

Study L-4000

March 18, 1998

Third Supplement to Memorandum 98-16**Health Care Decisions: Staff Draft Tentative Recommendation
(Comments of Dr. Orr)**

Attached to this memorandum is an email message from Dr. Robert Orr, MD, commenting favorably on the draft statute attached to Memorandum 98-16. Dr. Orr is concerned, however, with the provision in draft Section 4724 that would prevent action by a surrogate committee if one person dissents.

Respectfully submitted,

Stan Ulrich
Assistant Executive Secretary

rorr_at_medicine@ccmail.llu.edu,3/17/98 11:52 AM +0000,Memo 98-16, March

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From: rorr_at_medicine@ccmail.llu.edu
Date: Tue, 17 Mar 98 11:52:40 GMT
To: <sulrich@clrc.ca.gov>

Stan Ulrich,

Thank you for sending me Memorandum 98-16 "Health Care Decisions: Staff Draft Tentative Recommendations". I was present at your meeting in San Diego several months ago representing the CMA's Council on Ethical Affairs. I greatly appreciated the opportunity to testify at that time, and I especially appreciate the work the Commission has done on this issue.

I believe that the current document is an excellent and comprehensive synthesis of the issues with adequate provisions for resolution.

My only comment is on para 4724 where the surrogate committee's consensus or majority decision may be negated by a lone dissenter. I recognize the need for protection of vulnerable individuals, and this provision may need to be left as is in order to fulfill that need. However, I can envision a situation where a single family member might then be able to dictate a plan of treatment which several other involved individuals believe is contrary to the patient's best interests. I don't really have any constructive way to change this, but thought I would raise this for the Commission's consideration.

Please convey my thanks to the Commission for this excellent product.

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