

STAND. COM. REP. NO. 1579-24

Honolulu, Hawaii

APR 01 , 2024

RE: S.B. No. 2529
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and
Judiciary & Hawaiian Affairs, to which was referred S.B. No. 2529,
S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PROVIDER ORDERS FOR LIFE
SUSTAINING TREATMENT FORM,"

beg leave to report as follows:

The purpose of this measure is to amend the definition of
"patient's provider" to allow licensed physicians, physician
assistants, and advanced practice registered nurses to sign
Provider Orders for Life-Sustaining Treatment for their patients
without a face-to-face encounter.

Your Committees received testimony in support of this measure
from the Department of Health; State Health Planning and
Development Agency; Healthcare Association of Hawaii; Kōkua Mau;
Hawai'i Care Choices; AlohaCare; Hawaii Medical Service
Association; Hawaii Association of Health Plans; Kaiser Permanente
Hawai'i; and nine individuals.

Your Committees find that a Provider Orders for Life-
Sustaining Treatment (POLST) form is a portable medical order that
documents a patient's choices for treatment near the end of life.
POLST forms are universally recognized by first responders and

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professional health care caregivers throughout the State and are used in many health care settings, including hospitals, skilled nursing facilities, adult residential care homes, expanded adult residential care homes, community care foster family homes, hospices, and other settings.

Your Committees further find that existing law may be construed to require a face-to-face encounter with a patient. This is especially challenging for persons in hospice care, in which face-to-face encounters are not required under Medicare regulations unless the patient has been in hospice care for at least six months. This measure provides persons with greater flexibility to create or amend their POLST forms by repealing language that may be construed to require a face-to-face encounter between the patient's provider and the patient.

Your Committees have amended this measure by:

- (1) Changing the effective date to July 1, 3000, to encourage further discussion; 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 & Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2529, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2529, S.D. 1, H.D. 1.

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



DAVID A. TARNAS, Chair



MARK M. NAKASHIMA, Chair



