

**SB 1039 A STAFF MEASURE SUMMARY****Carrier:** Sen. Monnes Anderson**Senate Committee On Human Services****Action Date:** 04/09/19**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 4-0-1-0**Yeas:** 4 - Gelser, Heard, Knopp, Monnes Anderson**Exc:** 1 - Fagan**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Jamie Hinsz, LPRO Analyst**Meeting Dates:** 4/4, 4/9**WHAT THE MEASURE DOES:**

Authorizes appointment of health care advocate (advocate) to make health care decisions for individual without a guardian or health care representative. Defines "individual" as person who has an intellectual or developmental disability and who receives services through an individualized written service plan. Specifies requirements for appointment and restrictions of advocate, and rights of individual for whom advocate has been appointed. Prohibits advocate from making certain decisions. Authorizes advocate access to individual's health records and requires advocate maintain confidentiality. 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. Requires Department of Human Services to ensure appropriate training is available to all health care advocates, and to adopt necessary rules.

**ISSUES DISCUSSED:**

- Types of services for individuals in different circumstances and settings
- Health care decisions that advocates are prohibited from making

**EFFECT OF AMENDMENT:**

Replaces the measure.

**BACKGROUND:**

The Oregon Health Care Decisions Act of 1993 allows individuals to designate a health care representative to make health care decisions when they are unable to direct their own 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 A authorizes the appointment of a health care advocate to make health care decisions for someone who has an intellectual or developmental disability, who receives services through an individualized written service plan, and who does not have a guardian or a health care representative. The measure specifies the requirements for appointing a health care advocate, restrictions on health care advocates, and the rights of the patient for whom the health care advocate has been appointed.