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SENATOR JOHNSON: Yes, explain the ambiguity to me, Senator Chambers.

SENATOR CHAMBERS: All right, now the words before are "standard medical practice and sound medical judgment". Then we inject the notion of the judgment of the attending physician. Now is the judgment of the physician to go to what constitutes standard medical practice or what ought to be done in the specific case before him or her?

SENATOR JOHNSON: The judgment of the attending physician goes to what ought to be done in the specific case before him or her and does not cover standard medical practice. I look upon standard medical practice, Senator Chambers, as an objective standard that is out there. If the physician deviates from standard medical practice, that objective standard, then he may be liable. On the other hand, if he exercises sound medical judgment, then he may not be liable because the subject is not disjunctive, it is conjunctive.

SENATOR CHAMBERS: Now, Senator Johnson, if the physician departs from an objective standard of medical practice, then that would render that doctor liable to a malpractice suit?

SENATOR JOHNSON: Yes, to a malpractice suit, absolutely correct, but not the criminal prosecution.

SENATOR CHAMBERS: In this case, the standard is less severe than it would be for medical malpractice?

SENATOR JOHNSON: That is correct.

SENATOR CHAMBERS: Thank you, Senator Johnson, and members, the record I think will now indicate at least the intent of the introducer of the amendment which is to make the doctor's judgment relate to the case before him or her and that verbiage about medical standards, Senator Venditte, is a crumb tossed to you but it has no meaning and no impact on the judgmental procedure before us and that is what I think you should keep in mind and it is kind of funny. Here you and I are kind of in a way on the same side and Senator Dworak and Senator Johnson are very much on the same side. Now who is where and what is which. Maybe it is like Pogo said, "We have met the enemy and they are us."

SPEAKER MARVEL: The Chair now recognizes Senator Johnson. Do you wish to close on your amendment to the second amendment of Senator Venditte's?