

# Office of Developmental Disabilities Services: Health Care Advocate

Senate Bill 1039 strengthens Oregon's support of people with intellectual and developmental disabilities (I/DD) who are unable to make health care decisions for themselves.

Oregon's existing health care representative rule (OAR 411-365) came about because of concern by DHS and the I/DD community. People with I/DD who were unable to make health care decisions, and who didn't have guardians, were being denied routine procedures like blood draws and antibiotics because no one had the authority to give consent.

This bill expands who qualifies for help in making health care decisions and clarifies the roles of the various parties.

The bill would provide health care decision-making support for people with I/DD who:

- are receiving services through Oregon's I/DD system and have an individualized written service plan (commonly known as an ISP), and
- do not have a guardian or health care representative to carry out health care decision-making duties

When these individuals are deemed incapable of making health care decisions by a court or health care provider, a health care advocate may be appointed by the ISP team. ISP teams include the person with I/DD, the legal guardian or designated representative, case manager, and other individuals who may be chosen by the person, such as caregivers and family members.

The health care advocate would work with the individual, the ISP team and health care providers to make medical decisions on behalf of the individual. The bill specifies qualifications to become a health care advocate, requires training for the ISP team, specifies the advocate's responsibilities, and sets the parameters of the advocate's authority. The bill also spells out the steps if the person with I/DD protests any decision made by the health care advocate.

Currently only people in I/DD residential or supported living programs are covered by the existing health care representative OAR. The bill expands the health care advocacy role to anyone with an ISP. Most people receiving I/DD services live in these other settings, so more people would benefit from this support.

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