

Berg end-of-life information bill goes to governor

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SACRAMENTO — Assembly member Patty Berg's end-of-life information bill is waiting — along with numerous other bills by the legislature — for the governor's signature, but a state senator is calling for the bill to be vetoed.

On Aug. 28 the state Assembly approved AB 2747, the Terminal Patients End of Life Information Act, which Berg's office reported is meant to give patients the right to receive a candid assessment of what to expect when they are dying of a terminal disease.

Berg, D-Eureka, wrote the bill to require health care providers to answer their patients questions, and to tell them about their rights and options when in their final months of life.

"I fully expect we'll see better pain management, more use of hospice, and fewer people in a panic at the end of life," Berg said in a statement.

The measure, previously approved by the Senate, passed the Assembly in a 42-33 vote. It now waits to be signed by Gov. Arnold Schwarzenegger, who said last month he won't sign any more bills until the budget is done, although he made an exception for a high-speed rail bill.

A recent nationwide study by cancer doctors found that only one in three terminally ill patients were told about their treatment and pain-management options by their doctors, even when their doctors knew the patients were dying.

Those patients who did receive frank information were less likely to die in intensive care, more likely to receive hospice; and their families were better prepared for their loss than were the families of patients who were uninformed. according to the study.

The California Medical Association and many other health care organizations, as well as senior citizens' groups, civil liberties advocates and others supported AB 2747.

It has, however, drawn opposition from groups that believe it is a back-door route to the kind of death-with-dignity bill that Berg authored in previous years. The opposing groups include California Disability Alliance, California Family Council, California Nurses for Ethical Standards, Mercy San Juan Medical Center, Sierra Nevada Memorial Hospital, and St. Mary's Medical Center, San Francisco.

"This bill is about information and nothing else," Berg maintained.

Sen. Sam Aanestad (R-Grass Valley) says he's urging Schwarzenegger to veto the bill.

Aanestad, a licensed oral surgeon and vice-chair of the Senate Health Committee, said he has deep concerns about the effects of AB 2747 on patient care.

"The so-called end of life options act interferes with the medical care of people who just received the worst news of their lives," Aanestad said in a written statement. "State government has no business intruding upon the doctor-patient relationship at that time, yet that is exactly what this bill does."

His office reported that AB 2747 is sponsored by an organization called Compassion and Choices, formerly known as the Hemlock Society, which has strongly advocated for physician-assisted suicide legislation in the past. The founder of this group, Derek Humphry, once praised Dr. Jack Kevorkian for assisting in the deaths of 130 people.

Dozens of opponents testified against this measure during a recent marathon hearing of the Senate Health Committee. They included disability rights advocates, nursing organizations, doctors who care for cancer patients, minority rights groups, members of religious communities, hospitals and individuals whose lives and families are affected by this issue.

He said the measure is cloaked as compassion but actually opens the door to further "end of life" intrusions.

Aanestad said that patients facing terminal illness need information based on who they are as individuals, not an intrusion into their relationship with their doctor.

"Patients don't need their doctors to dispense a laundry list developed by Sacramento politicians," he said. "It's downright cruel to take a list of treatments that may not even apply to a patient and have the doctor say, 'Here, this is what the state of California legislates I must tell you when you find out that you're dying and you ask me what to do.'"

Will Shuck, Berg's chief of staff, told Lake County News they're still awaiting the outcome.

"Hopefully the governor will give greater weight to the California Medical Association and all the other health organizations in support of the bill than to the opinion of a dental surgeon who may never have to tell a patient that they have a terminal illness," Shuck said.

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