

STAND. COM. REP. NO. 316

Honolulu, Hawaii

FEB 18 2021

RE: S.B. No. 839
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 839
entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent 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 nurse practitioners, 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) Waive the mandatory waiting period for those terminally ill individuals not expected to survive the mandatory waiting period.

Your Committee received testimony in support of this measure from Hawai'i Psychological Association, Compassion & Choices,



Hawaii Society of Clinical Oncology, Hawaiian Islands Association for Marriage and Family Therapy, Hawai'i Association of Professional Nurses, Hawai'i - American Nurses Association, National Association of Social Workers, and forty-nine individuals. Your Committee received testimony in opposition to this measure from Hawaii Family Forum, Hawaii Professionals for Appropriate and Compassionate Care, and seven individuals. Your Committee received comments on this measure from the Board of Nursing and Hawai'i State Center for Nursing.

Your Committee finds that the Our Care, Our Choice Act (OCOCA) allows terminally ill individuals to request and receive prescription medication that allows them to pass away in a peaceful, humane, and dignified manner. Your Committee further finds that since the OCOCA was enacted, the Department of Health solicited input from the medical community on the law's implementation. This process has revealed that a shortage of physician on the neighbor islands unintentionally created barriers and burdens in care. This measure amends the OCOCA to ease those barriers while maintaining the safeguards intended to protect patients. Your Committee heard the testimony of the Board of Nursing, which noted that the measure as written excludes clinical nurse specialists who specialize in adult psychiatric mental health from providing care.

Therefore, your Committee has amended this measure by:

- (1) Amending the definition of "counseling" to include consultations from clinical nurse specialists;
- (2) Amending section 1 of the measure to reflect its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 839, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 839, S.D. 1, and be referred to your Committee on Judiciary.



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



JARRETT KEOHOKALOLE, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:
SB839	HTH, JDC	2-10-2021

The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOPE, Jarrett (C)	✓			
BAKER, Rosalyn (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt			✓	
TOTAL	4	-	1	-

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Rosalyn H. Baker

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*Only one measure per Record of Votes