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The Honorable Earl Blumenauer
Committee on Ways and Means
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Blumenauer:

On behalf of the American Bar Association, I commend you for your leadership in introducing H.R. 1898, the *Life Sustaining Treatment Preferences Act of 2009*. The proposed Act recognizes that quality care for patients with advanced, chronic progressive conditions requires the kind of systemic process represented by “Physicians Orders for Life-Sustaining Treatment” or “POLST.” Such a process has been shown effective in eliciting the goals of care for patients and incorporating those goals into a plan of care reflected in actionable medical orders that address high probability medical contingencies, including hospitalization, cardiopulmonary resuscitation, and the use of artificial nutrition and hydration.

The proposed legislation raises POLST to a recognized treatment modality by providing coverage under Medicare for consultations regarding orders for life-sustaining treatment and by creating a grant program to provide necessary resources to states and local communities to develop POLST programs.

In 2007, the ABA adopted a policy calling for the establishment and support of protocols such as POLST because POLST helps ensure that patients’ voices are heard and respected and improves the quality of care. The ABA also strongly supports the use of health care advance directives. POLST is not an advance directive, but rather an advance care planning tool that builds upon advance directives by translating patients’ wishes into medical orders that address *here-and-now* medical conditions. In addition, for those patients who have no advance directive or who retain the capacity to make health care decisions, POLST works equally well through direct communication between physician and patient or between the physician and the patient’s authorized surrogate.

The ABA supports the goals of this legislation and stands ready to be a resource in advancing your important effort.

Sincerely,



Thomas M. Susman