

January 30, 1992 LB 671, 696

over. We do have some agreed language on that, but it's not down from the bill drafter yet.

ASSISTANT CLERK: In that case, Senator, the next amendment I have is 2505. (Lindsay amendment, AM2505, can be found on page 571 of the Journal.)

SENATOR LINDSAY: Thank you, Madam President, members of the body. AM2505, again found on page 564 of the Journal, this one gets a little more into substance and it provides a policy choice for you to make. And that policy choic...and there will be advantages and disadvantages, depending upon your position to this amendment, so it's one that you are entitled to make a policy choice on, and I would ask that we do that. What this would do is as the bill is written right now, LB 671, in order to have a written declaration become effective, or kick in, or how have you, it would require that the attending physician have read the declaration and that the declarant is then determined by the physician to be in a terminal condition and no longer able to make the decisions. What this would do is add a third provision to that. And that provision is that the physician will have notified the family. Right now the family of the declarant is cut out of the loop. This does not suggest that the family has to consent to it, it does not...we're not getting into the provisions of LB 696 or requiring that a family be consulted on what to do, rather this simply allows the family to be notified before the plugs are pulled or whatever takes place. Right now the physician is subject to criminal penalties if he or she does not immediately remove the life-sustaining treatment without notifying the family, without allowing the family to come and be...spend whatever time they need to spend with the individual, just completely cut out of the loop. What this seeks to do is simply allow notification of the family. Senator Landis, I believe, will suggest that this can be used by the physician to delay the administration or the withdrawal of life-sustaining treatment. That's not the intent, and I don't believe that's the case that it can be used for that purpose. The intent is let's bring the family in, at least allow them the opportunity to be notified rather than a...what is a momentous decision, which will result necessarily in the termination of life, to at least allow the family to be there at the final moments, if they so choose to do so. It's also not the intent of this to have an heir search, and find missing heirs, and find long lost brothers and sisters, and third cousins to the eighth degree and all that kind of stuff. It's intended to notify