

Honolulu, Hawaii

APR - 1 2014

RE: H.B. No. 2052  
H.D. 2  
S.D. 2

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 2052, H.D. 2, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Increase access to provider orders for life-sustaining treatment by updating references from "physician orders for life-sustaining treatment" to "provider orders for life-sustaining treatment" throughout chapter 327K, Hawaii Revised Statutes;
- (2) Expand health care provider signatory authority to include advanced practice registered nurses; and
- (3) Correct inconsistencies over terms used to describe who may sign a provider order for life-sustaining treatment form on behalf of a patient.

Your Committee received testimony in support of this measure from the Department of Health, School of Nursing and Dental Hygiene of the University of Hawaii at Manoa, Hawaii State Center for Nursing, Healthcare Association of Hawaii, Hawaii Association of Professional Nurses, Lanai Community Health Center, Kokua Mau, American Association of Nurse Practitioners, Hospice Hawaii,



Hawaii Association of Health Plans, Hawaii Medical Service Association, Hawaii Pacific Health, and nine individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that the use of provider orders for life-sustaining treatment, commonly referred to as POLST, is a holistic method of planning for end-of-life care with a specific set of medical orders to ensure that patients' wishes are honored. Your Committee further finds that expanding signatory authority to include advanced practice registered nurses will promote efficiency, assist with a timely completion of POLST forms for patients, and expand access to health care professionals who may sign POLST forms, which will be highly beneficial for individuals living in rural areas and neighbor islands.

Your Committee notes that existing law allows a patient to designate or disqualify any individual to act as a surrogate to make a health care decision for the patient under certain conditions. Your Committee notes testimony from an individual who raised concerns that health care providers are currently creating their own written declaration of surrogate forms. As a result, your Committee urges health care providers, when creating a standard written declaration of surrogate form, to include language that conforms to section 327E-5(i), Hawaii Revised Statutes. This section requires a supervising health care provider to require a surrogate to provide a written declaration under the penalty of false swearing stating facts and circumstances reasonably sufficient to establish the claimed authority. The inclusion of this language in a standard written declaration of surrogate form increases the accountability of surrogates in making life and death decisions for patients who lack decisional capacity to provide informed consent to or refuse medical treatment.

Your Committee has amended this measure by:

- (1) Changing references from "legal representative" to "legally authorized representative"; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B.



No. 2052, 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. 2052, H.D. 2, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,




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CLAYTON HEE, Chair



The Senate  
Twenty-Seventh Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:
HB 2052 HD2SD1	HTH, JDL	3/25/14
<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	
HEE, Clayton (C)	✓	
SHIMABUKURO, Maile S.L. (VC)	✓	
GABBARD, Mike	✓	
GALUTERIA, Brickwood		✓
IHARA, Jr., Les	✓	
SOLOMON, Malama		✓
SLOM, Sam		✓
<b>TOTAL</b>	4	3
Recommendation:		
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>		
Chair's or Designee's Signature: 		
<b>Distribution:</b> <span style="margin-left: 20px;">Original</span> <span style="margin-left: 100px;">Yellow</span> <span style="margin-left: 100px;">Pink</span> <span style="margin-left: 100px;">Goldenrod</span> <span style="margin-left: 20px;">File with Committee Report</span> <span style="margin-left: 100px;">Clerk's Office</span> <span style="margin-left: 100px;">Drafting Agency</span> <span style="margin-left: 100px;">Committee File Copy</span>		

\*Only one measure per Record of Votes