

STAND. COM. REP. NO.

1284

Honolulu, Hawaii

APR 09 2009

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

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

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 1379, H.D. 2, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to allow for the use of a standardized physician orders for life sustaining treatment (POLST) form that states an individual's wishes regarding end-of-life treatment in all pre-hospital and health care settings.

Your Committee finds that it is important for people to make their preferences known regarding end-of-life treatment. Health care planning is a process, rather than a single decision, that helps individuals think about the kind of care they would want if they become seriously ill or incapacitated and encourages them to talk with their loved ones and physicians to ensure that their choices are honored.

Your Committee understands that while an advance health care directive allows an individual to provide specific and advanced instructions on whether to prolong or not prolong life, to provide or not provide food and water or relief from pain near the individual's end-of-life, it does not provide real-time, actionable instructions required by first-responders, emergency room personnel, and other health care providers. Your Committee also understands that the effectiveness of the current comfort



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care only/do not resuscitate bracelet is limited because the bracelet only instructs health care providers to provide comfort and to resuscitate or not resuscitate.

Written as physician's orders, POLST documents can be made to clearly articulate an individual's choices, providing health care providers with the absolute clarity needed to quickly and unambiguously honor these choices. Furthermore, POLST documents can be more comprehensive, allowing individuals to tailor their instructions with the advice and assistance of their physicians. Thus, a POLST document can designate comfort measures only, full aggressive measures, or allow individuals to choose which interventions they would accept and which they would refuse.

As a complementary part of the continuum of end-of-life care, your Committee believes that POLST documents will improve the delivery of health care in Hawaii.

Your Committee has amended this measure by:

- (1) Deleting section 1, the purpose section;
- (2) Defining "surrogate" as defined under current law and clarifying that for purposes of POLST documents only the patient may designate a surrogate;
- (3) Clarifying that only physicians may explain the nature and content of the POLST form since physicians have the medical expertise to provide such advice; and
- (4) Changing the effective date to July 1, 2050, to continue the discussions on this matter.

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



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Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,

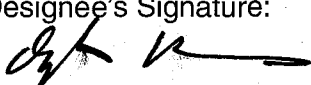


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1379, HD2, SD1	HTH, JGO	4/7/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	✓			
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	6	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes