

January 16, 1992 LB 696

to exercise. The only method of discipline in this bill, for the most part, is a court action, getting a lawyer and going to court to try to impose your will in one way or another. Are there any other mechanisms besides the costly and time consuming mechanism that creates, let's say, a professional obligation that could...that could place an onus or a burden on a doctor to carry out these wishes short of going to court and the costliness of that kind of a hearing? Lastly, and I hope this list has not been too burdensome, but I think they are fair questions to raise, I notice that in the right to challenge the appointment of the attorney, to challenge the instructions by the attorney to the doctor, to challenge the doctor's response to the attorney, all of those major questions are attackable by a wide variety of people. The last...the last on the list says, "or other interested parties".

SENATOR WARNER: One minute.

SENATOR LANDIS: Or other interested parties is a term that perhaps has some legal significance here as far as determining what standing there may be. What can you tell us as far as legislative intent, John, bounds the quality of interested person? If I have a moral belief and I claim that an unrelated individual who is under this document, do I have a right to get standing to go into court and oppose the operation of the durable power of attorney? If I am that person's clergyman, can I oppose the operation of the durable power of attorney? If I am a business relationship, can I oppose that? If I am a neighbor, can I oppose that? If I am a stranger with a strong personal, moral belief and a desire for a headline, am I entitled to standing to go forward and challenge the durable power of attorney, force all the rest of the parties into that setting. .

SENATOR WARNER: Time.

SENATOR LANDIS: ...before I will be able to use the durable power of attorney? I'm hoping our discussion will be forthcoming and I will await answers to those several questions.

SENATOR WARNER: Senator Wesely, followed by Senator Crosby. Senator Wesely.

SENATOR WESELY: Thank you, Mr. President, and members, I think Senator Landis has raised a number of interesting issues and I