

## SB 178 A STAFF MEASURE SUMMARY

### House Committee On Health Care

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**Prepared By:** Oliver Droppers, LPRO Analyst

**Meeting Dates:** 4/25, 5/2

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#### WHAT THE MEASURE DOES:

Allows designated health care representative to elect hospice treatment on behalf of incapacitated individual with terminal condition in the absence of a valid advance directive. Defines hospice treatment as focused on palliative conditions, including care for acute pain and symptom management, rather than curative measures provided to an individual with a terminal condition.

**REVENUE:** *No revenue impact.*

**FISCAL:** *Minimal expenditure impact.*

#### ISSUES DISCUSSED:

- Need for hospice services for individuals that reside in long-term care facilities (e.g., nursing facilities and adult foster care homes)
- Decision-making assignment for individuals without an advanced directive or appointed legal representative (ORS 127.635)
- Allowing a legal surrogate to sign for hospice care for incapacitated individuals at the end of life
- Informed consent for individuals residing at long-term care facilities
- Ability to have care withdrawn at end of life but unable to receive hospice services
- Palliative services to treat and manage symptoms of a disease; hospice care is palliative care during the last 6-to-12 months of life for terminally ill individuals
- Coverage of palliative services; billing and reimbursement policies (Senate Bill 179 2019)

#### EFFECT OF AMENDMENT:

No amendment.

#### BACKGROUND:

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.

Along with other life-sustaining treatment decisions that may be made on behalf of an incapacitated person without an advance directive, Senate Bill 178 A allows an authorized health care representative to elect hospice treatment.

*1st Chamber vote (Senate): Ayes, 27, Nays, 3.*