

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL  
ADMINISTRATION

April 6, 1993          Hearing Room 357 1:00 p.m.      Tapes 64 - 66

MEMBERS PRESENT:    Rep. Tom Brian, Chair Rep. Ken Baker Rep. Jim Edmunson  
Rep. Tom Mason

VISITING MEMBERS: Rep. Cedric Hayden Rep. Del Parks

STAFF PRESENT:                  Carole Souvenir, Committee Counsel Sarah May,  
Committee Clerk

MEASURES CONSIDERED:                  SB 286 - Establishes Oregon Health Care  
Decisions Act

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These minutes contain materials which paraphrase and/or summarize  
statements made during this session. Only text enclosed in  
quotation marks report a speaker's exact words. For complete contents  
of the proceedings, please refer to the tapes. [--- Unable To Translate  
Graphic ---]

TAPE 64, SIDE A

002    CHAIR BRIAN: calls the meeting to order at 1:40 P.M.

HB 286 - PUBLIC HEARING

Witnesses:                  Jennifer Ulum, Sacred Heart Health Systems Dave  
Fiskum, Sisters of Providence Health Care Courtney Campbell Tina  
Kitchin, Physician for DD Services Bob Smith, Governor's Commission on  
Senior Citizens Beryl Mortenson, AARP- Capitol City Task Force Bob  
Joondeph, Health law Section of the Oregon State Bar & Oregon Advocacy  
Center Susan King, Oregon Nurses Association Brian DeLashmutt, Oregon  
Nurses Association Ed Patterson, Oregon Assoc. of Hospitals Dan Field,  
Oregon Assoc. of Hospitals Bob Castagna, Oregon Catholic Conference  
Robin Bernhoft M.D

SB 286 Establishes Oregon Health Care Decisions Act. (EXHIBIT A) 010  
JENNY ULUM, SACRED HEART HEALTH SYSTEMS: Submits written testimony from  
SISTER BARBARA HAASE in support of SB 286. (EXHIBIT B)

020 DAVE FISKUM, SISTERS OF PROVIDENCE HEALTH CARE SYSTEMS:  
Representing JOAN MAHLER submits written testimony in support of bill  
SB 286-A.

(EXHIBIT C)

062 ULUM: Amendment from hospital association will be coming, and we  
would like to give our support.

065 REP. MASON: Requests copies of declaration on euthanasia, prolongation of life?

073 REP. HAYDEN: Why is there such a strong representation on this bill from the Sacred Heart Medical System, and particularly from Eugene?

076 ULUM: Most medical systems/ hospitals, are in Sister of Providence System.

080 REP. HAYDEN: Most Catholic hospitals belong to Sacred Heart System?

081 ULUM: No, to Sisters of Providence.

091 COURTNEY CAMPBELL, OREGON STATE UNIV. - TEACHER. Submits written testimony in support of medical ethics on SB 286. (EXHIBIT D). Ethically reputable. Does not support mercy killing. Inform choices, with

safeguards, presumption, who decides.

200 REP. MASON: Discussion of article from Holland. Submits article from New York Times to board members. What are the specific, concrete

guidelines going to be?

254 CAMPBELL: Can't transpose what happened in Holland to what will happen here. Holland has different medical treatment. Factors prevalent in

the U.S. that weren't present in Netherlands. Challenges applicability to Oregon.

310 CAMPBELL: Resumes testimony.

415 REP. HAYDEN: In the community of ethicist would you have any colleagues that would debate you?

TAPE 65, SIDE A

010 CAMPBELL: Yes, the intention in withdrawing feeding tubes, is not to cause death but to end pointless medical treatment.

049 TINA KITCHIN, PHYSICIAN FOR DD SERVICES: Submits written testimony (EXHIBIT E), in basic support of SB 286.

110 REP. HAYDEN: Questions phrasing of words, "if reasonably available of neurological specialist".

112 KITCHIN: Some cause for concern is reasonable. But having the wording there we can demand for it to happen. It's a workable compromise.

122 REP. PARKS: Your amendments were adopted?

126 KITCHIN: For most part. If you don't have someone as close as a guardian or a spouse, you are then required to ask everyone even if not qualified.

135 REP. PARKS: Distinction being one person to override decision. A majority rules?

139 KITCHIN: 1) Look for guardian, 2) Look for consensus of a decision maker, if you don't get consensus - 3) Go to spouse.

154 REP. PARKS: Cites page 21, spouse is one group, adult children, and then parents. Anyone could bar decision.

165 KITCHIN: The first person contacted appropriately is designated guardian. If you don't end up with anyone, spouse by itself gets

opportunity to make decision.

177 REP. PARKS: How do you get there?

179 KITCHIN: Under supervision or request of following, A-guardian, B-adult, C-spouse. Objection clause only applies to B.

D-adult, E-majority of siblings.

206 CAROLE SOUVENIR, COMMITTEE COUNSEL: Agrees with testimony. You have to go through order A-G. If no person listed objects to designation.

If someone does object, you can't look to B, you have to go to C-spouse, etc. Proposed amendment puts spouse ahead of objection clause, and then consensus of all individuals.

232 CHAIR BRIAN: Amendment would help.

238 REP. PARKS: In the Senate, example: the principal spouse has left, in your amendment you give them priority. That's why they did that.

249 KITCHIN: If spouse is present than usually involved in persons life. If you can't agree on B (adult), then you end up with list that no one

can veto over. Cites example.

270 CHAIR BRIAN: Funeral arrangements unspecified. Who should really decide?

293 REP. BAKER: Whoever pays the bill. You would find out who is interested. Anyone could apply to court to appoint guardian, then court could override spouses interest, if necessary.

322 ROBERT W. SMITH, GOVERNORS COMMISSION FOR SENIOR CITIZENS: Testifies and submits written testimony in support of bill. (EXHIBIT F)

TAPE 64, SIDE B

028 BERYL MORTENSON, AMERICAN ASSOC. FOR RETIRED PERSONS: Testifies and submits written testimony. (EXHIBIT G)

116 BOB JOONDEPH, HEALTH LAW SECTION OF OREGON STATE BAR - OREGON

ADVOCACY CENTER: Testifies and submits written testimony, neutral. (EXHIBIT H)

Present law contradictory and confusing. Advocacy Center has concerns about section 21 of HB 286, end of life decisions who don't have capacity to make decision.

178 CHAIR BRIAN: Suggestions or proposed amendments, helpful. 187 SUSAN KING, OREGON NURSES ASSOCIATION: Testifies and submits written testimony, in support of SB 286. (EXHIBIT I)

254 BRIAN DELASHMUTT, OREGON NURSES ASSOCIATION: Testifies in support of SB 286.

345 ED PATTERSON, OREGON ASSOCIATION OF HOSPITAL: Testifies and submits written testimony in support of 286 with proposed amendments. (EXHIBIT J)

TAPE 65, SIDE B

070 REP. HAYDEN: This bill would go from excluding the attending physician to making attending physician sole decision maker.

078 DAN FIELD, OREGON ASSOCIATION OF HOSPITAL: Change was made in Senate.

080 REP. HAYDEN: Cites language and makes suggestive changes.

096 BOB CASTAGNA, OREGON CATHOLIC CONFERENCE: Testifies and submits written testimony, no position on SB 286. (EXHIBITS K,L,M)

281 REP. HAYDEN: The first person to file as care taker, is decision maker?

284 CASTAGNA: Yes, keeps reading testimony.

Tape 66, Side A

064 ROBIN BERNHOFT, CITIZEN AND SURGEON: Submits written testimony in no position on SB 286. (EXHIBITS N,O) At request of Rep. Hayden.

334 CHAIR BRIAN: Under current law, for example, it would even be tougher to withdraw artificial nutrition and hydration now. How would you in

law allow for, instance of young child, without opening a door beyond where we should go?

347 BERNHOFT: Suggestion of public scrutiny comes in. Method rather than on individual cases.

368 REP. BAKER: Leery about medical community developing own process separate from society. What kind of protective mechanism can we put in

where culture making decision of medical community, versus society. 382 BERNHOFT: Cites Netherlands example.

454 CHAIR BRIAN: Adjourns meeting, 4:15 P.M.

Submitted by:

Reviewed by:

Sarah May  
Coordinator

Anne May Committee Clerk Committee

EXHIBIT LOG:

A - Testimony on SB 286 - Committee Counsel - Packet B - Testimony on SB 286 - Sacred Heart Gen. Hospital - 2 pages C - Testimony on SB 286 - Sisters of Providence - 2 pages D - Testimony on SB 286 - Courtney Campbell - 10 pages E - Testimony on SB 286 - Dept. of Human Resources - 4 pages F - Testimony on SB 286 - United Seniors of Oregon/ Governor's Commission on Senior Services - 2 pages G - Testimony on SB 286 - American Assoc. of Retired Persons - 2 pages H - Testimony on SB 286 - Oregon State Bar - Packet I - Testimony on SB 286 - Oregon Nursed Association - 4 pages J - Proposed Amendments to SB 286 - Oregon Assoc. of Hospitals - 1 page K - Testimony on SB 286 - Oregon Catholic Conference - Packet L - Proposed Amendments to SB 286 - O.C.C. - 1 page M - Testimony on SB 286 - O.C.C. - 2 pages N - Testimony on SB 286 - Robin Bernhoft, MD - 3 pages O - Testimony on SB 286 - Robin Bernhoft, MD - 6 pages P - Testimony on SB 286 - Joan Smith - 1 page Q - Testimony on SB 286 - Oregon Health Decisions - 5 pages