

April 27, 1979

LB 382

SENATOR STONEY: Mr. Speaker, members of the Legislature, a question of Senator Simon if he would respond please?

SENATOR SIMON: Yes, Senator Stoney.

SENATOR STONEY: Senator Simon, with this consent form then, what is the final disposition of the form? The patient is given the information by the doctor. They go over the form item by item. Each individual signs the form and then what is the disposition of the form?

SENATOR SIMON: Then the doctor if they wish may go ahead and administer laetrile.

SENATOR STONEY: I am just wondering the necessity or the reason for the form. What is really accomplished?

SENATOR SIMON: My concern, Senator, is the fact that people who might use recognized methods will jump at the chance of using this "wonder drug" and I think that anything that will provide additional information is going to be beneficial to them. I think the fact that they would know that the American Cancer Society does not support the use of laetrile, that the FDA does not support it, that the American Medical Association does not support it, and that there are alternate methods that are available, at least they will be able to make hopefully the most informed, the most intelligent decision that they possibly can and that is why I want to provide all of this information to the patient. As I say, this is copied from a number of other states that have this legislation. This would be the bare minimum that I would have to have to be able to support this bill.

SENATOR STONEY: Senator Simon, my only concern is whether or not the doctor, in fact, does discuss it with the patient. Now what is it used for? I know that they explain to the patient the facts regarding this particular situation but I am wondering subsequently if there would be a suit that the patient's family might file against the doctor in the way of a malpractice item, whether or not this would grant some immunity if they had signed such a form?

SENATOR SIMON: I could yield to Senator DeCamp or Senator Johnson or another attorney but I don't think that in the case of malpractice that that would eliminate the physician from complete cause of malpractice suit.

SENATOR STONEY: Another question that I have with it, how do we know? It is the patient and the physician that know