

SB 178 STAFF MEASURE SUMMARY

Carrier: Sen. Monnes Anderson

Senate Committee On Human Services

Action Date: 02/26/19

Action: Do pass and subsequent referral to Health Care be rescinded.

Vote: 5-0-0-0

Yeas: 5 - Fagan, Gelser, Heard, Knopp, Monnes Anderson

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Jamie Hinsz, LPRO Analyst

Meeting Dates: 2/7, 2/26

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 rather than curative measures.

ISSUES DISCUSSED:

- Legal implications for individuals without an advance directive
- Access to hospice for incapable individuals
- Abuses of advance directive process

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 allows an authorized health care representative to elect hospice treatment.