

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Monday, February 20, 2012

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Broadsword, Senators Darrington, Smyser, Vick, Nuxoll, Bock, and Schmidt

ABSENT/ EXCUSED: Senator Heider

NOTE: The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

MINUTES: **Chairman Lodge** called the meeting to order at 3:05 p.m. and asked the new pages, to tell the Committee about themselves. **Kyle Son**, of Pocatello, is sponsored by **Senator Bilyeu**. He attends Century High School where he enjoys being a part of the soccer varsity team. **Karl Lundgren**, of Buhl, is sponsored by **Senator Heider**. He is home schooled, runs cross country and track, and enjoys other outdoor activities. **Senator Bock** also introduced **Victor Bustamonti**, a Canyon County student visiting the Legislature.

MINUTES APPROVAL: **Senator Schmidt** moved, seconded by **Senator Nuxoll**, that the minutes of the Meeting of February 1, 2012 be approved. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE ONLY **Senator Darrington** moved, seconded by **Senator Schmidt**, that the Committee send the gubernatorial appointment of **Nick Purdy** to the Board of Environmental Quality to the floor with the recommendation that it be confirmed by the Senate. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE ONLY **Senator Broadsword** moved, seconded by **Senator Schmidt**, that the Committee send the gubernatorial appointment of **John Randolph MacMillan** to the Board of Environmental Quality to the floor with the recommendation that it be confirmed by the Senate. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE ONLY **Senator Vick** moved, seconded by **Senator Smyser**, that the Committee send the gubernatorial appointment of **Kevin C. Boling** to the Board of Environmental Quality to the floor with the recommendation that it be confirmed by the Senate. The motion carried by **voice vote**.

S 1294 **Relating to the Medical Consent and Natural Death Act.** **Robert L. Aldridge**, Attorney, on behalf of the End of Life Committee, stated this bill, which has been worked on and reviewed extensively for several years, will greatly clarify the law on Physician Orders For Scope of Treatment (POST) forms. He reviewed the definition of terms which have been added or clarified in this legislation. He advised the priority for care decisions has been updated to clarify who can make decisions and in what order, with two additions: 1) adult child of such person; and 2) parental delegation of authority under *Idaho Code*, Section 15-5-104. He indicated that with regard to health care decisions made by others, the legislation deletes obsolete language and defines standard of comprehension required of the person making the health care decision, as well as making it clear that those making health care decisions cannot act contrary to the person's advance directives or expressed wishes done while the person was capable of consenting to their own care. The legislation has been updated to include Physician Assistant and Advance Practice Professional Nurse to those who can sign a POST on the medical side. Under

Revocation, the word "intentionally" has been added to method of destruction of the document.

A new Section has been added to clarify how a power can be suspended and then revived. The legislation clarifies when a person can wear POST jewelry and also clarifies the relationship between POST and Do Not Resuscitate (DNR). He noted that a DNR is a doctor's order directed to a single institution and EMS personnel do not have to abide by a DNR but will recognize the POST jewelry.

Mr. Aldridge stated that the overall purpose of the POST and of the Medical Consent and Natural Death Act in general is to give effect to any authentic expression of a person's prior wishes or directives concerning their health care. He requested that the Committee send **S1294** to the floor with a do pass recommendation.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment #1).

Senator Darrington asked for a definition of the relationship between the POST and DNR. **Mr. Aldridge** advised that a DNR is a doctor's order directed to an institution; it is very limited. He stated that a patient can request a DNR, but it is a doctor's order. The POST is also a doctor's order but is done in coordination with the patient or surrogate of the patient, so it expands what the DNR was able to do; it is much broader. He further stated that if there is a DNR and then a POST done at a later date, that POST would override the prior DNR.

Senator Schmidt asked if the list of individuals who may give consent to care for others is consistent with other states or unique to Idaho. **Mr. Aldridge** advised that most states conform to this order, however, a delegation of parental authority is unique because that was created in Idaho. **Senator Schmidt** also asked who determines whether the surrogate is of sufficient comprehension as to his or her own health care. **Mr. Aldridge** indicated that decision would be made by the treating medical personnel. What they would be looking for is whether the person understands.

TESTIMONY: **Rick Bassett**, representing St. Luke's Hospital, spoke in support of **S 1294**, advising it will broaden the availability of POSTs in rural counties of Idaho.

TESTIMONY: **Julie Lynde**, Executive Director, Cornerstone Family Council, Inc, advised her organization is in support of **S 1294** and on behalf of **Jason Herring, Ms. Lynde** advised Right to Life is also in complete support of **S 1294**.

MOTION: **Senator Nuxoll** moved, seconded by **Senator Smyser**, that the Committee send **S 1294** to the floor with a do pass recommendation. The motion carried by **voice vote**. Senator Bock will sponsor **S 1294** on the floor.

Chairman Lodge thanked **Mr. Aldridge** for his commitment to this legislation.

ADJOURN: **Chairman Lodge** advised the Committee that she had called back from the floor **S 1281** because there are some questions about how private adoptions will be affected by the desire to have foster children be adopted and given a permanent home. Until those involved work it out, we will hold in Committee with your approval. No objections were voiced. The meeting was adjourned at 3:40 p.m.

Senator Lodge
Chairman

Lois Bencken
Secretary