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Advance directives bill provides voice in end-of-life choices

SB 494 updates the form people use to stipulate their health care wishes in advance, should they become incapacitated

SALEM – The Oregon Senate today passed a bill that updates the form that people use to make their wishes for care treatment known and name individuals they entrust with those decisions, should they become unable to make those decisions for themselves.

Senate Bill 494 – which passed the Senate on a 17-13 vote – creates a 13-member Advance Directive Adoption Committee to revise sections of the advance directive form that relate to values, beliefs and health care treatment options of the person. It includes both opportunity for a narrative description of the person’s values, beliefs and health care wishes, as well as a checklist.

“This bill simply creates a mechanism for updating a form that allows people to make determinations about their choices regarding health care, should they lose the ability to make those decisions on their own,” said Sen. Floyd Prozanski (D-Eugene), who carried the bill on the Senate floor. “This bill, in fact, strengthens the individual’s ability to have their wishes honored in the difficult situations where they are unable to speak for themselves. It’s a basic matter of compassion and honoring people’s wishes. The advance directive form gives people a tool to have their wishes honored.”

Oregon adopted the nation’s first advance directive legislation in 1993. An advance directive is a legal document that provides an opportunity to appoint a representative to make health care decisions for another, should that person become incapacitated. It also allows a person to provide directions and preferences on receiving life-sustaining treatments when one or more of the following conditions exists:

- Close to death or permanently unconscious;
- Progressive fatal illness and inability to communicate, swallow food or water safely, care for one's self and recognize family members; and
- Medical conditions in which life support would not help the condition and would make the person suffer permanent and severe pain.

The advance directive does not apply when a person still can make their own health care decisions. The current advance directive form has not been modified in any way since 1993.

Under the bill, sections of the advance directive form relating to appointment of the health care representative, alternates, acceptance and witnessing remain in statute and may not be modified by the committee. Each time the form is updated, the committee must submit the adopted form to a Legislative committee relating to judiciary in either chamber. The form must be approved by the Legislature during an odd-year legislative session. No form updates will be adopted without the Legislature's approval and being signed by the governor.

"This bill simply involves having a good process for having an advance directive form that is reflective of the times and people's wishes," Prozanski said. "This does not require, encourage or even permit stopping treatment, food or hydration unless that person specifically requested these things and the person is in one of the outlined conditions. Even then, reasonable efforts to offer food and fluid to the person are required under Oregon law."

Senate Bill 494 now goes to the House of Representatives for consideration.

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