

Honolulu, Hawaii

, 2020

FEB 06

RE: H.B. No. 2451  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 2451  
entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Explicitly recognize advanced practice registered nurses (APRNs) as attending providers and consulting providers capable of performing all necessary duties under the Our Care, Our Choice Act in accordance with their scope of practice and prescribing authority;
- (2) Reduce the mandatory waiting period between oral requests made by a terminally ill individual from twenty to fifteen days; and
- (3) Allow an attending provider to waive the waiting period for terminally ill individuals not expected to survive the mandatory waiting period.

Your Committee received testimony in support of this measure from the Department of Health; University of Hawaii; Hawaii Death with Dignity Society; Hawaii Association of Professional Nurses; Compassion & Choices; Hawaii - American Nurses Association;



Filipina Advocacy Network; North Hawaii Hospice, Inc.; and numerous individuals. Your Committee received testimony in opposition to this measure from the Hawaii Family Forum and sixteen individuals. Your Committee received comments on this measure from the Board of Nursing and Hawaii State Center for Nursing.

Your Committee finds that this measure will provide greater access for mentally capable, qualified terminally ill individuals to the full range of end-of-life care options under the Our Care, Our Choice Act.

Your Committee notes that, according to testimony from the Department of Health, from January 1, 2019, to December 26, 2019, a total of twenty-seven qualified patients received aid-in-dying prescriptions. Of those twenty-seven patients, nineteen patients died. Of that cohort, fifteen patients suffered from some form of cancer, fourteen patients ingested aid-in-dying medication, and five did not ingest aid-in-dying medication. All nineteen patients who died had private health insurance and/or Medicare.

Your Committee has heard the concerns that were raised that if this measure passes, APRNs should receive specialized training, including the medical and legal issues surrounding the Our Care, Our Choice Act law. Your Committee also recognizes the comments that the Our Care, Our Choice Act is rarely used, which has been compounded by the shortage of medical professionals, and questions about how much this measure is really needed. Moreover, your Committee notes that the point was made that just a handful of Hawaii's approximately 5,000 doctors participate in medical aid in dying and that access does not appear to be a problem.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2451, as amended herein, and recommends that it pass Second



Reading in the form attached hereto as H.B. No. 2451, H.D. 1, and be referred to your Committees on Consumer Protection & Commerce and Judiciary.

Respectfully submitted on behalf of the members of the Committee on Health,

  
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JOHN M. MIZUNO, Chair



