

SB 1039 -1 STAFF MEASURE SUMMARY

Senate Committee On Human Services

Prepared By: Jamie Hinsz, LPRO Analyst

Meeting Dates: 4/4, 4/9

WHAT THE MEASURE DOES:

Authorizes appointment of health care advocate to make health care decisions for patient if patient does not have guardian or health care representative. Defines "patient" as an individual with a developmental disability who receives services through an individualized written service plan. Specifies requirements for appointment, restrictions, and rights of patient for whom health care advocate has been appointed. Requires Department of Human Services to ensure appropriate training is available to all health care advocates, and to adopt necessary rules.

ISSUES DISCUSSED:

- Provisions of measure
- Types of services for individuals in different settings
- Specified health care decisions advocate prohibited from making

EFFECT OF AMENDMENT:

-1 Replaces measure. Authorizes appointment of health care advocate to make health care decisions for individual if individual does not have guardian or health care representative. Defines 'individual' as person with an intellectual or developmental disability who receives services through an individualized written service plan. Specifies requirements for appointment, restrictions, and rights of individual for whom advocate has been appointed. Prohibits advocate from making specified health care decisions on behalf of an individual. Authorizes advocate access to health records of individual and requires advocate maintain confidentiality of health information as required by state and federal law. Requires health care decisions made by advocate be approved by majority of individualized written service plan team at an in-person meeting. Directs individual participate in such meeting unless individual declines or is unable due to medical condition. Allows individual right to protest any health care decisions made by advocate and requires individualized written service plan team immediately respond as specified if individual protests any health care decisions. Requires Department of Human Services to ensure appropriate training is available to all health care advocates, and to adopt necessary rules.

REVENUE: No revenue impact.

FISCAL: Has minimal fiscal impact.

BACKGROUND:

The Oregon Health Care Decisions Act of 1993 gives individuals the authority to authorize a health care representative to make health care decisions when the individual is unable to direct his or her own health care. An "advance directive" is a document that contains health care instructions and/or grants of authority, such as designating a representative to make health care decisions, or power of attorney, on behalf of an incapacitated person. Life-sustaining health care decisions may be made on behalf of an incapacitated person with a terminal condition, pursuant to an advance directive and/or by authorized individuals, such as a guardian, appointed or designated health care representative, the person's spouse, the person's parent or adult child, and/or attending health care providers.

Senate Bill 1039 authorizes the appointment of health care advocate to make health care decisions for someone with an intellectual or developmental disability who receives services through an individualized written service

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

SB 1039 -1 STAFF MEASURE SUMMARY

plan and does not have a guardian or a health care representative. The measure specifies the requirements for appointing a health care advocate, restrictions of the health care advocate, and the rights of the patient for whom the health care advocate has been appointed.

PRELIMINARY