



From the Desk of Senator Sara Gelser

From: Sills Lori Anne <LoriAnne.Sills@oregonlegislature.gov>
Date: Tuesday, March 5, 2019 at 9:14 AM
To: Sen Gelser <Sen.SaraGelser@oregonlegislature.gov>, Freeman Lorey <Lorey.Freeman@oregonlegislature.gov>
Cc: Sen MonnesAnderson <Sen.LaurieMonnesAnderson@oregonlegislature.gov>
Subject: RE: Senate Bill 178 - Please Vote No

Good morning, Sen. Gelser,

Nothing in SB 178 affects the statutory priority of appointment of a health care representative for an individual who does not have an advance directive. The only change SB 178 makes to ORS 127.635 is to specifically authorize a health care representative appointed under ORS 127.635 to make decisions regarding hospice treatment for the person for whom they have been appointed.

The following provisions of ORS 127.635 remain unchanged:

ORS 127.635 (1) continues to set forth the same four medical conditions under which an individual may have a health care representative appointed if the individual does not have a valid advance directive.

ORS 127.635 (2) continues to provide the same priority for appointment of the health care representative for an individual in one of the four conditions specified in subsection (1).

ORS 127.635 (3) continues to be the default for appointment of a health care representative in the event that none of the persons listed in subsection (2) are available to serve.

ORS 127.635 (4) still discusses the same process for withdrawal of medical treatment by one of the health care representatives appointed under subsections (2) or (3).

ORS 127.635 (5) continues to prohibit the appointment of a person's parent or guardian under certain situations.

As discussed above, the removal of the cross-reference in ORS 127.635 (1) does not affect the priority of appointment of a health care representative under ORS 127.635; this change was a technical fix to clean up the statute. If the language stays in or is removed there will be no affect on the order of appointment for health care representatives under ORS 127.635.

I hope this answers your question. Please feel free to give me a call if you'd like to discuss this further.

Thank you.

Lori Anne Sills, Deputy Legislative Counsel
Office of Legislative Counsel
900 Court Street NE S101
Salem, Oregon 97301-4065
(503) 986-1243 (Office)
LoriAnne.Sills@oregonlegislature.gov