

and/or a durable power. So, thank you. Senator Lindsay, you can have the rest of my time.

SENATOR WARNER: Senator Lindsay, you have about three and a half minutes left and you will be the next speaker as well, Senator Lindsay.

SENATOR LINDSAY: Thank you, Mr. President. Thank you, Senator Crosby. Members, I would like to try to answer the questions that were brought up by Senator Landis. First, the rationale for qualifications of witness, qualifications of guardians, going first the qualifications for witnesses. The intent was to bar as witnesses those people that would potentially or likely have a conflict of interest. The people who are disqualified from serving as witnesses are, for example, the attending physician, an employee of the attending physician who is not...who is unrelated to the patient, those are fairly obvious potential conflicts. The physician may have a financial interest in the continuation or discontinuation of care. So the intent is to take out a financial interest in that situation. The same thing is done over in the area of probate. If somebody has a financial or a potential financial conflict, we disallow them from serving as a witness. Example. If you execute your will and, hopefully, you would name me as one of your heirs, I could not serve as a witness to that will. The same type of thing here. If there is a financial interest, I shouldn't be allowed to serve as a witness. Another one of the people that could not serve as a witness would be an owner or somebody who has an ownership or financial interest in a health care facility, for example, a nursing home. Another person who cannot serve as a witness is someone...excuse me, I'm shifting gears on you here, people who can't serve as the agent. Again, one of the persons who cannot serve as an agent are those that I just mentioned, the...those that have a financial interest that I have discussed. Another one that's put in here is someone who is already serving as an attorney under this durable power law for ten or more individuals. The intent there, we don't want someone starting up a business of being attorney for money, being an attorney, in fact, for hundreds and hundreds of people. The idea is to get away from that and get the people that are known, people that you can somehow get close to or remain close to. Senator Landis also raised the point about the duty to carry out...carry out the wishes by the doctor and what is the enforcement mechanism. While it is true that there is no criminal penalty...