

**SB 178 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Prusak

**House Committee On Health Care**

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**Action Date:** 05/02/19

**Action:** Do Pass the A-Eng bill.

**Vote:** 11-0-0-0

**Yeas:** 11 - Alonso Leon, Boles, Drazan, Greenlick, Hayden, Keny-Guyer, Mitchell, Noble, Nosse, Prusak, Salinas

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

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

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

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**WHAT THE MEASURE DOES:**

Authorizes 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.

**ISSUES DISCUSSED:**

- Need for hospice services in long-term care facilities (e.g., nursing facilities and adult foster care homes)
- Decision-making assignment for individuals without an advance 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 residents in long-term care facilities
- Patients' ability to have care withdrawn at end of life but inability to receive hospice services
- Distinguishing between palliative and hospice care (for example, hospice care is palliative care during the last 6-to-12 months of life for terminally ill individuals)
- Vertically integrated health care organizations
- 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.