF AMENDMENT:

Eliminates conditional enactment criteria triggering effective date of measure. Requires adopted form of advance care directive be ratified by Legislative Assembly in regular session occurring in odd-numbered year. Directs ADAC to submit form of advance directive to interim committee of Legislative Assembly related to judiciary on or before September 1st following the form adoption date. Directs interim committee to file proposed legislative measure upon receipt of advance directive form.

BACKGROUND:

In 1993, Oregon adopted the first advance directive legislation in the nation. An advance directive is a legal document that appoints a representative to make health care decisions for another when that person becomes incapacitated. Additionally, it allows a person to provide directions and preferences on receiving life-sustaining treatments when one or more conditions exist, including the following: close to death, permanently unconscious; progressive fatal illness with inability to communicate, swallow food or water safely, care for self, and recognize family or others; and medical conditions in which life support would not help the condition and would make the person suffer permanent and severe pain. The advance directive does not apply when a person can make health care decisions. The current advance directive has not been modified in any way since 1993.

Senate Bill 494-B revises the current advance directive form. It creates a 13-member Advance Directive Adoption Committee (ADAC) to revise the sections of the advance directive relating to values, beliefs, and health care treatment options of the person, including both opportunity for narrative and a checklist. The sections of the form

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relating to appointment of the health care representative, alternates, acceptance, and witnessing remain in statute and may not be modified by the ADAC. The ADAC must submit the adopted form to an interim committee of the Legislative Assembly related to judiciary on or before September 1st of an even-numbered year subsequent to the adoption of the form. In addition, the measure directs the interim committee to file the form adopted by the ADAC as a proposed legislative measure for ratification by the Legislative Assembly during an odd-numbered regular legislative session. At least every four years, the measure requires the ADAC to review the form. Additionally, the measure changes the current statutory form. Other changes include changing "physician" to "health care provider" throughout the form, allowing witnessing of the form by employees of a health care facility, and allowing witnessing by notarization. The measure allows a person to execute an older version of an advance directive and retains effectiveness of current advance directives.