

Honolulu, Hawaii

FEB 10 , 2022

RE: H.B. No. 1823  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Health, Human Services, & Homelessness, to which was referred H.B. No. 1823 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Authorize advanced practice registered nurses, in addition to physicians, to practice medical aid in dying in accordance with their scope of practice and prescribing authority;
- (2) Authorize psychiatric mental health nurses practitioners and clinic nurse specialists, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient;
- (3) Reduce the mandatory waiting period between oral requests from twenty days to fifteen days; and
- (4) Provide an expedited pathway for those terminally ill individuals not expected to survive the mandatory waiting period.



Your Committee received testimony in support of this measure from the Hawai'i-American Nurses Association, The Hawaiian Islands Association for Marriage and Family Therapy, National Association of Social Workers-Hawai'i, Hawai'i Association of Professional Nurses, Hawai'i Psychological Association, Hawai'i Pacific Health, Compassion & Choices, AlohaCare, Hawaii Society of Clinical Oncology, Planned Parenthood Alliance Advocates, Stonewall Caucus of the Democratic Party of Hawai'i, Health Committee of the Democratic Party of Hawai'i, and numerous individuals. Your Committee received testimony in opposition to this measure from Hawaii Family Forum and fourteen individuals. Your Committee received comments on this measure from the Department of Health, Board of Nursing, and Hawai'i State Center for Nursing.

Your Committee finds that the Our Care, Our Choice Act allows mentally capable, terminally ill individuals with six months or less to live to voluntarily request and receive prescription medication that allows the person to die in a peaceful, humane, and dignified manner. Your Committee further finds that because of Hawaii's unique geography and the State's ongoing physician shortage, many terminally ill qualified patients are unable to find a physician to request medical aid in dying or are unable to survive the mandatory twenty day waiting period.

Your Committee has amended this measure by:

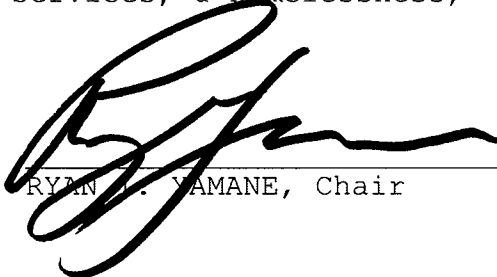
- (1) Authorizing physician assistants to provide medical aid in dying;
- (2) Clarifying that counseling services to qualified patients may be provided by advance practice registered nurses with psychiatric or clinical nurse specialization or physician assistants;
- (3) Reducing the mandatory waiting period between a qualified patient's initial oral request and the provision of a prescription pursuant to section 327L-4(a)(12), Hawaii Revised Statutes, from fifteen days to ten days if more than ten business days have passed between the initial oral request and an appraisal of the patient by the attending provider or consulting provider;



- (4) Prohibiting the disclosure, discovery, or production of information collected or retained pursuant to incidental or routine communication between the Department of Health and qualified patients or providers;
- (5) Changing the effective date to July 1, 2060, to encourage further discussion; and
- (6) 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, Human Services, & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1823, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1823, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on  
behalf of the members of the  
Committee on Health, Human  
Services, & Homelessness,



---

RYAN J. YAMANE, Chair



