

some of these types of advanced directives will kick in only in the case of a terminal condition, the durable power can be used for ongoing health care decisions. Rarely, rarely does...would a, for example, a living will be used. There's not a whole lot of people that get into a position where a living will is going to kick into effect. Much more frequently a durable power can be used because it can extend to other types of decisions. If someone is in, for example, a persistent vegetative state and the issue is not whether or not a person...the person is going to die, there is a lot more issues that come up, simple questions of hygiene, questions of medications, questions of what types of things that a hospital or a medical care provider can provide for that person. The...the nursing homes are interested in it simply because oftentimes an individual who is residing in a nursing home is not capable of making a lot of the day to day health care decisions that should...that need to be made. And the durable power would allow those types of decisions in addition to those final decisions on treatment to be made by an individual whom the patient trusts. An advantage of durable power is that it does foster communication. If someone is going to designate another individual to make health care decisions for them, it naturally starts the discussion of what are your values. An individual that...for example, if I were to designate my wife to act as my attorney in this type of situation, she knows me very well. She knows my value system, knows what type of treatment I would want to continue having, what types of treatment I wouldn't want. The same situation can be used in Senator Hall's case where his wife would terminate all medical care instantly. The durable power of attorney provides the flexibility to handle not just that one decision we were talking about this morning but a whole host of decisions that are much, much more likely to be encountered by someone who is not capable of making those decisions himself or herself. Again, I would reiterate that several groups have had a tremendous amount of input. My aide spent a lot of time over the interim putting in an enormous amount of work in to try to make sure that all the concerns were taken care of without sacrificing safeguards for the individual patient. Those two have come together well. I think with this point the committee amendments, or the amendment to the committee amendments, if adopted, which would become the bill, would be a very good addition, a very good health planning tool for the people of the State of Nebraska and I would urge the adoption.

SENATOR WARNER PRESIDING