



06/24/2021

**Timothy G. Sekerak**

**Chief Clerk of the House**

**State Capitol Building, H271**

**Salem, OR 97301**

RE: Vote Explanation on SB 567

Dear Chief Clerk Sekerak,

On June 24th, 2021 I voted “Yes” on SB 567, and I wish to explain for the record why this is the case.

SB 567 seeks to cement the non-discrimination provisions of federal law in medical practice in the state of Oregon. With this bill we are uplifting and reinforcing federal statute that protects individuals from discrimination in the delivery of healthcare. As a health care provider, we must be absolutely aware that we may not deny or limit medical treatment by reason of a patient’s race, color, national origin, sex, sexual orientation, gender identity, age or disability.

It is inexcusable that some components of a patient’s life impacts their care options whether it is home antibiotics to be given to a houseless individual who happens to live with the limitations of a wheelchair; gender-affirming hormone therapy for an adult in custody; an organ transplant for a patient who is not English speaking and uninsured; or a 95 year old patient with comorbid conditions who is in need of a hip replacement. These social, genetic and age-related factors are part of an equation that clinicians take into account every day and the concern is that they fail to recognize when unconscious, or even worse, conscious bias is impacting their clinical decisions. SB 567 is consistent with, and seeks to ensure adherence to federal statutory requirements and reminds us as care providers that we must not deny treatment *on the basis* of a patient’s protected class without an *individualized* clinical assessment.

I understand exquisitely well and want to be on the record affirming that medical decision making is complex and must take into account medical best practices, patient and family desires (which are not always in alignment), insurance coverage, availability of resources, as well as religious and cultural beliefs and practices. Medical decisions are rarely straightforward and as I’ve said before and will say again, it is an imperfect profession in which we “practice” our duties every day.

My intention today is to make sure we are not setting legal precedent for retrospectively challenging decisions from one perspective that has the impact of deterring clinicians from doing the right thing and having the hard discussions we have every day with patients due to our concern for being sued. Our duty is first and foremost to our patients, regardless of what confounding factors are present, and I stand by that. This bill makes sure we do not lose sight of our obligation to not limit access to treatment solely on the basis of a person's protected class and I stand by that firmly as well.

Sincerely,

  


Representative Maxine Dexter, M.D.

House District 33 (NW Portland and NE Washington County)