

HB 4135 STAFF MEASURE SUMMARY

Carrier: Rep. Salinas

House Committee On Health Care

Action Date: 02/12/18
Action: Do Pass.
Vote: 6-5-0-0
Yeas: 6 - Alonso Leon, Greenlick, Keny-Guyer, Malstrom, Nosse, Salinas
Nays: 5 - Boles, Buehler, Hayden, Kennemer, Vial
Fiscal: Fiscal impact issued
Revenue: No revenue impact
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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. Establishes alternative form that may be used until January 1, 2022. 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 during odd-numbered year sessions 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:

- Comfort care, nutrition, and hydration during end of life care
- Decision-making of individuals in end of life situations including informed consent
- History of Oregon advance directive laws including 2017 legislation and interim work group
- Addressing the measure in the short session
- Validity of out-of-state advance directives and subject to Oregon law
- Government role in decision-making about end of life

EFFECT OF AMENDMENT:

No amendment.

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 individual 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 individuals can make their own health care decisions. The current advance directive has not been modified since 1993.

House Bill 4135 establishes the Advance Directive Adoption Committee, which is required to review the current advance directive form every four years. It specifies that future changes to the advance directive form require legislative action through a legislative measure before becoming effective in Oregon.

This Summary has not been adopted or officially endorsed by action of the committee.