

constitutional rights outside the confines of 671 could be met by a notarized statement and that remedy in law and equity can be granted by a court of competent jurisdiction. In other words, you can take this cause of action to court, we recognize that. Your Cruzan rights, basically, are being recognized. The second idea that is in the bill, that an individual facing a terminal illness or in a persistent vegetative state, if they have had the foresight to create an advanced medical directive, a living will, has the right to be assured that their physician will carry that out and make sure that medical treatments are consistent with the patient's desires and directions. The instrument to do that is the living will. It is signed when one is competent, capable of making these decisions, passing into the medical records kept by the physician, and then honored by the physician at one of two triggering states, the terminal illness and the loss of capacity, or the persistent vegetative state. The third idea in this bill is the durable power of attorney idea which says rather than a direct message from the patient to the doctor, the patient gives instructions and authority to a third person, an attorney if you will; not a lawyer, not somebody who has passed the bar, but somebody who is going to exercise legal rights on their behalf. So they execute an instrument which tells this third party what they want to have happen. The third party then is responsible for carrying out those instructions. The last idea in this bill is to give assistance to medical health professionals when faced with the difficulty of a person that has no living will, no durable power of attorney, the family is out in the waiting room, the doctor goes out and says, we are in this difficult trying state, what does the family...what's the family's recommendation, what do you want to do? To whom do you address that question and who has the final say? The fourth idea in this bill is sort of a parallel of the decision-making process and the property rights will. It says the spouse has the first say. If there is no spouse, then it is the children. And if the children are not there, then the parents, and if there aren't parents, then an adult sibling. But out of that clutch of people, it indicates who we think has the first line of authority to speak authoritatively for the incapacitated individual who might be in this setting. Why is the living will necessary? For two reasons, first, there is an underlying right which needs to be recognized in Nebraska law given where we are under federal law. We have a long-standing right recently exonerated again in the Cruzan decision that says, basically, you cannot put your hands on me without my consent. You can't lay hold of me in a bar and