

MAR 10 2010

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO EXAMINE OVERLAP AND CONFLICTS AMONG STATUTES RELATING TO PATIENT CARE DIRECTIVES RECOGNIZED IN HAWAII, INCLUDING PHYSICIAN ORDERS FOR LIFE SUSTAINING TREATMENT, "DO NOT RESUSCITATE" ORDERS, AND ADVANCE HEALTH CARE DIRECTIVES.

1 WHEREAS, the Legislature enacted Act 186, Session Laws of
2 Hawaii 2009, relating to physician orders for life sustaining
3 treatment; and
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5 WHEREAS, physician orders for life sustaining treatment
6 have been found by the State and other states to allow for
7 individuals to more clearly state their wishes for end-of-life
8 treatment in all pre-hospital and health care settings; and
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10 WHEREAS, Hawaii also recognizes:
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12 (1) Do not resuscitate orders that direct health care
13 providers to provide comfort care to a patient and
14 refrain from resuscitating if the patient's heart or
15 breathing stops; and
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17 (2) Advance health care directives that provide assurance
18 that decisions regarding future medical care will
19 reflect a person's specific wishes if the person is
20 incapacitated and that provide mechanisms to establish
21 legally authorized decision-makers when the patient is
22 incapacitated; and
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24 WHEREAS, because Hawaii has multiple statutes involving a
25 range of procedures and directives dealing with a person's
26 health care choices, including end-of-life decisions, that may
27 lead to confusion, including physician orders for life
28 sustaining treatment, "do not resuscitate" orders, and advance
29 health care directives; now, therefore,



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2 BE IT RESOLVED by the Senate of the Twenty-fifth
3 Legislature of the State of Hawaii, Regular Session of 2010, the
4 House of Representatives concurring, that the Department of
5 Health is requested to convene a working group to examine
6 overlap and conflicts among patient care directives recognized
7 in Hawaii, including physician orders for life sustaining
8 treatment, "do not resuscitate" orders, and advance health care
9 directives; and

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11 BE IT FURTHER RESOLVED that the working group is requested
12 to consist of representatives from:

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14 (1) The University of Hawaii Elder Law Program;
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16 (2) The Emergency Services Department of the City and
17 County of Honolulu;
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19 (3) Healthcare Association of Hawaii;
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21 (4) Kokua Mau, Inc.;
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23 (5) Hawaii State Bar Association Elder Law Section; and
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25 (6) Hawaii State Bar Association Probate and Estate
26 Section; and

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28 BE IT FURTHER RESOLVED that the Director of Health is
29 requested to submit the working group's report, to include
30 findings and recommendations, including any necessary proposed
31 legislation, to address any inadequacies in and overlap and
32 conflicts among these types of patient-care directives and ways
33 to resolve any conflicts, to the Legislature not later than
34 twenty days prior to the convening of the Regular Session of
35 2011; and

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37 BE IT FURTHER RESOLVED that certified copies of this
38 Concurrent Resolution be transmitted to the Director of Health,
39 the Director of the University of Hawaii Elder Law Program, the
40 President of the Hawaii State Bar Association, the President of



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1 the Healthcare Association of Hawaii, the President of Kokua
2 Mau, Inc., and the Director of the Emergency Services Department
3 of the City and County of Honolulu.
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