

**TESTIMONY IN OPPOSITION TO HB 1087**  
**April 18, 2012**

While HCS HB 1087 is cited as the Adult Health Care Consent Act there are several problems with the language that endangers the life of a patient in a vulnerable situation.

In discussion with the sponsor of the bill I told him that I understood what he was seeking but that our attorneys would look at the language. Some of these attorneys have worked with the families in some of the controversial cases that have been in the news in years past to try to prevent their loved ones from being killed either by a family member or by lack of care from a medical professional.

We hope the sponsor will be open to some amendments that would address our concerns. Until then we have to oppose the bill in its current form. We do appreciate the amendment he did place in the bill for protection of a mother and her unborn child.

Some Concerns:

1. First concern is that there is a provision in the bill that in any health care professional claims that there is abuse and/or neglect by a family member it would disqualify that family member from making health care decisions and the health care provider would then be covered to go and find a surrogate to make decisions for that patient. So, if the family wants their loved one to receive food and water but the physician just sees that as making the patient suffer longer, the physician could say that the family member is abusing their loved one by forcing them to suffer and therefore take the family member out of the decision making for the patient.
2. Although the bill allows for other possible care givers to go to probate court, it does not give time for that person to go to probate court and get judgment to request that treatments be continued. In other words if a physician has taken over the directives for the patient and you are going into a weekend and are unable to get an emergency hearing before a court, the loved one could be taken off treatments or life support before the family member could get judgment from probate court. There needs to be an amendment for time allowance.
3. Probably one of the most serious concerns is that the language is written in a subjective medical standard instead of an objective standard. This allows the health care professional to state that their best clinical judgment is that this life needs to be ended. In so doing this the above concerns take place. We see "subjective judgment" used by those who do abortion.

4. The broad definition of “Health Care” could also include removal of food and water.

We believe HCS HB 1087 needs more time to work with the sponsor on amendments. Health care is obviously an important issue for all of us and we need to stop and take time to ensure that the sponsor achieves what he wants without endangering the lives of those who find themselves in difficult health situations and the families are trying to take care of their loved ones.

Until we are able to work with the sponsor on amendments for HCS HB 1087, Missouri Right to Life is opposed to the bill.