
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 that may lead to confusion, including
27 physician orders for life sustaining treatment, do-not-
28 resuscitate orders, living wills, medical powers of attorney,
29 comfort care only - do-not-resuscitate orders, advance health



1 care directives, and rapid identification documents; now,
2 therefore,

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4 BE IT RESOLVED by the Senate of the Twenty-fifth
5 Legislature of the State of Hawaii, Regular Session of 2010, the
6 House of Representatives concurring, that the Department of
7 Health is requested to convene a working group to examine
8 overlap and conflicts among patient care directives recognized
9 in Hawaii, including physician orders for life sustaining
10 treatment, do-not-resuscitate orders, living wills, medical
11 powers of attorney, comfort care only - do-not-resuscitate
12 orders, and advance health care directives, as well as rapid
13 identification documents; and

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

- 17 (1) The University of Hawaii Elder Law Program;
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- 19 (2) The Emergency Services Department of the City and
- 20 County of Honolulu;
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- 22 (3) Healthcare Association of Hawaii;
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- 24 (4) Kokua Mau, Inc.;
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- 26 (5) Hawaii State Bar Association Elder Law Section; and
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- 28 (6) Hawaii State Bar Association Probate and Estate
- 29 Section; and
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32 BE IT FURTHER RESOLVED that the Director of Health is
33 requested to submit the working group's report, to include
34 findings and recommendations, including any necessary proposed
35 legislation, to address any inadequacies in and overlap and
36 conflicts among these types of patient-care directives and ways
37 to resolve any conflicts, to the Legislature not later than
38 twenty days prior to the convening of the Regular Session of
39 2012; and

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41 BE IT FURTHER RESOLVED that certified copies of this
42 Concurrent Resolution be transmitted to the Director of Health,
43 the Director of the University of Hawaii Elder Law Program, the
44 President of the Hawaii State Bar Association, the President of



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.

