

February 18, 2015

Senator Kathy Campbell, Chair  
Health and Human Services Committee  
P.O. Box 94604  
Lincoln, NE 68509-4604

RE: LB 490

Dear Senator Campbell and members of the Health and Human Services Committee:

I am writing in response to Legislative Bill 490 which proposes development of a form similar to an Advanced Directive, thus adding a form that may create confusion for the public, health care providers, and those who are expected to review, implement, and enforce this proposed law. If an individual has an Advanced Directive which expresses the directives of the patient and also signs the POLST form, which is in effect a physician's order, it may be unclear to health care providers which document should be followed. In an emergency situation such forms may not be readily available. This creates liability concerns for the emergency care provider who resuscitates a non-breathing patient before a POLST is located and read.

The acronym "POLST" has historically been referred to as **Physician Order** for Life Sustaining Treatment where this bill refers to the POLST as **Provider Order** for Life Sustaining Treatment. The terms and language in the bill are inconsistent. The term **Medical Provider** is defined as a person licensed under the Uniform Credentialing Act to independently provide and order medical care which appears to refer to MDs and DOs, but this bill reflects the form must be completed by a health care provider, which refers to a large number of professions licensed under the UCA, e.g. chiropractors, physician assistants, nurses.

The bill requires the Department to promulgate rules and regulations and to develop standards for training health care professionals and education for the public on the use of the form. It is the view of the Department that LB 490 would create a duplicative and confusing form which is not required for use and has potential to create needless expense and public scrutiny related to amending multiple sets of health care regulations to accommodate its implementation.

We can agree each Nebraska citizen has a right to determine if they, in their individual circumstances, want health care providers to know and follow their wishes regarding their end of life care, I simply believe that use of such a resource can happen outside of legislation and without placing the fiscal burden on a state agency for implementation and education.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dr. Acierno", with a long horizontal flourish extending to the right.

Dr. Joseph Acierno, Chief Medical Officer  
Division of Public Health  
Department of Health and Human Services

Cc. Senator Watermeier