

SB 1606 A STAFF MEASURE SUMMARY
Joint Committee On The First Special Session of 2020

Carrier: Sen. Gelser

Action Date: 06/25/20

Action: Do pass with amendments. (Printed A-Eng.)

Senate Vote

Yeas: 7 - Burdick, Frederick, Girod, Knopp, President Courtney, Prozanski, Thatcher

House Vote

Yeas: 7 - Bynum, Drazan, Holvey, Lewis, Salinas, Speaker Kotek, Stark

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Oliver Droppers, LPRO Analyst

Meeting Dates: 6/25

WHAT THE MEASURE DOES:

Prohibits hospitals from withholding or conditioning treatment unless a patient has physician orders for life-sustaining treatment (POLST) form, advance directive, or other instructions regarding withholding or withdrawing life-sustaining procedures. Does not prohibit a hospital or licensed health care professional from engaging in discussion with a patient about advance directives. Requires hospitals to inform patients of their rights upon admission, at the time services are scheduled, and post specified policies onsite and on the hospital's website no later than August 1, 2020. Exempts Oregon State Hospital from prohibition. Defines "patient" and "support person." Requires hospitals to allow patients to designate three support persons, including one who may be present at all times during the patient's hospital stay. Authorizes a hospital to require support persons to wear personal protective equipment, be free of any symptoms of a virus or contagious disease, submit to virus or contagious disease screenings, and limit the total number of support persons during the day. Requires a hospital to ensure a designated support person is present for any discussion of hospice care, advance directive, or other withholding or withdrawing of life-sustaining procedures or artificially administered nutrition or hydration unless the patient requests such discussion outside of the presence of a support person. Authorizes the Oregon Health Authority to impose civil penalties of up to \$10,000 for violations of prohibitions and requirements. Clarifies notification requirement for persons acting on behalf of process by requiring a patient's health care representative, attending physician or health care provider to notify the Department of Human Services of any changes to life-sustaining procedures, transfer to hospice care, or denial of services prior to administration. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Non-discrimination provisions and federal protections for individuals with disabilities and patient rights
- Ability of individuals with a disability to access in-patient medical services and support persons during the COVID-19 crisis; denial of the rights of individuals with disabilities during the pandemic
- End of life conversations among health care professionals, individuals with disabilities, and their families and support persons
- Public Health Crisis Care Guidelines during COVID-19 pandemic and discriminatory language
- Enforcement authority by the Oregon Bureau of Labor & Industries; provisions related to denial of medical services
- Prior attempts to address issues raised in the Legislative Assembly

EFFECT OF AMENDMENT:

Replaces the measure.

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BACKGROUND:

An advance directive is a legal document used to provide guidance about what types of treatments a patient may want to receive in case of a future unknown medical emergency. An advance directive may also be used by an individual to identify a surrogate to make treatment decisions. A physician order for life-sustaining treatment (POLST) form is a portable medical order for specific medical treatments to be honored by health care workers during a medical crisis. POLST forms are appropriate for individuals with serious medical illnesses or frailty near the end-of-life. POLST started in Oregon in 1991 and now exists in some form in the majority of states.

In response to the COVID-19 pandemic, many Oregon hospitals revised their visitor policies to be more restrictive in order to help protect the health of patients, providers, and staff.

Senate Bill 1606-A prohibits hospitals from discriminating against individuals with a disability when seeking and accessing medical treatment.