

HOUSE COMMITTEE ON JUDICIARY

July 15, 1993      Hearing Room 357 1:30 p.m. Tapes 94 - 95

MEMBERS PRESENT: Rep. Del Parks, Chair Rep. Ken Baker Rep. Tom Brian  
Rep. Kate Brown Rep. Veral Tarno Rep. Bob Tiernan

MEMBERS EXCUSED: Rep. Peter Courtney Rep. Jim Edmunson Rep. Tom Mason

STAFF PRESENT:            Julie Nolta, Committee Clerk Holly Robinson,  
Committee Counsel Carole Souvenir, Committee Counsel

MEASURES CONSIDERED:            SB 1110 - Relating to auxiliary  
proceedings HJR 72 - Proposing amendment to Oregon Constitution SB 988  
- Relating to cardiopulmonary resuscitation

[--- Unable To Translate Graphic ---]

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 94, SIDE A

001 CHAIR PARKS: Calls the meeting to order at 1:40 p.m.

WORK SESSION ON SB 1110

002 MOTION: REP. BRIAN: Moves SB 1110 TO THE FLOOR with a DO  
PASS recommendation.

VOTE: 6-0 MOTION PASSES AYE: Baker, Brian, Brown, Edmunson, Mason,  
Tarno, Parks NO: None EXCUSED: Courtney, Mason, Tiernan

Rep. Baker to carry to the floor PUBLIC HEARING ON SB 988

Witnesses: Larry Blumenstein, Oregon Emergency Medical Services  
Randy Garner, Oregon Emergency Medical Services Howard Kirkwood, Chief  
of Emergency Medical Services

025 HOLLY ROBINSON, COMMITTEE COUNSEL: SB 988 authorizes physician to  
issue Emergency Medical Services (EMS) Do Not Resuscitate Order  
(DNR) to

patient upon release from hospital or skilled nursing facility.

038 LARRY BLUMENSTEIN, OREGON EMERGENCY MEDICAL SERVICES (EMS):  
Testifies in support of SB 988.

055 REP. EDMUNSON: Asks him to address how this bill relates to SB 286.

060 BLUMENSTEIN: Compares SB 988 to SB 286 and continues with testimony.

069 REP. EDMUNSON: What happens if one of these bracelets is placed on a person in error?

073 BLUMENSTEIN: Resuscitation will be attempted, explains. Continues testimony.

077 CHAIR PARKS: Does the bill address if a person is wearing a bracelet and they change their mind?

082 HOLLY ROBINSON, COMMITTEE COUNSEL: Cites language from the bill on pg. 2, line 25.

086 REP. BAKER: Asks about the chances of error concerning the use of the bracelet, and the difference between that and an error in a hospital.

091 BLUMENSTEIN: Explains the process of how the bracelet works.

097 REP. BAKER: Asks about the possibility of tattooing the code on the arm.

099 BLUMENSTEIN: A tattoo isn't removable if someone changes their mind. Explains that depending on circumstances, some people follow the wishes of the patients, and some will not.

108 REP. BRIAN: An order is invalid if it is determined that the subject attempted suicide?

112 BLUMENSTEIN: Correct, that language exists today.

113 REP. BRIAN: You would not attempt to resuscitate a suicide?

116 BLUMENSTEIN: Yes we would.

118 REP. BRIAN: If a person has a bracelet on and they were choking, would they be resuscitated?

123 BLUMENSTEIN: That does not count. They have to be dying of what it is determined to be their terminal disease.

127 REP. BRIAN: Where is that language in the bill?

128 BLUMENSTEIN: That is just reasonable care, a person has to be dying of a terminal condition not to be resuscitated.

129 REP. BRIAN: Cites language that says "shall not be resuscitated unless attempting suicide".

131 BLUMENSTEIN: We are not changing the law, explains. The first responders to the scene arrive with a duty to perform resuscitation.

145 REP. BRIAN: Does the bracelet indicate why they are not to be resuscitated?

146 BLUMENSTEIN: No.

147 REP. BRIAN: Gives an example.

150 BLUMENSTEIN: We still make these same decisions.

151 REP. BRIAN: If someone is having a heart attack and they have a bracelet on, do you still try to resuscitate them?

152 BLUMENSTEIN: Yes, unless we are told by someone in the care facility not to. If someone dies in their sleep, we assume that they died of

their disease. If attempted suicide by shooting themselves, it obviously is not part of their terminal disease, and we will try to resuscitate them.

159 REP. BRIAN: Gives example and asks what would happen.

165 BLUMENSTEIN: Explains that they ask a person at the scene or try to figure out the person's wishes, otherwise they do not resuscitate them.

177 REP. BRIAN: You are guessing their wishes.

180 BLUMENSTEIN: Our guess will be substantially reduced with the law this bill provides.

182 REP. BRIAN: In the absence of any other information you would resuscitate them?

183 BLUMENSTEIN: Some will, some won't because there is no specific law to follow.

188 RANDY GARNER, OREGON EMERGENCY MEDICAL SERVICES: Testifies in support of SB 988. Explains that this bill is trying to extend the orders from

a hospital or care facility to the field.

207 REP. BRIAN: What rules would the Health Division adopt?

209 BLUMENSTEIN: The only rules would be for the distribution of the bracelet, because this isn't creating new law.

212 REP. BRIAN: A bracelet affects someone's life.

214 BLUMENSTEIN: It affects their life less than not having a bracelet, so that a person has to guess what to do, explains.

219 GARNER: What is happening now is a nightmare, because of all the mix-ups of not being able to clearly identify a person.

225 BLUMENSTEIN: These people all have a terminal illness.

232 REP. BROWN: Asks what they do if there is no DNR order and someone is choking.

238 GARNER: With or without an order we would assist. Explains that a terminal illness isn't tied to choking.

245 REP. BROWN: Asks what would happen if someone was on the floor.

247 GARNER: Complete resuscitation.

249 REP. BROWN: If they had a bracelet on then you wouldn't resuscitate?

250 GARNER: No.

253 REP. BROWN: Asks what would happen if there were family members present and it was thought that there was a DNR order, you would still

resuscitate?

256 GARNER: Yes, in the absence of proof.

258 REP. BROWN: You could resuscitate someone who might not want to be resuscitated?

259 GARNER: Yes, that happens now.

263 REP. TARNO: Asks what would happen if the bracelet is removed, someone would be guilty of a class A misdemeanor?

270 GARNER: Yes.

271 REP. TARNO: Why do they call you if they want to die?

277 BLUMENSTEIN: Gives examples.

293 GARNER: Gives more examples and explains that the final moments of death are not always as peaceful as people expect them to be, people get scared and we are called.

303 BLUMENSTEIN: They want to know if they are really dying.

311 REP. TIERNAN: How can you make judgements about what a person is dying of?

324 BLUMENSTEIN: That is a serious issue that a doctor must counsel the patient about. Gives examples.

337 REP. TIERNAN: What if they were dying of something other than what they are "supposed" to be dying of?

344 BLUMENSTEIN: They are told of the problems of the bracelet, no one forces them to put it on. This is for the people who only want to "die

once."

367 REP. BAKER: What prevents a doctor from calling the EMS personnel about the situation in advance?

385 BLUMENSTEIN: There is still the problem of identification.  
We are looking for absolute certainty and simplicity.

396 REP. BAKER: What happens if someone changes their mind and doesn't  
want the bracelet with the order?

398 BLUMENSTEIN: Break the bracelet, or whatever it takes. If I  
understand a person wants to be resuscitated, they will be resuscitated.

400 REP. BAKER: Why is this bill better than SB 286?

402 BLUMENSTEIN: Because SB 286 doesn't deal with having to make a  
decision instantly.

421 HOWARD KIRKWOOD, CHIEF OF EMERGENCY MEDICAL SERVICES:  
Testifies in support of SB 988.

TAPE 95, SIDE A

030 REP. BROWN: Concerned with difference in having the bracelet  
and an order that someone can't find, it leaves the judgement call  
to the

technicians.

039 KIRKWOOD: They don't favor death or life, explains situations.

050 REP. BROWN: This is more protective for the individuals right to  
die or to live.

051 KIRKWOOD: This is to protect the rights of people with a  
terminal illness to decide their own fate.

063 REP. TARNO: Gives an example of terminal disease concerning a  
child, and one parent's decision to put the bracelet on that child.

067 KIRKWOOD: This bill doesn't address if that can happen or not.

073 BLUMENSTEIN: This bill does not apply to children.

PUBLIC HEARING ON HJR 72

(HJR 72 proposes constitutional amendment to declare that people have  
right to defend themselves by any reasonable means)

Witnesses: Rep. John Schoon, District 34 Janet Arenz, American Civil  
Liberties Union Annabelle Jaramillo, Commission for Hispanic Affairs

079 REP. JOHN SCHOON, DISTRICT 34: Testifies in favor of HJR 72.

152 CHAIR PARKS: This does not change the law to self defense?

153 REP. SCHOON: It does not.

157 CHAIR PARKS: What happens when a person has to go to court?

165 REP. SCHOON: Compares it to the right of free speech.

169 REP. TARNO: Gives an example of a case in Coos County, and asks if this bill would affect this type of case?

181 REP. SCHOON: I would hope that this would affect these kinds of instances.

194 JANET ARENZ, AMERICAN CIVIL LIBERTIES UNION (ACLU):  
Testifies in opposition to HJR 72.

223 ANNABELLE JARAMILLO, COMMISSION FOR HISPANIC AFFAIRS:  
Testifies in opposition to HJR 72.

249 REP. TIERNAN: Asks for explanation of how this differs from the federal language.

251 ARENZ: Explains the difference between the Oregon and federal language.

WORK SESSION ON HJR 72

260 MOTION: REP. BRIAN: Moves HJR 72 TO THE FLOOR with a DO PASS recommendation.

265 REP. TIERNAN: States concern about giving someone a narrower right for defending themselves or their property.

280 HOLLY ROBINSON, COMMITTEE COUNSEL: Doesn't see the provisions of the constitution as being in conflict.

293 REP. BRIAN: Intent is not to abridge right to defend themselves.

302 REP. TARNO: This bill does not allude to any specific weapon, gives examples.

307 REP. BRIAN: Gives example of "defending oneself".

317 REP. TIERNAN: Oregon has broad rights as far as self-defense. This bill makes that definition narrower.

325 REP. BROWN: Why does this need to be in the constitution when there is a clear statutory right for self-defense?

329 HOLLY ROBINSON, COMMITTEE COUNSEL: Cites ORS 161.325.

331 JARAMILLO: States concern about this abridging the rights of people who might not have the same education as others do.

355 REP. BRIAN: This doesn't abridge rights of anyone to defend themselves or property.

370 REP. BROWN: HJR 72 is broader than the current statutory self defense scheme. This leaves some questions unanswered, give examples.

VOTE: 6-0 MOTION PASSES AYE: Baker, Brian, Tarno, Tiernan, Parks  
NO: Brown EXCUSED: Courtney, Edmunson, Mason

Rep. Schoon to carry to the floor

RE-OPENS PUBLIC HEARING ON SB 988

435 STEVEN KAFOURY, BUCK MEDICAL: Testifies in support of SB 988.

476 CHAIR PARKS: Adjourns the meeting at 2:40 p.m.

Submitted by:

Reviewed by:

Sarah May  
Committee Coordinator

Anne May Committee Clerk