

110TH CONGRESS  
2D SESSION

# S. J. RES. 29

Expressing Congressional support for the goals and ideals of National Health Care Decisions Day.

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IN THE SENATE OF THE UNITED STATES

MARCH 12, 2008

Mr. WYDEN (for himself, Mr. ENZI, Mr. WICKER, Mr. WARNER, and Mr. WHITEHOUSE) introduced the following joint resolution; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## JOINT RESOLUTION

Expressing Congressional support for the goals and ideals  
of National Health Care Decisions Day.

Whereas National Health Care Decisions Day is designed to raise public awareness of the need to plan ahead for health care decisions related to end-of-life care and medical decision-making whenever patients are unable to speak for themselves and to encourage the specific use of advance directives to communicate these important decisions;

Whereas the Patient Self-Determination Act (42 U.S.C. 1395cc(f) et seq.) guarantees patients the right to information about their rights under State law regarding accepting or refusing medical treatment;

Whereas it is estimated that only a minority of Americans have executed advance directives, including those who are terminally ill or living with life-threatening or life-limiting illnesses;

Whereas advance directives offer individuals the opportunity to discuss with loved ones in advance of a health care crisis and decide what measures would be appropriate for them when it comes to end-of-life care;

Whereas the preparation of an advance directive would advise family members, health care providers, and other persons as to how an individual would want to be treated with respect to health care;

Whereas to avoid any legal or medical confusion due to the emotions involved in end-of-life decisions, it is in the best interest of all Americans that each person over the age of 18 communicate his or her wishes by creating an advance directive;

Whereas the Conditions of Participation in Medicare and Medicaid, section 489.102 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this resolution), require all participating facilities to provide information to patients and the public on the topic of advance directives;

Whereas the Centers for Medicare & Medicaid Services has recognized that the use of advance directives is tied to quality health care and has included discussions of advance directives in the criteria of the Physician Quality Reporting Initiative;

Whereas establishing National Health Care Decisions Day will encourage health care facilities and professionals as well as chaplains, attorneys, and others to participate in

a collective, nationwide effort to provide clear, concise, and consistent information to the public about health care decision-making, particularly advance directives; and

Whereas as a result of National Health Care Decisions Day, recognized on April 16, 2008, more Americans will have conversations about their health care decisions, more Americans will execute advance directives to make their wishes known, and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient: Now, therefore, be it

1       *Resolved by the Senate and House of Representatives*  
 2       *of the United States of America in Congress assembled,*  
 3       That Congress—

4               (1) supports the goals and ideals of National  
 5       Health Care Decisions Day;

6               (2) supports the goals and ideals of advance  
 7       care planning for all adult Americans;

8               (3) encourages each person in the United  
 9       States who is over the age of 18 to prepare an ad-  
 10      vance directive to assist his or her loved ones, health  
 11      care providers, and others as they honor his or her  
 12      wishes;

13              (4) calls upon all members of Congress to exe-  
 14      cute such documents and discussions for themselves;  
 15      and

16              (5) encourages health care, civic, educational,  
 17      religious, and for- and non-profit organizations to

- 1 encourage individuals to prepare advance directives
- 2 to ensure that their wishes and rights with respect
- 3 to health care are protected.

