

Honolulu, Hawaii

FEB 14 , 2020

RE: H.B. No. 2451  
H.D. 2

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

Sir:

Your Committees on Consumer Protection & Commerce and  
Judiciary, to which was referred H.B. No. 2451, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose of this measure is to amend the Our Care, Our  
Choice Act by:

- (1) Explicitly recognizing advanced practice registered nurses 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) Reducing the mandatory waiting period between oral requests made by a terminally ill individual from twenty to fifteen days; and
- (3) Waiving the waiting period between oral requests for a qualified patient who an attending provider has attested will die within fifteen days of making the initial oral request.

Your Committees received testimony in support of this measure from the Department of Health; University of Hawaii System; Hawaii



- American Nurses Association; Hawaii Death with Dignity Society; Filipina Advocacy Network; Compassion and Choices; North Hawaii Hospice, Inc.; LGBT Caucus of the Democratic Party of Hawaii; and numerous individuals. Your Committees received testimony in opposition to this measure from Hawaii Family Forum and twelve individuals. Your Committees received comments on this measure from the Board of Nursing and Hawaii State Center for Nursing.

Your Committees find that access to care is a significant problem statewide, particularly in rural areas. Due in part to Hawaii's geography, the State's supply of physicians is at its lowest since 2015, creating additional barriers to access for qualified terminally ill individuals. Your Committees further find that Hawaii grants advanced practice registered nurses the authority to independently carry out all medical acts consistent with their education and training, including prescribing all forms of medication. However, at this time, advanced practice registered nurses do not have the authority to support terminally ill patients who want the option of medical aid in dying by acting as an attending or consulting provider under the State's Our Care, Our Choice Act. This measure explicitly recognizes advanced practice registered nurses as attending providers and consulting providers under the Our Care, Our Choice Act, which will provide greater access for mentally capable, qualified terminally ill individuals to the full range of end-of-life care options under the Act.

Your Committees have amended this measure by:

- (1) Deleting language that would have allowed a waiver of the waiting period between oral requests for those qualified patients not expected to survive the mandatory fifteen-day waiting period; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2451, H.D. 1, as amended herein, and recommend that it be referred to your Committee on Finance, in the form attached hereto as H.B. No. 2451, H.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committees on Consumer  
Protection & Commerce and  
Judiciary,



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CHRIS LEE, Chair



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ROY M. TAKUMI, Chair





**Record of Votes of the Committee on Judiciary**

Bill/Resolution No.: <b>HB 2451 HDI</b>		Committee Referral: <b>HLT, CPC/JUD, FIN</b>		Date: <b>2/12/2020</b>	
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.					
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)					
<b>JUD Members</b>		<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. LEE, Chris (C)		/			
2. SAN BUENAVENTURA, Joy A. (VC)		/			
3. BROWER, Tom		/			
4. CREAGAN, Richard P.		/			
5. LOWEN, Nicole E.		/			
6. McKELVEY, Angus L.K.			/		
7. NAKASHIMA, Mark M.		/			
8. PERRUSO, Amy A.		/			
9. SAY, Calvin K.Y.			/		
10. TAKAYAMA, Gregg		/			
11. YAMANE, Ryan I.			/		
12. THIELEN, Cynthia		/			
TOTAL (12)		<b>7</b>	<b>3</b>	<b>0</b>	
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature: _____					
Distribution:    Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO					