

House Bill 3337

Sponsored by Representatives GREENLICK, LININGER, Senator STEINER HAYWARD; Representatives KENY-GUYER, READ

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies definition of "terminal disease" in Oregon Death With Dignity Act.

A BILL FOR AN ACT

Relating to end of life decisions; amending ORS 127.800.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 127.800 is amended to read:

127.800. §1.01. Definitions. The following words and phrases, whenever used in ORS 127.800 to 127.897, have the following meanings:

(1) "Adult" means an individual who is 18 years of age or older.

(2) "Attending physician" means the physician who has primary responsibility for the care of the patient and treatment of the patient's terminal disease.

(3) "Capable" means that in the opinion of a court or in the opinion of the patient's attending physician [*or*], consulting physician, psychiatrist or psychologist, a patient has the ability to make and communicate health care decisions to health care providers, including communication through persons familiar with the patient's manner of communicating if those persons are available.

(4) "Consulting physician" means a physician who is qualified by specialty or experience to make a professional diagnosis and prognosis regarding the patient's disease.

(5) "Counseling" means one or more consultations as necessary between a state licensed psychiatrist or psychologist and a patient for the purpose of determining that the patient is capable and not suffering from a psychiatric or psychological disorder or depression causing impaired judgment.

(6)(a) "Health care provider" means a person licensed, certified or otherwise authorized or permitted by the [*law*] **laws** of this state to administer health care or dispense medication in the ordinary course of business or practice of a profession[, *and includes a health care facility*].

(b) "Health care provider" includes a health care facility.

(7) "Informed decision" means a decision **made** by a qualified patient, to request and obtain a prescription to end [*his or her*] **the patient's** life in a humane and dignified manner, that is based on an appreciation of the relevant facts and **that is made** after being fully informed by the attending physician of:

(a) [*His or her*] **The patient's** medical diagnosis;

(b) [*His or her*] **The patient's** prognosis;

(c) The potential risks associated with taking the medication to be prescribed;

(d) The probable result of taking the medication to be prescribed; and

(e) The feasible alternatives **to taking the medication to be prescribed**, including, but not

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 limited to, comfort care, hospice care and pain control.

2 (8) "Medically confirmed" means **that** the medical opinion of the attending physician has been
3 confirmed by a consulting physician who has examined the patient and the patient's relevant medical
4 records.

5 (9) "Patient" means a person who is under the care of a physician.

6 (10) "Physician" means a doctor of medicine or osteopathy licensed to practice medicine by the
7 Oregon Medical Board.

8 (11) "Qualified patient" means a capable adult **patient** who is a resident of Oregon and has
9 satisfied the requirements of ORS 127.800 to 127.897 in order to obtain a prescription for medication
10 to end [*his or her*] **the patient's** life in a humane and dignified manner.

11 (12) "Terminal disease" means an incurable and irreversible disease that has been medically
12 confirmed and will, within reasonable medical judgment, [*produce*] **result in** death within [*six*
13 *months*] **one year**.

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