

immediate family, again as I say, notification not consent. I would urge the adoption of the amendment.

PRESIDENT MOUL: Thank you, Senator Lindsay. I'll now recognize Senator Landis, followed by Senator Crosby.

SENATOR LANDIS: Thank you, Madam President, members of the Legislature. Remember what we're talking about in the living will, we're talking about somebody who's in an irreversible, incurable condition, that is living on life-sustaining treatment and the death approaches and the life-sustaining treatment is what's keeping them alive. Those members of a family that can be notified and are available are notified. You've had this happen in your family, I've had it happen in mine. The family knows. We don't need the law to impose an obligation here for a spouse, or a child, or a parent to call the rest of the family. It happens, that's the way families operate. And we don't need a law here that tells families how to do this. This isn't sneaking up from the outside. This is an irreversible, incurable condition, somebody is on a life-sustaining treatment, this is the kind of circumstance in which a family clearly knows, and you and I know that this goes on every day in hospitals. And a doctor comes out to that waiting room and he talks to the family, that's what happens. We don't need to make this one of the triggering conditions. Although John says, you know, it's not our intention to cause some kind of an heir search, this is...this is what the language says, the attending physician is to notify the declarant's family. What does that phrase mean? What if you have a child who's in the Peace Corps? How far up and down the family tree does that mean? How much of a good faith effort can you...can you exercise? Telegram, certified letter, phone call. We don't know. Now, if there was a desire to do this you might put it someplace else in the bill, or someplace else in law and do this generally for everyone, not just living wills, but everyone. If we're concerned about people lying in a hospital bed without their family, we might make this an affirmative obligation for doctors in every case like that, not just the living will, and certainly in the case of durable power of attorney where there is no such corresponding obligation. This language does not appear in 696, and there is no affirmative obligation to this. If this is good policy, it's true for people who are lying in hospital beds sick, and should be a general principle rather than a new triggering condition in the living will. I would urge you to vote against this amendment.