

SENATE COMMITTEE ON HEALTH CARE & BIO-ETHICS

February 18, 1993 Hearing Room C 3:00 p.m. Tapes 12 - 13

MEMBERS PRESENT: Sen. Shoemaker, Chair Sen. G.H. Smith Sen. Cohen Sen. McCoy

MEMBER EXCUSED: Sen. Hamby

STAFF PRESENT: Barbara Coombs, Committee Administrator Dick Shoemaker, Committee Administrator/Asst. Stasi Kitchen, Committee Assistant

MEASURES CONSIDERED: - Work Session - Possible bill introduction SB 286 - Public Hearing and Possible Work Session

Witnesses: Lynda Harrington, Executive Director, Oregon Right to Life Robert J. Castagna Jenny Ulum, Sacred Heart Health System, Eugene Sister Barbara Haase, Administrator, Sacred Heart General Hospital, Eugene

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These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes. [--- Unable To Translate Graphic ---]

TAPE 12, SIDE A

001 CHAIR SHOEMAKER: Calls to order at 3:15 p.m.

002 LYNDA HARRINGTON, EXECUTIVE DIRECTOR, OREGON RIGHT TO LIFE: Submits testimony in opposition to SB 286 (EXHIBIT A).

077 SEN. COHEN: Concerned about the comparison to Somalia children.

083 Harrington: Responds.

086 SEN. SMITH: Are you certain this bill provides a drift to euthanasia?

091 Harrington: Responds.

094 Sen. Smith: Does the section of comfort care relieve your concerns?

098 Harrington: Responds.

107 Sen. Smith: Can you recommend any changes?

111 Harrington: Concern page 15, section 11; page 1, line 5.

116 Chair Shoemaker: The part I'm struggling with is that in this case it is invasive procedures which are prolonging life. I don't want to get into the situation of helping to starve to death someone. I don't want to be a party to voting for something that is going to

pro-actively kill people. I am also interested in helping people die with dignity through natural, God ordained processes.

150 Harrington: Responds.

156 Chair Shoemaker: Are you familiar with the Nancy Cruzan case?

161 Harrington: Slightly.

163 Chair Shoemaker: Describes case. Is that what you think we should do?

199 Harrington: Responds.

203 Chair Shoemaker: You agree with the Nancy Cruzan case?

205 Harrington: Yes.

220 ROBERT J. CASTAGNA: Presents testimony in support of SB 286 (EXHIBIT B).

351 Sen. Smith: Are you saying that when they enter the hospital they should not be informed of them, or said these are available if you want them but not required to respond?

357 Castagna: Responds; refers to section 21.

394 Sen. Smith: In the form it does say that you choose to carry on with the presumption.

411 Castagna: Responds.

435 Chair Shoemaker: How do you make a child into a principal under Section 21?

TAPE 13 - SIDE A

013 Castagna: Not section 21; Section 1, subsection 20 (b).

031 Chair Shoemaker: They are not defined as a health care representative though.

034 Castagna: Yes, Mr. Chair in (b) and (c) refers to Exhibit B.

040 Sen. Cohen: Children have parents and guardians in this state; they would be in charge.

045 Castagna: Responds.

048 Sen. Cohen: There has been much conversation on common law.

059 Castagna: Responds.

060 Chair Shoemaker: Section 21 will not apply to opting out; it applies to those who never thought about it or never got around to it. Isn't that very different?

063 Castagna: Responds.

068 Chair Shoemaker: You are saying Section 21 is aimed at those

who opt out; I'm suggesting Section 21 deals with those who never thought about it.

073 Castagna: Responds.

129 Sen. Smith: If we had such a definition do you believe it would protect against the situation Lynda Harrington described?

133 Chair Shoemaker: Mary would not be entitled to withdrawal under this bill. She meets none of the criteria.

137 Castagna: Discusses progressive illness; Section by section analysis Section 11. Subsection 1(c, c).

185 Chair Shoemaker: Progressive illness provision was drafted by 3 physicians who specialize in alzheimer's disease; they were very careful to the language.

201 Castagna: To aide understanding should we instead of having progressive illness to substitute advanced alzheimer's in its place?

205 Chair Shoemaker: The problem with that is that alzheimer's relates to other disorders.

208 Sen. Cohen: If you had one disease you would not qualify, but alzheimer's would?

214 Chair Shoemaker: Correct. Condition under these diseases. This is supported by the alzheimer's associations in the state.

223 Castagna: What else is included?

227 Chair Shoemaker: Alzheimer's is not technically terminal.

231 Castagna: We are concerned. We are asking for more articulate definition; extraordinary suffering seems overly broad. We recommend the medical condition be deleted from the form. - Discusses further concern with: Section 10, page 15, printed bill, line 15. Section 13 subsection 2(g) page 18, line 20. Section 11, Subsection 1. Section 11, subsection 2 page 15, line ???. Section 13 sub section 3 page 18 line 38. Section 14 page 19 deleted subsection 5 lines 37 - 40. Section 20 page 21 - 22. Section 20 subsection 2 (d) page 22 lines 15-17.

386 BARBARA COOMBS, COMMITTEE ADMINISTRATOR: What is your understanding of the federal law?

390 Castagna: Responds.

TAPE 12 - SIDE B

001 Chair Shoemaker: I do not share the concern. A directive would encourage them to provide life support. I think that is stretching things.

013 Castagna: Responds.

018 Chair Shoemaker: The directive is in the medical file.

022 Sen. Cohen: Regardless of the driver's license; if it were

revoked, it would be the same thing.

024 Castagna: I am thinking on a logical basis as to where the driver's license will come into play.

029 Sen. Cohen: Let's assume we did not have a driver's license, and found it in the patient's file. I see no difference in your allegations at all. It is irrelevant if it were in the driver's license. You are making an assumption that all emt and emergency physicians will stop their life support services because of that.

048 Castagna: Responds.

054 Sen. Cohen: You are going to tell the health care physicians not to look into the file?

058 Castagna: Responds.

082 Chair Shoemaker: As you look at the existing form, delegates the attorney in fact authority regarding feeding tubes; do you consider that a clear and specific statement?

088 Castagna: Responds.

096 Chair Shoemaker: That is one problem. I would like to ask you the same question I asked Lynda Harrington about Nancy Cruzan.

099 Castagna: Responds.

100 Chair Shoemaker: What would you suggest?

110 Castagna: Responds.

124 Sen. Smith: You have read the section on comfort care; does that give you any comfort?

128 Castagna: Responds.

135 Sen. Cohen: Read the last sentence of the bishop statement dealing with benefits and burdens.

138 Castagna: Reads sentence, page 13 Exhibit B. - Discusses further concerns.

159 Sen. Cohen: Reads Castagna's quotes; you neglected to read that to me. I have problem with that.

166 Castagna: Responds.

194 Chair Shoemaker: You have seen forms that bury the language; do you have any with you.

198 Castagna: No. The committee administrator knows what I'm talking about.

200 Coombs: No I do not.

205 Castagna: Gives more information.

212 Sen. Smith: I would be interested in language you might suggest

as to how you overcome the presumption for a "Nancy Cruzan" case. I think we are splitting hairs here. We are not that far apart. We all want to do what is fundamentally right.

231 Castagna: I will develop some language.

234 Chair Shoemaker: Refers to pastoral letter from Bishops about the end of life. 243 Castagna: Gives further testimony.

258 Chair Shoemaker: It does point out...

261 Sen. Cohen: I don't like the insinuation that I am in favor of withdrawing life support because I am a part of this committee. Personal reference. I am insulted that we are not going to consider these types of situations.

274 Castagna: There is no intention to insult anyone within the members of this committee; we are looking for good policy.

286 JENNY ULUM, SACRED HEART HEALTH SYSTEM, EUGENE: Testifies to SB 286.

320 SISTER BARBARA HAASE, ADMINISTRATOR, SACRED HEART GENERAL HOSPITAL, EUGENE: Presents testimony to (EXHIBITS C1, C2).

TAPE 13 - SIDE B

042 Sen. Smith: If you have language you would like to suggest on Section 21 I would welcome that.

049 Haase: That language will come next week.

051 Chair Shoemaker: Because of this concern we are going to recommend that section 21 be submitted as a separate bill.

069 Coombs: The health law section did not recommend the bill with the current section 21; it was without that.

075 Chair Shoemaker: adjourns at 4:45 p.m.

Submitted by, Reviewed by,

Timothy Marshall Dick Shoemaker Committee
Assistant

Committee Administrator

Exhibit Summary for SB 286

A - Written testimony submitted by Harrington, pp 1 B - Written testimony submitted by Castagna, pp 2 C1 & C2 - Written testimony submitted by Haase, pp 6