



C. L. "BUTCH" OTTER  
GOVERNOR

March 29, 2010

The Honorable Brad Little  
President of the Senate  
State Capitol  
Boise, ID 83720

**VIA HAND DELIVERY**

Dear Mr. President,

I hereby advise you that I have transmitted today to the Secretary of State the following Senate Bill, which was allowed to become law without my signature:

**SB 1353**

as prescribed by the Constitution.

As governor, the health and safety of every Idahoan is of paramount importance to me. I appreciate the efforts of healthcare providers and the great responsibility they have in our society. We entrust these individuals to diagnose, treat, medicate and otherwise care for our loved ones every day. For this they hold a special place in our culture and deserve our respect and appreciation. That is why I applaud the hard work, effort and discussion that went into SB 1353 (the "Health Conscience" Bill) to protect the rights and personal beliefs of healthcare providers.

That being said, proponents see this legislation as a prescription for individual freedom; yet it is unclear how far this legislation actually will go to protect healthcare providers in their employee/employer relationships or with patients, especially as courts across the country begin balancing patients' rights against the rights of healthcare professionals to refuse to provide certain services. Despite this uncertainty, it is still worthwhile to explicitly provide protections for healthcare professionals.

Forcing healthcare professionals to provide services they find morally objectionable is unacceptable; however, negatively impacting patients' rights – especially when it comes to end-of-life decisions – is equally problematic. While I am comforted that SB 1353 provides for emergency care in life-threatening situations regardless of a provider's moral objection until another healthcare provider is found, we know this will be a small percentage of cases. Greater care must be taken to ensure decisions within living wills and powers of attorney concerning end-of-life treatment are honored without additional burdens on the patient or family.

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There is no doubt that situations will arise outside of life-threatening emergencies that also will require further review to avoid jeopardizing patients' health and wellbeing. I hope that healthcare providers will remember the provision of the Hippocratic Oath or other applicable pledge that admonishes them to "follow that method of treatment which according to [their] ability and judgment, [they] consider for the benefit of the patient and abstain from whatever is harmful or mischievous."

I encourage the Legislature to revisit these issues and the definition of healthcare service to ensure patients receive the care they may need with dignity and respect, and without imposing on the morals of a provider.

I have a personal "Three C" test when considering public policy. The third "c" ironically, is whether I am heeding my conscience. While this legislation may not be a panacea, I am willing to follow my conscience, allowing it to become law and seeing if it will protect the rights of providers without reducing patient care. If it does not, the Legislature and stakeholders should work on finding a balance.

As Always – Idaho, "Esto Perpetua"

A handwritten signature in black ink, appearing to read "C.L. Butch Otter". The signature is stylized and cursive, with a long horizontal stroke extending to the right.

C.L. "Butch" Otter  
Governor of Idaho