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February 20, 2018

Senator Cliff Bentz
900 Court St. NE, S-301
Salem, Oregon 97301

Subject: Concerns Regarding House Bill 4135

Dear Senator Bentz:

This letter is to explain my concerns about HB 4135 (relating to healthcare decisions) and ask you to amend the bill and clarify its meaning. In my opinion, HB 4135 in its current form could allow the laws of other states or jurisdictions to supersede the laws of Oregon when it comes to life-ending decisions for incapable persons within our state. This would, without justification, introduce uncertainty into an important and sensitive area of state law.

My concerns are based on the following changes HB 4135 would make to existing Oregon law:

1. Delete part of ORS 127.515 that states an out of state advanced directive "... may be given effect in accordance with its provisions subject to the laws of this state." (see HB 4135, Section 8)
2. Add that an advance directive shall be governed by ORS 127.505 to 127.660 "... or any other statute that is in effect..." when the issue giving rise to adjudication occurs or the advance directive was executed. (see HB 4135, Section 31 (2))
3. Add that provisions of ORS 127.505 to 127.660 "do not impair or supersede" any advanced directive executed in accordance with "any other statute governing an advance directive..." in effect when the advanced directive was executed. (see HB 4135, Section 31(1))

Each of the above changes suggest that other laws could be applied here and override Oregon law. Taken together, they suggest that is actually what the Legislature intends.

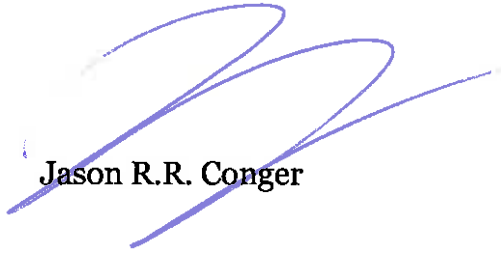
Senator, I have been an attorney, Congressional aide in Washington, DC, and member of the Oregon Legislature over almost three decades. I have read a lot of statutes and observed the struggle to interpret them. That experience isn't necessary here. By simply applying the universal standard of common sense, I can see HB 4135 is ambiguous at best. No good can possibly come of that ambiguity and no purpose is



served by it. I don't think the Legislature wants to abdicate its authority – or avoid its responsibility - to decide what law applies to life and death decisions impacting Oregonians. So please demand that HB 4135 be amended to provide clarity and certainty for healthcare providers, judges, patients, and healthcare representatives.

As always, I am grateful for your advocacy for those who suffer mental injury or illness, and for your service to the people of your district and our state.

Very truly yours,



Jason R.R. Conger