

Honolulu, Hawaii

Ag=130, 2009

RE: H.B. No. 1379
H.D. 2
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1379, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PHYSICIAN ORDERS FOR LIFE SUSTAINING TREATMENT,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to ensure that a person's wishes regarding end-of-life care are followed by allowing the use of a standardized "physician orders for life sustaining treatment form" (Form), which states an individual's wishes regarding end-of-life treatment in all pre-hospital and health care settings.

Your Committee on Conference has amended this bill by:

- (1) Clarifying that the person authorized to take action on behalf of an incapacitated patient is the patient's surrogate;



- (2) Deleting the requirement that a patient's surrogate be designated by the patient;
- (3) Allowing health care providers other than a patient's physician to explain to a patient the nature and content of the Form;
- (4) Allowing the surrogate of an incapacitated patient to revoke a Form;
- (5) Clarifying that a health care provider will not be deemed to be at fault for carrying out treatment orders in a Form in good faith;
- (6) Changing the effective date to upon its approval; and
- (7) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1379, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1379, H.D. 2, S.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE


ON THE PART OF THE HOUSE



 DAVID Y. IGE, Chair



 RYAN L. YAMANE, Co-Chair



 BRIAN T. TANIGUCHI, Co-Chair



 JON RIKI KARAMATSU, Co-Chair



 SCOTT NISHIMOTO, Co-Chair



CCR42

Hawaii State Legislature

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 1379, HD 2, SD 2	Date/Time: 4/21/2009
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The recommendation of the House and Senate managers is to pass with amendments (CD).



The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
IGE, David Y., Chr.	/				YAMANE, Ryan I., Co-Chr.	/			
TANIGUCHI, Brian T., Co-Chr.	/				KARAMATSU, Jon Riki, Co-Chr.	/			
BAKER, Rosalyn H.	/				NISHIMOTO, Scott Y., Co-Chr.	/			
SLOM, Sam	/				LEE, Marilyn B.	/			
					THIELEN, Cynthia	/			
TOTAL	4				TOTAL	5			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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Distribution: **Original** **Yellow** **Pink** **Goldenrod**
File with Conference Committee Report *House Clerk's Office* *Senate Clerk's Office* *Drafting Agency*