

happens every day right now. Somebody is in a terminal condition, they are hooked up to a machine, doctor knows it, doctor knows they can't save them, doctor knows its irreversible, walks out to that waiting room with the family that's there in the grief of the day of the hour and asks for guidance from the family. What would the patient want? What do you suggest? What should I do? Happens every day, doesn't it? What is the law right now in that area? You know the law does allow for people to give consent for others. If you have a minor child who is injured, it requires a parent, an adult to consent to the care of that child by a hospital. That's why you parents sign those consent forms in the hospital. Well who is going to give consent if the plug is going to get pulled? That is the question here. And right now they go out into that waiting room and they ask the family. What happens when the doc walks out there and the family says, the spouse says, pull the plug, doc, and three of the kids say, pull the plug, doc, and there is the last kid that says, don't do it, doc, big mistake, don't think you should. That's the problem. How is that decision going to be made? If you had to reduce under the court cases what the consent laws are, they would approximate this. You know where this line also comes from? The Intestate Recovery Act for when people die without a will. Who comes first? The spouse. Who comes next? The kids. Who comes third? The parents? Who comes next? The brothers and sisters. The law has stepped in and given a decision tree to show a natural priority. Section 9 gives clarity to health care providers who have to deal with that waiting room filled with the family to look to specific people for guidance, people who stand in the place of the patient and can speak for the patient. This is a concept that John has basically put in LB 696 where someone gives consent for the party who can no longer speak. Out of that list we've pulled, first, the person who has the durable power of attorney; second, the person who is the legal guardian; third, the spouse; fourth, the children; fifth, the parents; and sixth, the siblings. I don't think it is an appropriate decision for you to work through. It's a workable system and if you go out behind the glass you'll find that nursing homes, you'll find that hospitals would appreciate this kind of guidance. In the event you leave things as they are, do you have any less of an opportunity for cases going to court? No. You have just the same opportunity for people to go to court. So I would urge you to keep Section 9.

PRESIDENT MOUL: Thank you, Senator Lindsay. (sic) Senator