

SB 219 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary and Ballot Measure 110 Implementation

Prepared By: Channa Newell, Counsel

Meeting Dates: 3/3, 4/8

WHAT THE MEASURE DOES:

Requires the Oregon Health Authority (OHA) to establish and operate a statewide directory for collecting and disseminating advance directives. Establishes Advisory Committee to advise OHA regarding implementation, operation, and evaluation of the registry. Allows OHA to contract with a public or private entity to establish or maintain the registry. Requires OHA to adopt rules for the registry on submission of advance directives, revised directives, and notices of revoked directives. Requires OHA to adopt rules on releasing registry information to authorized users for treatment purposes and to establish procedures to protect accuracy and confidentiality. Allows qualified researchers to access registry. Specifies that measure does not require OHA to prescribe form or content of advance directive, disseminate form, educate the public, or train health care providers. Specifies that measure does not require individuals to have an advance directive. Provides immunity for civil and criminal liability to person reporting information or acting on information obtained from registry. Takes effect 91 days after adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces measure. Requires Advance Directive Adoption Committee to submit report to Legislative Assembly committees relating to judiciary and to health with recommendations for development, adoption, and administration of statewide advance directive registry. Specifies content of report and recommendations. Sets date of September 15, 2022 for report and recommendations.

BACKGROUND:

An advance directive is a legal document that appoints a health care representative to make health care decisions on behalf of an incapacitated person and allows a person to indicate their preferences for receiving life-sustaining treatments. The advance directive takes effect upon a person becoming incapacitated. A person may also have a planning document called a POLST. The POLST is a physician's order, developed between a patient and health care provider, to address emergency treatments when a person has a serious health issue or is in failing health. POLSTS are stored in a registry that is accessible by health care providers and emergency responders to determine the proper treatment for a person who is in need of medical services and is incapacitated.

Senate Bill 219 creates an advance directive registry to be maintained and operated in a manner similar to the POLST directory, so that a health care representative, physician, attorney, or principal can access the advance directive for treatment purposes.