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Bills seek changes to Idaho's 'conscience law'

BOISE – There are now three bills seeking to amend Idaho's "conscience law" to protect patients' living wills and advance care directives from being overridden by a caregiver as they're dying.

One House committee chairman, however, has buried all three in his desk drawer and refused to hold hearings on them. State Rep. Tom Loertscher, R-Iona, chairman of the House State Affairs Committee, said Monday, "We don't want to compel the health care provider to assist somebody to commit suicide."

Asked if he was equating assisted suicide with living wills or advance care directives that call for disconnecting a dying patient's artificial life supports, such as ventilators or feeding tubes, Loertscher said, "You could view it that way."

Idaho already has legislation pending in the Senate this year to outlaw assisted suicide and make it a felony.

Loertscher was a co-sponsor last year of Idaho's new conscience law, which lets health care providers refuse to provide any care that violates their personal conscience if it has to do with abortion, emergency contraception, or end-of-life care and treatment. The inclusion of end-of-life care, in a bill that's placed within Idaho's statutes regarding crimes having to do with abortion, has angered seniors across the state, and the AARP of Idaho has made repealing that clause of the bill a top priority this year.

Loertscher said, "I think last year's bill was just fine. I don't think it needs to be addressed, personally." But he said he'll consider another bill in his committee today from two anti-abortion groups that helped write the original conscience law, "in an effort to try to clarify it."

Loertscher has refused to hold a hearing on House Bill 28, sponsored by state Rep. Leon Smith, R-Twin Falls, to add a clause to the conscience law to say it can't override patients' legal living wills and advance care directives.

"I probably had 100 contacts saying, 'Please fix that bill,'" Smith said late last week.

Loertscher, as the chairman of the committee where the bill is assigned, can kill it simply by not scheduling a hearing. Loertscher said Monday that Smith's bill would destroy the conscience law. "It just absolutely tears it to shreds," he said.

State Rep. Tom Trail, R-Moscow, also has drafted a bill; it removes "end of life care and treatment" from the conscience law entirely.

Trail said he's gotten a "very favorable attorney general's opinion on it."

He took his bill to Loertscher for introduction in the State Affairs Committee, but it's never been scheduled for consideration. Rep. Phylis King, D-Boise, drafted a bill almost identical to Trail's and had the same experience.

Last week, the three lawmakers joined AARP officials and a group of Idaho seniors to call on Loertscher to hold hearings on the bills.

Peggy Munson, 72, the volunteer state president of the Idaho AARP, said, “This is a case of government overreach, and it’s just plain wrong – I don’t want to learn someone else’s conscience on my deathbed. I want my rights protected.”

The group delivered 500 letters to Loertscher late last week calling for hearings on the bills, but he said Monday he wasn’t impressed because they were form letters.

The letters all had the message that “we want to fix this mess,” Loertscher said.

“There are a lot of us in the House that don’t feel we made a mess.”