

LC 52 (6/22/20) STAFF MEASURE SUMMARY

Joint Interim Committee on the First Special Session of 2020

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WHAT THE MEASURE DOES:

Prohibits hospitals or emergency departments (EDs) from withholding or conditioning treatment unless a patient has portable orders for life-sustaining treatment (POLST) form, advance directive, or other instructions regarding life-sustaining procedures. Requires hospitals and EDs to allow a patient to designate at least three support persons to be present with a patient during a hospital stay if certain conditions are met including discussions on electing hospice care, advance directive, or other life-sustaining procedures. Authorizes a hospital or ED to require support persons to wear personal protective equipment, be free of any symptoms of a virus or contagious disease, submit to virus or contagious disease screenings, and limit the total number of support persons during the day. Authorizes Oregon Health Authority to revoke or suspend the license of a hospital or impose a civil penalty for each violation. Requires licensed health care providers, upon declaration of a state of emergency by the Governor to notify persons acting on behalf of a patient with an intellectual or development disability any changes to life-sustaining procedures, transfer to hospice care, or denial of services. Requires notice to Department of Human Services of any proposed withholding or withdrawing of life-sustaining procedures for an individual with an intellectual or development disability. Defines “medical resources,” “protected class,” and “provider.” Prohibits specified licensed health care providers from denying or restricting medical treatment to an individual based on race, color, national origin, sex, sexual orientation, gender identity, age or disability. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

BACKGROUND:

An advance directive is a legal document used to provide guidance about what types of treatments a patient may want to receive in case of a future, unknown medical emergency. An advance directive may also be used by an individual to identify a surrogate to make treatment decisions. A physician order for life-sustaining treatment (POLST) form is a portable medical order for specific medical treatments to be honored by health care workers during a medical crisis. POLST forms are appropriate for individuals with serious medical illnesses or frailty near the end-of-life. POLST started in Oregon in 1991 and now exists in some form in the majority of states.

In response to the COVID-19 pandemic, many Oregon hospitals revised their visitor policies to be more restrictive in order to help protect the health of patients, providers, and staff.

LC 56 : (1) requires hospital facilities to provide equitable treatment regardless of an individual having a POLST, advance directive, or similar instruction; (2) allows disabled individuals to have at least one support person present during a hospital stay; and (3) prohibits the denial or restriction of medical resources to a protected class or a patient based on the patient’s race, color, national origin, sex, sexual orientation, gender identity, age or disability.