

June 25, 2020

Joint Committee on the First Special Session of 2020  
900 Court St. NE  
Salem OR 97301

RE: SB 1606

Dear Co-Chairs Courtney and Kotek and members of the Committee,

Thank you for the opportunity to share my concerns about SB 1606: Guaranteeing access to appropriate lifesaving testing, care and treatment for higher risk populations. My name is Anna Scott and I am the Manager for Life Care Planning at Kaiser Permanente Northwest. I am a Certified Hospice and Palliative Care Nurse (CHPN) with over 15 years of experience caring for patients nearing the end of life and have spent the last 5 years providing education and communication training to physicians, nurses, social workers and other members of the health care team to improve their skills in having advance care planning and POLST conversations.

I would like to provide comment on the following aspects of this bill:

1. Completion of advance care planning and POLST documents should always be voluntary. I fully support reinforcing this message. The Federal Patient Self-Determination Act requires health care organizations to inform patients of their rights to make decisions concerning their medical care and to ask if a patient has executed an advance directive or other advance care planning documents such as POLST and to implement them as permitted by state law. It is a required conversation at hospital admission. I am concerned that the language in Section 1, subsection (b & c), especially the word “suggest” in subsection (c), will cause confusion when providers have this required conversation to ask about a patient’s code status. The intent of this section is covered in subsection (a) and subsequent subsections are duplicative.
2. Section 2 – we are supportive of efforts to improve visitation policies and support efforts to have support for patients when they are hospitalized.
3. Section 2, subsection 4 – requires that a support person designated by a patient is “present” for any discussion in which a patient is asked to elect hospice or additional advance care planning conversations. This section would benefit from clarification. For example, what if the support person that should participate in that conversation is a child or friend from out of the area, or is not able to travel at this time? Does this mean that we can not have any conversation until they are physically present? If this bill moves forward I recommend including language that clarifies that the support person can be present through telephonic or other virtual technologies.
4. Section 5 and 6 require notification to the “system” if a person acting on behalf of a person with a disability authorizes hospice care. This broad definition would require notification of significant

numbers of patients to an unidentified system without clear guidance about the process for giving notification. Is there a requirement to hold treatment until the “system” gives approval? Will the system be available 24/7 to support crisis situations that happen at all hours?

The requirement to notify the state that hospice has been elected for a person with disabilities has the potential to add emotional burden to the families. Will they then question their decision when they are informed that the state needs to be notified of their decision? I am concerned that these requirements could lead to patients receiving life sustaining care against their wishes.

This is a very difficult and complex policy area and should be decided with the utmost of care. While we share the sponsors’ desire to protect our most vulnerable patients, we are concerned that the language and requirements in SB 1606 may create unintended negative consequences for those same patients. We would be very happy to join in a conversation further refine these concepts.

Thank you for this opportunity to share my concerns about SB 1606. If you have questions, please feel free to contact me.

Anna Scott, RN CHPN  
Manager Life Care Planning  
Kaiser Foundation Hospitals and Health Plan Northwest  
500 NE Multnomah St – 4<sup>th</sup> floor  
Portland, OR 97232  
[Anna.M.Scott@kp.org](mailto:Anna.M.Scott@kp.org)  
503-347-7630