

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.

SENATE COMMITTEE ON HEALTH INSURANCE AND BIOETHICS

April 30, 1991Hearing Room C 3:00 p.m.Tapes 69 - 71

MEMBERS PRESENT:Sen. Bob Shoemaker, Chair Sen. Joyce Cohen, Vice-Chair Sen. Jeannette Hamby Sen. Lenn Hannon Sen. Frank Roberts

STAFF PRESENT: Barbara Coombs, Committee Administrator Mark Sigel, Committee Assistant Guadalupe C. Ramirez, Transcriber

MEASURES SB 1141 CONSIDERED:

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.

TAPE 69, SIDE A

000 CHAIR SHOEMAKER: Calls meeting to order at 3:10.

PUBLIC HEARING ON SB 1141

Witnesses: Ron Adkins, Citizen Miriam Coppens, Oregon Health Sciences University Aloha Shade, Attorney Richard Wise, American Civil Liberties Union of Oregon Peter Goodwin, Oregon Health Sciences University Warren Sparks, Medical Physician Reverend James Jones, Congregation Church of Lincoln City Derek Humphry, Citizen Phil Drayer, Citizen Charles Porter, Attorney Jim Davis, Oregon State Council of Senior Citizens Roy Payne, Oregon Medical Association Father Lawrence T. Reilly, Sisters of Providence Dr. Paul Stull, Lower Columbia Hospice William J. Levada, ArchBishop of Portland Paul Swanson, Lutheran Church in America Father Evan Ash, Good Samaritan Hospital and Medical Center Hank Bersani Jr. , Association for Retarded Citizens of Oregon Robert Castagna, Oregon Catholic Conference

020 SENATOR ROBERTS: Submitted and explained summary and amendments to SB 114 1-1 (EXHIBIT A). > Explained the conditions by which aid in dying would be considered. Medical conditions must be confirmed by a peer review process. The entire process must be monitored by an ethics panel.

202 RON ADKINS: Submitted and explained testimony in favor of SB 1141 (EXHIBIT B).

320 MIRIAM COPPENS, OREGON HEALTH SCIENCES UNIVERSITY: Submitted and explained testimony in support of SB 1141 (EXHIBIT C). Explained the counseling she gives to people who contact the Portland Hemlock Society chapter. Explained her case work for Janet Adkins.

TAPE 70, SIDE A

045 ALOHA SHADE, ATTORNEY: Has helped many terminally ill clients prepare for death by filling out physician directives and power for attorney for health care forms. She had a close brush with death. Her family had to decide whether or not to implement the physician directive she had signed to withdraw life support systems. Although her family decided not to have her life support systems withdrawn and she did of course recover, she still supports physician directives. Further, she supports SB 1141. > Described her qualifications on this issue: Ethics Committee at Oregon State Hospital, Multnomah County Bar Association with Multnomah County Medical Association to develop bills to address these issues. Gave more qualifications.

091 RICHARD A. WISE, AMERICAN CIVIL LIBERTIES UNION OF OREGON. > Rights of people to make their own health care decisions has been established. > They support SB 1141, witnessed by their adoption of a 1989 policy to support Aid and Dying. > Made statements about the rights of individuals to control over bodies and lives as long as they don't harm anyone else. > Society should intervene only to make sure that the person has considered all other options. > Added comments about why people have these rights. > Recognizes the sensitive nature of SB 1141. > Adds that SB 1141 is constitutional because the constitution calls for perpetuating liberty which is what this bill does.

155 PETER GOODWIN, DEPARTMENT OF FAMILY MEDICINE, OREGON HEALTH SCIENCES UNIVERSITY. > Gave credential and stated that this testimony will be his personal opinions in favor of SB 1141. > Medical literature indicates that physicians are ending lives of patients arbitrarily (Article in the Journal of Medical Association, 1988; in the New England Journal of Medicine, 1991). > Discussed the personal experience that has caused him to be torn about the issue. > Need a process for the people who have a life ending request, because the time has come for addressing this issue. > Supports preceding statement with examples of the publicity that the issue has caused. > Elderly people want changes to give the opportunity to have control over the ending of their lives. > Recently 2000 Washington state physicians polled, significant number replied that they had this type of request. > Talked about two concerns that he is aware of.

233 WARREN SPARKS, MEDICAL PHYSICIAN > Because of the technology change the number of years of life has increased. > More people die now in a health care facility than in the past. > Because of the technology, people may be kept alive in a condition where they may not be in a position to make their own health care choices. > The decision that it is acceptable to remove people from life support systems if they are terminally ill. > Because of the way a person dies when s/he is taken off a life support system, he suggests that the lethal injection would be preferable. > Agrees that it is being done at the present. > It is a question of choosing one manner of death over another manner of death. > Responds to the objection that there are better drugs available to end pain and suffering.

304 GOODWIN: Problem with the new pain medication on the market is that

many people have other medical problems aside from pain, which causes people emotional stress and suffering and causing them to want to die.

325 REVEREND JAMES JONES, CONGREGATION CHURCH OF LINCOLN CITY: Submitted and explained testimony in support of SB 1141 (EXHIBIT D).

371 DEREK HUMPHRY, Submitted and explained testimony in support of SB 1141 (EXHIBIT E).

436 PHIL DRAYER, PORTLAND: Testified in favor of SB 1141. > This bill would make it possible for people to choose to die with dignity.

461 CHARLES PORTER, ATTORNEY, EUGENE, OREGON: Submitted and explained testimony in favor of SB 1141 (EXHIBIT F).

TAPE 69, SIDE B

034 PORTER: Continuation of testimony.

089 SENATOR ROBERTS: SB 1141 is contrary to your position because it does not provide for physician aid in dying except by the permission of the individual. > This bill does not permit someone else to make the decision to die.

098 PORTER: It is currently be done anyway by different methods.

117 JIM DAVIS, OREGON STATE COUNCIL OF SENIOR CITIZENS: Testified in opposition to SB 1141. This is a dangerous and irresponsible piece of legislation. > This bill does not define clearly where the line is drawn. > Thousands of elderly people in Oregon qualify under this bill and could be put to death. > In some case health is not the only consideration taken in making this type of choice. For example someone with Alzheimer's decision that can't make their own decisions. Family members could do it for them. > The moral issue is another concern because SB 1141 allows someone to assist another person in committing suicide. It could be severely abused. > They support SB 494 because it is more responsible legislation.

148 OREGON CATHOLIC CONFERENCE TESTIMONY: Witness list in opposition to SB 1141 (EXHIBIT G).

150 ROY PAYNE, OREGON MEDICAL ASSOCIATION: Submitted and explained testimony in opposition to SB 1141 (EXHIBIT H).

212 SENATOR ROBERTS: What is the difference between withdrawing oxygen so that the person immediately dies and physician assisted death?

217 PAYNE: The difference would be that the physician would be the one causing the death.

234 FATHER LAWRENCE T. REILLY, Th.D., Ethicist, SISTERS OF PROVIDENCE HEALTH CARE CORPORATION: Submitted and explained testimony in opposition to SB 1141 (EXHIBIT H).

313 DR. PAUL STULL, PROGRAM & MEDICAL DIRECTOR, LOWER COLUMBIA HOSPICE: Submitted and explained testimony in opposition to SB 1141 (EXHIBIT J).

TAPE 70, SIDE B

019 WILLIAM J. LEVADA, ARCHBISHOP OF PORTLAND: Submitted and explained

testimony in opposition to SB 1141 (EXHIBIT K).

124 PAUL SWANSON, BISHOP, EVANGELICAL LUTHERAN CHURCH IN AMERICA:
Submitted and explained testimony in opposition to SB 1141 (EXHIBIT L).

203 FATHER EVAN ASH, M.DIV. M.S., DIRECTOR OF PASTORAL SERVICES, GOOD
SAMARITAN HOSPITAL AND MEDICAL CENTER (EXHIBIT M): Submitted and
explained testimony in opposition to SB 1141.

288 HANK BERSANI JR., ASSOCIATION FOR RETARDED CITIZENS OF OREGON:
Submitted and explained testimony in opposition to SB 1141 (EXHIBIT N).

359 ROBERT CASTAGNA, GENERAL COUNSEL AND EXECUTIVE DIRECTOR, OREGON
CATHOLIC CONFERENCE: Opposed to SB 1141. > The effect of SB 1141 is the
decriminalization of homicide by a physician as well as physician
assisted suicide. > The language of bill would make so that an aid in
dying performed by a physician would not be a crime. This is
unprecedented anywhere in the world. > They don't want to see Oregon
become a suicide destination state. > The American court system speaks
to end of life treatment decision in 4 concepts: The preservation of
life; the prevention of suicide; maintaining the ethical integrity of
the medical profession and; the protection of innocent third parties. >
SB 1141 represents a revolution in American jurisprudence and social,
moral, medical and legal ethics. This type of legislation should be
given serious consideration. > Gave more opposing testimony.

TAPE 71, SIDE A

013 CHAIR SHOEMAKER: This concludes the testimony for and against SB
1141.

Submitted for the record: > Testimony from various citizens and
associations in favor of SB 1141 (EXHIBIT O). > Testimony from various
citizens and associations in opposition to SB 1141 (EXHIBIT P).

025 CHAIR SHOEMAKER: Adjourned the meeting on SB 1141.

Submitted by: Reviewed by:

Guadalupe C. Ramirez Barbara Coombs Assistant Administrator

EXHIBIT LOG:

A - Summary and amendments to SB 1141-1 - Staff - 38 pp.
B - Testimony on SB 1141-1 - Adkins - 3 pp. C - Testimony on
SB 1141-1 - Coppens - 8 pp. D - Testimony on SB 1141-1 - Jones - 1
p. E - Testimony on SB 1141-1 - Humphry - 2 pp.
F - Testimony on SB 1141-1 - Porter - 10 pp. G - Testimony
on SB 1141-1 - Payne - 1 p. H - Testimony on SB 1141-1 - Payne - 2
pp. I - Testimony on SB 1141-1 - Reilly - 4 pp.
J - Testimony on SB 1141-1 - Stull - 4 pp. K- Testimony on
SB 1141-1 - Levada - 7 pp. L - Testimony on SB 1141-1 - Swanson -
3 pp. M - Testimony on SB 1141-1 - Ash - 10 pp.
N - Testimony on SB 1141-1 - Bersani - 2 pp. O - Testimony
on SB 1141-1 - Staff - 40 pp. P - Testimony on SB 1141-1 - Staff -
45 pp.

