

STAND. COM. REP. NO.

2152

Honolulu, Hawaii

FEB 14 2012

RE: S.B. No. 2140

S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2140 entitled:

"A BILL FOR AN ACT RELATING TO HUMAN SERVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to require Medicaid recipients to complete an advance health care directive form.

Your Committee received testimony in support of this measure from the Department of Human Services, the Consumer Family and Youth Alliance, and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Disability Rights Center and one individual.

Your Committee finds that discussing advance health care directives with family members and primary care providers is important for end-of-life care and implementing end-of-life wishes. However, your Committee also finds that mandating only Medicaid recipients to prepare advance health care directive forms, as proposed in this measure, appears discriminatory. According to testimony, requiring completion of an advance health care directive for Medicaid eligibility would be a federal maintenance of effort violation that could jeopardize approximately \$500,000,000 in federal funding for Medicaid.

Your Committee has therefore amended this measure by:



- (1) Deleting the language requiring Medicaid recipients to complete an advance health care directive form;
- (2) Requiring the Department of Human Services to offer the option of completing the advance health care directive form and providing an advance health care directive form to Medicaid recipients;
- (3) Permitting Medicaid recipients to submit completed advance health care directives to the recipient's primary health care provider; and
- (4) Deleting language requiring that a directive that conflicts with an earlier directive revokes the earlier directive, as that provision already exists in section 327G-4, Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2140, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2140, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,

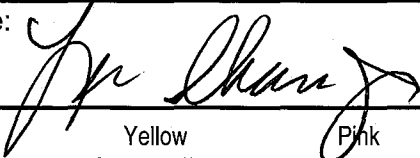
Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* SB 2140	Committee Referral: HMS, JOL	Date: 2-2-12		
<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
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
GREEN, M.D., Josh	✓			
SLOM, Sam				✓
TOTAL	3	0	0	1
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