

STAND. COM. REP. NO. 954-22

Honolulu, Hawaii  
MAR 04 , 2022

RE: H.B. No. 1823  
H.D. 2

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1823, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

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

- (1) Authorize advanced practice registered nurses and physician assistants, in addition to physicians, to practice medical aid in dying in accordance with their scope of practice and prescribing authority;
- (2) Authorize advanced practice registered nurses with a psychiatric or clinic nurse specialization and physician assistants, 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;
- (4) Reduce the mandatory waiting period between a qualified patient's initial oral request and the provision of a prescription from fifteen days to ten days if more than

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ten business days pass between the initial oral request and an appraisal of the patient by the attending provider or consulting provider;

- (5) Provide an expedited pathway for terminally ill qualified patients who are not expected to survive the mandatory waiting period; and
- (6) Prohibit the disclosure, discovery, or compelled production of information collected or retained pursuant to incidental or routine communication between the Department of Health and qualified patients or providers.

Your Committee received testimony in support of this measure from the Stonewall Caucus of the Democratic Party of Hawai'i; Hawai'i Pacific Health; Burden Lifters, LLC; Hawai'i-American Nurses Association; Hawai'i Association of Professional Nurses; Compassion & Choices; Hawai'i Academy of Physician Assistants; Hawaii Society of Clinical Oncology; National Association of Social Workers-Hawai'i; Hawaiian Islands Association for Marriage and Family Therapy; Hawai'i Psychological Association; and numerous individuals. Your Committee received testimony in opposition to this measure from the Hawaii Family Forum, Hawaii Psychiatric Medical Association, and two 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 certain amendments to the Our Care, Our Choice Act are necessary to better ensure that terminally ill individuals across the State have access to the full-range of end-of-life care options. Specifically, this measure addresses the shortage of physicians in the State, particularly on neighbor islands, and the long mandatory waiting period, which many patients do not survive.

Your Committee has amended this measure by:

- (1) Deleting language that would have reduced the mandatory waiting period between a qualified patient's initial oral request and the provision of a prescription from fifteen days to ten days if more than ten business days passed between the initial oral request and an appraisal



of the patient by the attending provider or consulting provider;

- (2) Deleting the savings clause; and
- (3) 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1823, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1823, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,




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MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: <b>HB 1823, HD1</b>	Committee Referral: <b>HHH, CPC, JHA</b>	Date: <b>2-25-22</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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.		✓		
8. NAKAMURA, Nadine K.				✓
9. TAKUMI, Roy M.	✓			
10. TOKIOKA, James Kunane	✓			
11. WARD, Gene			✓	
<b>TOTAL (11)</b>	<b>8</b>	<b>1</b>	<b>1</b>	<b>1</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				