

this provision is the same in the original bill and the model bill. It is Section 8, which is the model form for the power of attorney. This is amendment AM2354, and it might be in the Journal, and I will tell you why I am making this amendment, and let me tell you what the amendment says. If you take a look at page...lines 18 through 21, it says this because this is the crux of the form, I direct that my attorney in fact comply with the following instructions or limitations. That is what is says, and there you are supposed to write down the instructions you give your power of attorney. Fair enough. Let me ask this question, what if I wrote, I hereby give all my medical decisions and the authority to make them to Jim Cudaback? Now let's say that I fell into a coma, I was in a persistent vegetative state, the question is, should I be on a respirator or not, and they come to Jim and ask Jim what should happen. Does Jim have the power, if I have written that, to say you can take Dave off the respirator? What is your common sense answer to that question. Does Jim have that power if I have written he has the power to make all medical decisions for me? Would you say the answer is, yes, that he does have that power? Not the way this bill is written. You might think that he had the power to do that but he doesn't. The reason he doesn't is I didn't use some very special language. I just said Jim has got all the powers to make all my medical decisions but there are two medical decisions that, unless I specifically say them, he doesn't have, even if I use the phrase all medical decisions. One thing he doesn't have the power to do is to make decisions with respect to life-sustaining treatment. The second thing he doesn't have the right to do is to do nutrition and hydration. Now I have heard representatives of John Lindsay's staff tell 250 elderly people that this form should be simple enough that people can do it without a lawyer. You tell me if, in the absence of a lawyer, you would know that by saying Jim Cudaback has the power to make all my medical decisions that you would know that you'd have left those two out, if you didn't have a lawyer. You can't have it both ways. Either this is a bill that the lawyers are going to have to pick through very carefully, or it is a form that allows people to really defend themselves. Now, admittedly, there is a section of instructions here for people, and it says if you don't use life-sustaining treatment, if you don't say nutrition and hydration, you are not going to pass that power. But believe me, the back of this form is very, very complex. What does my amendment say? If you have got this provision here, it says, after the line, I direct that my attorney in fact comply with the following instructions or