

Wesely.

SENATOR WESELY: Thank you, Madam President, members, I, too, would rise in opposition to the amendment to delete Section 9. I have been in communication with the Hospital Association. I think most of you have got a letter written yesterday by the association which indicates that on LB 671 they are neutral, I guess, on do not support or oppose the living will concept. They do support the durable power of attorney bill that Senator Lindsay and I have that follows this, but as part of this bill, they strongly support this very section and as Senator Landis was talking about, they need some guidance on how to make these decisions. They need to have the Legislature set some policy in this area. The common law is uncertain and they feel that there have been problems in this area in the past. The thing about it is you can't ignore the reality of the situation as it exists right now. We have individuals coming to hospitals, they don't have a living will, the time comes to decide do they continue to prolong the life, what measures do they take to deal with the situation, they have got to turn to somebody to make those decisions when this person is incapacitated. This happens today, it has happened in the past, it will happen in the future. How do they work through the system, the process, to get advice and consent to take whatever steps seem to be the steps that need to be taken and this lays out the hierarchy of the spouse to the child to the parent, the sibling and so on so that they know the steps they need to take to work through this important decision making. Those decisions are being made now. Doing away with this section won't help that matter. They will still go on trying to have to make a decision in this area. Why not bring some sense and some logic to the decision making process so that they can work through it more logically in the future and understand the decisions that they have to make. I mean I think all of us would realize that somebody in a hospital faced with a circumstance doesn't have a living will, doesn't have a durable power of attorney bill, somebody has got to decide what to do and obviously I would prefer having family involved in that decision, not the hospital having to decide in a dispassionate way. I'd rather have family involved and I'd rather have it involved in the sort of fashion that is outlined in this bill. So for whatever else you may feel about LB 671, this particular section I think seems to make sense in terms of the Hospital Association and in my own view, we need to outline this sort of criteria and decision making for them to work through this problem in the future. So I would ask for your