

# Support Updating Oregon's Advance Care Directive – Protecting Wishes and Beliefs

## Vote Yes on HB 4135

### **The current advance directive was last updated in 1993**

HB 4135 updates Oregon's advance directive, a mandatory form established in statute and unchanged since 1993. As a legal document, the advance directive is the only method by which Oregonians may appoint a health care representative and give guidance for health care decision making when they are not capable.

### **Current form creates significant barriers for Oregonians**

Updating the advance directive is necessary to make the process more accessible to all Oregonians, regardless of socioeconomic class, religion or primary language. The 1993 form is often confusing, primarily due to its structure and information requested. Consequently, a high number of individuals start, but fail to complete the form due to the binary nature of the "yes or no" check-boxes.

Beyond the complexity, because the form is memorialized in statute, there is little flexibility for individuals to provide useful information about their personal or religious values and wishes related to health care decision making. **This bill is focused on protecting the wishes and beliefs of our most vulnerable populations.**

### **Consensus bill improves care planning for all Oregonians**

HB 4135 is consensus legislation, resulting from nearly three years of comprehensive discussions among a broad group of stakeholders, including consumer advocates, health care providers and legal experts. The bill clarifies that an advance directive is not a medical order, and it does not change the essential role of an advance directive. The bill includes four primary components:

- **Small but essential changes to the current statutory form**  
Simplifying the language to clarify existing requirements and allowing the use of a notary will enable more people to complete the form to express their wishes. Family members and health providers will have a tool to guide care and respect the wishes of the person who completed the advanced care directive.
- **Establish strict framework for updating the advance directive**  
A committee, made of a diverse stakeholder group, is established within the Office of Public Health. Based on a strict statutory framework outlined in the bill, the group will adopt a single advance directive form by rule through a public process. The committee must report on its work to the Legislature.
- **Process improvements to execution of the advanced directive**  
The bill eliminates barriers to executing an advanced directive, including allowing notarization of the document. The bill also requires appointed Health Care Representatives to accept the appointment in order to encourage dialogue about the patient's wishes.
- **Existing Advance Directives remain valid.** No change is made in the effect of an advance directive.
- **Legislative Approval Required.** The bill retains legislative oversight over the form.

HB 4135 is a consensus bill that encourages Oregon families to have (and document) more valuable discussions about their health care values and wishes, rather than, as the 1993 form does, attempt to reduce sensitive decisions to a checklist.

(see next page for contacts and endorsing organizations)

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