

STAND. COM. REP. NO. 2695

Honolulu, Hawaii

FEB 28 2014

RE: S.B. No. 2227

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  
S.B. No. 2227 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 Executive Office on Aging, Hawaii Association of Health Plans, Kokua Mau, The Queen's Health Systems, and seven 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

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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 provider orders for life-sustaining treatment for patients, and expand access to health care professionals who may sign provider orders for life-sustaining treatment, which will be highly beneficial for individuals living in rural areas and neighbor islands.

Your Committee finds 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 the Department of Health to create a standard written declaration of surrogate form that conforms to section 327E-5(i), Hawaii Revised Statutes, which 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.

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 S.B. No. 2227 and recommends that it pass Third Reading.

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



CLAYTON HEE, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

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

Bill / Resolution No.:* <b>SB 2227</b>	Committee Referral: <b>HTH, JDL</b>	Date: <b>2/25/14</b>		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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>	<b>5</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes