

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

February 19, 1999 LB 226

committee amendment, are rather...rather clear what the intent of the bill is. The Legislature finds that controlled substances has useful and legitimate medical scientific purposes and are necessary to maintain the health and general welfare. It's also...the Legislature finds that we should have...our people in the state of Nebraska should have appropriate and effective pain relief. The second legislative finding talks about up-to-date knowledge and treatment modalities that can serve to improve the quality of life, and the Legislature encourages physicians to view effective pain management as part of quality medical practice. The third legislative finding, doctors should be able to administer a controlled substance in excess of the recommended dosage for the treatment of pain, so long it is not administered for the purpose of causing or assisting in causing death for any reason. The treatment must conform with the policies and guidelines of the treatment of pain adopted by the Board of Examiners in Medicine and Surgery. And, fourth, a healthcare facility, hospice or third party payer should not forbid or restrict the use of controlled substances for the use of pain. It came to my attention from some anecdotes of some constituents that there are those who believe in the state of Nebraska, for example, if a patient is terminally ill you shouldn't medicate that individual to eliminate all the pain because there is a fear that if you go above the recommended dosage that person might become addicted. Now, if I'm terminally ill and I have, for example, two or three months to live, withdrawal is something that I might want to look forward to. I mean it is ridiculous and bizarre that that exists in the state of Nebraska. Some healthcare professionals might say, no, that's not what we teach; that's not really what goes on. But the fact of the matter is there are still some healthcare professionals that believe this and, you know, we have seen this in a case in southern Nebraska where pain was not managed and...and, for whatever...for whatever reason. And I don't want to get into the specifics of that, I really don't. But there is a need for the Legislature to come forward to say we ought to be able to medicate pain. We can treat the pain. With today's drugs, today's opiates, we can treat the pain. We have the power to make sure that no one has to die in pain in the state of Nebraska should they choose not to. The bill goes further on into Section 2 that says, now, if we're going to do this, since we think that we ought to medicate the pain, one,