



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904
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MEMORANDUM

DATE: June 23, 2014

TO: The Honorable Members of the Delaware General Assembly

FROM: Terri A. Hancharick, Chairperson
GACEC

RE: House Bill No. 400 (Delaware Medical Orders for Scope of Treatment (DMOST))

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Bill No. 400 which creates a new Title 25A outlining the context and mechanics for creating a Delaware Medical Order for Scope of Treatment (DMOST) by patients, their representatives and health care providers. Council understands that House Bill No. 400 will also amend 25 Del. Code §2501(h) to expand the definition of a health care decision to include the execution of a DMOST form and 16 Del. Code §9706 to remove "prehospital advance directives," the predecessor to a DMOST, from that section of the Code. Council **endorses** the proposed legislation.

This bill seeks to address a serious shortcoming in the current way that our legal documents, such as advance health care directives (AHCDs) address real medical situations faced by Delawareans every day. The DMOST empowers people with serious advanced illness or frailty, or with a life expectancy of less than a year, to make their preferences clearly understood and translated into a medical order that will be followed. House Bill No. 400 will also allow authorized representatives to participate in this process when the patient lacks the capacity to do so. In addition, numerous safeguards are in place to prevent treatment decisions for persons with disabilities from being motivated and driven by prejudices about disability and value of life.

Thank you for your time and consideration of our comments. Please feel free to contact me or Wendy Strauss, GACEC Executive Director, if you have any questions.