

WRITTEN
TESTIMONY
ONLY

JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'AINA O KA MOKU'AINA 'O HAWAII

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
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KENNETH S. FINK, M.D., M.G.A., M.P.H.
DIRECTOR OF HEALTH
KA LUNA HO'OKELE

Testimony in SUPPORT of SB2529 SD1
RELATING TO PROVIDER ORDERS FOR LIFE SUSTAINING TREATMENT FORM.

REP. MARK M. NAKASHIMA, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

REP. DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Hearing Date: March 21, 2024

Room Number: 329

- 1 **Fiscal Implications:** N/A.
- 2 **Department Testimony:** The Department of Health (DOH) supports this amendment that will
- 3 remove barriers for patients when creating or updating Provider Orders for Life Sustaining
- 4 Treatment (POLST). There may be circumstances when a patient either does not have a primary
- 5 care or other specialist provider whom they see regularly, or when a sudden and unexpected
- 6 change in their health requires urgent POLST documentation.
- 7 Thank you for the opportunity to testify.

SB-2529-SD-1

Submitted on: 3/19/2024 4:28:41 PM

Testimony for CPC on 3/21/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
John C Jack Lewin MD	Hawaii State Health Planning and Development Agency (SHPDA)	Support	Written Testimony Only

Comments:

House Committee on Consumer Protection and Commerce

Chair Mark Nakashima

Vice Chair Jackson Sayama; and

House Committee on Judiciary and Hawaiian Affairs

Chair David Tarnas

Vice Chair Gregg Takayama

and Honorable Members:

Testimony of John C (Jack) Lewin MD

Administrator, Hawai'i State Health Planning and Development Agency (SHPDA)

Regarding SB 2529 SD1 Relating to provider orders for life sustaining treatment.

Position: SUPPORT

SHPDA is in strong support of SB2529 SD1. Please Pass AS IS.

Thank you for the opportunity to testify.



Thursday, March 21, 2024 at 2:02 pm
Conference Room 329

House Committee on Consumer Protection and Commerce

To: Chair Mark M. Nakashima
Vice Chair Jackson D. Sayama

House Committee on Judiciary and Hawaiian Affairs

To: Chair David A. Tarnas
Vice Chair Gregg Takayama

From: Paige Heckathorn Choy
AVP, Government Affairs
Healthcare Association of Hawaii

Re: Testimony in Support
SB 2529 SD 1, Relating to Providers Orders for Life Sustaining Treatment Form

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 member organizations who represent almost every aspect of the healthcare continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, and assisted living facilities. In addition to providing access to appropriate, affordable, high-quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing more than 30,000 people statewide.

Thank you for the opportunity to testify **support** of this measure, which would amend Hawaii Revised Statute to remove the requirement that defines a patient's provider as a physician, physician assistant, or advanced practice registered nurse *who has examined the patient*. This requirement creates unnecessary barriers particularly for patients seeking hospice care, as Medicare does not require a face-to-face encounter within this same timeframe. We believe this simple change will help to honor the choices individuals make for end-of-life care in a more meaningful way.

Promoting end-of-life care planning, including the use of provider orders for life sustaining treatment, is a meaningful goal and we appreciate the legislature's support. Thank you for the opportunity to support this needed change.

March 19, 2024

Dear Chair Rep. Nakashima, Vice-Chair Rep. Sayama and members of the House Committee on Consumer Protection and Commerce & Chair Rep. Tarnas, Vice-Chair Rep. Takayama and members of the House Committee on Judiciary and Hawaiian Affairs,

This testimony is in **strong support of SB2529 SD1** which will enable an administrative adjustment to the Provider Orders for Life Sustaining Treatment (POLST) legislation. Please pass the bill as is.

This non-substantive administrative change will help to strengthen consumer protection as it allows people to create or update a POLST in a timely manner, including in urgent, serious situations such as entering hospice. This change will bring our POLST law in line with other states and will not impact the quality of POLST. This change does not change a provider's obligation to evaluate and care for a patient and decreases barriers to having hospice patients complete or update a POLST. This change is supported by our hospice providers as well as other members of the healthcare community.

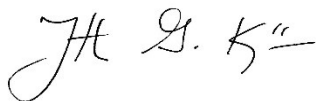
POLST is a widespread and well-functioning program in Hawaii and has been in effect since 2009. POLST, a portable medical order, ensures that patients with serious illness will have their treatment plans honored outside of a hospital.

Kōkua Mau serves as the administrative home for POLST in Hawaii and I currently serve on the National POLST organization as the Hawaii representative. The Kōkua Mau website is the hub to get information for providers and the public and download. We also provide training and guidance throughout our community on POLST.

www.kokuamau.org/polst

Kōkua Mau is a statewide coalition that has worked since 1999 to improve care for those with serious illness. We work to help those who may be facing serious illness and their loved ones understand decisions they may need to make and to understand different care options. As such we encourage early completion of Advance Directives (available in 11 languages for free on our website) as well as information on POLST, palliative care, hospice care and grief and bereavement.

I am happy to answer any questions at the hearing on Thursday March 21, 2024.



Mahalo nui loa

Jeannette Kojane, MPH
Executive Director
Kōkua Mau, A Movement to Improve Care

jkojane@kokuamau.org



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Representative Jackson D. Sayama, Vice Chair

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair

RE: **TESTIMONY IN SUPPORT OF SB 2529 SD1**
RELATING TO PROVIDER ORDERS FOR LIFE SUSTAINING
TREATMENT (POLST) FORM
Hearing: Thursday, March 21, 2024 at 2:02 p.m.

Dear Chairs Nakashima and Tarnas, Vice Chairs Sayama and Takayama and Members of the Committees:

Thank you for the opportunity to provide testimony in SUPPORT of SB 2529 SD1 amending the definition of “patient’s provider” in state law governing POLST by removing language that requires the provider to examine the patient.

In Hawaii, we strive to provide care with compassion and respect for all people and for all phases of life. As part of end-of-life planning, one of the most important documents that seriously ill individuals should complete is a POLST, a portable medical order that documents a patient’s care plan outside of the hospital, which is followed by health care providers, paramedics, and firefighters.

Passing the Bill in its current form removes language that impedes the most vulnerable patients from obtaining a POLST in a timely manner, thereby exposing them to the risk of receiving unwanted and unnecessary care. The proposed amendment will allow licensed physicians, advanced practice registered nurses, and physician assistants to sign POLST for their patients without a face-to-face encounter, thus, strengthening the ability of hospices and other healthcare providers to help their patients complete the POLST.

Hawai‘i Care Choices is a nonprofit, tax-exempt charitable organization. Our Team of physicians, providers, nurses, social workers, certified nurse aides, spiritual counselors, grief counselors and volunteers provide a continuum of quality and specialized care for seniors or for patients facing a serious and/or life-limiting illness, and their loved ones who care for them. In addition, our organization is committed to providing the community-at-large with bereavement support and grief counseling.

Hawaii has a strong POLST program that is widely used across the state. The proposed amendment will streamline the process of establishing and updating the POLST form based on the patient’s current health status and goals of care. We respectfully request passage of HB 2529 SD1.

Sincerely,

Brenda S. Ho, MS, RN
Chief Executive Officer



To: The Honorable Mark M. Nakashima, Chair
The Honorable Jackson D. Sayama, Vice Chair
House Committee on Consumer Protection & Commerce

The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
House Committee on Judiciary and Hawaiian Affairs

From: Paula Arcena, External Affairs Vice President
Mike Nguyen, Public Policy Manager

Hearing: Thursday, March 21, 2024, 2:02 PM, Conference Room 329

RE: **SB2529 SD1 Relating to Provider Orders for Life Sustaining Treatment Form**

AlohaCare appreciates the opportunity to provide testimony in **support** of **SB2529 SD1**. This measure amends the definition of “patient’s provider” in state law governing Provider Orders for Life-Sustaining Treatment (POLST) by removing language that requires the provider to examine the patient.

Founded in 1994 by Hawai‘i’s community health centers, AlohaCare is a community-rooted, non-profit health plan serving over 84,000 Medicaid and dual-eligible health plan members on all islands. Approximately 40 percent of our members are keiki. We are Hawai‘i’s only health plan exclusively dedicated to serving Medicaid and Medicaid-Medicare dually-eligible beneficiaries. Our mission is to serve individuals and communities in the true spirit of aloha by ensuring and advocating for access to quality, whole-person care for all.

AlohaCare is committed to improving access to care for all people throughout their lives, including end-of-life care. The POLST is a portable medical order that documents a patient’s choices for treatment near the end of life. This bill addresses an unnecessary barrier to completing a POLST form that is not required by Medicare or any other state. This bill does not change a provider’s obligation to evaluate and care for a patient and decreases barriers to having hospice patients complete or update a POLST. AlohaCare supports this bill to empower patients to receive the care they want and avoid any care that goes against their wishes, particularly unwanted invasive treatments.

Mahalo for this opportunity to testify in **support** of **SB2529 SD1**.



March 21, 2024

The Honorable Mark M. Nakashima, Chair
The Honorable Jackson D. Sayama, Vice Chair
House Committee on Consumer Protection & Commerce

The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

Re: SB 2529 SD1 – RELATING TO PROVIDER ORDERS FOR LIFE SUSTAINING
TREATMENT FORM

Dear Chair Nakashima, Chair Tarnas, Vice Chair Sayama, Vice Chair Takayama, and Members
of the Committees:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify in support of SB 2529 SD1, which amends the definition of "patient's provider" in state law governing Provider Orders for Life-Sustaining Treatment by removing language that requires the provider to examine the patient.

Every individual should have the opportunity to make their own decisions about their end-of-life care. HMSA has long been a supporter of Hawaii POLST and the POLST form can be a valuable tool to ensure their wishes for medical treatment are honored. HMSA believes that if adopted, the amendments included in SB 2529 SD1 would help patients, particularly those in hospice care, avoid unnecessary hospitalizations and procedures and ultimately ensure that they receive the care that they desire.

Thank you for the opportunity to testify on this measure.

Sincerely,

Dawn Kurisu
Assistant Vice President
Community and Government Relations

March 21, 2024

To: Chair Nakashima, Chair Tarnas, Vice Chair Sayama, Vice Chair Takayama, and Members of the House Committees

From: The Hawaii Association of Health Plans Public Policy Committee

Date/Location: March 21, 2024; 2:02 p.m./Conference Room 329 & Videoconference

Re: Testimony in support of SB 2529 SD1 – Relating to Provider Orders for Life Sustaining Treatment Form

The Hawaii Association of Health Plans (HAHP) supports SB 2529 SD1. HAHP is a statewide partnership that unifies Hawaii’s health plans to improve the health of Hawaii’s communities together. A majority of Hawaii residents receive their health coverage through a plan associated with one of our organizations.

HAHP is a strong supporter of Hawaii POLST and we believe it’s a tool that all Hawaii residents should have access to. We recently supported efforts to have the Hawaii POLST form translated into 11 additional languages to improve accessibility for our community. This collaborative effort is now allowing residents across the state, regardless of their native language, access to comprehensive and compassionate understanding about end-of-life choices.

We support the efforts of this legislature to help individuals specify the type of care they’d like to receive and provide them with the means to make that happen.

Thank you for the opportunity to testify in support of SB 2529 SD1.

Sincerely,

HAHP Public Policy Committee
cc: HAHP Board Members



Government Relations

LATE

Testimony of
Jonathan Ching
Government Relations Director

Before:

House Committee on Consumer Protection
The Honorable Mark M. Nakashima, Chair
The Honorable Jackson D. Sayama, Vice Chair

House Committee on Judiciary & Hawaiian Affairs
The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair

March 21, 2024

2:02 p.m.

Conference Room 329 & Via Videoconference

Re: SB 2529, SD1 Relating to Provider Orders for Life Sustaining Treatment Form.

Chair Nakashima, Chair Tarnas, and committee members, thank you for this opportunity to provide testimony on SB 2529, SD1 which amends the definition of “patient’s provider” in state law governing Provider Orders for Life-Sustaining Treatment (POLST) by removing language that requires the provider to examine the patient during a face-to-face encounter.

Kaiser Permanente Hawai‘i SUPPORTS SB 2529, SD1.

Kaiser Permanente is one of the nation’s largest not-for-profit health plans, serving 12.6 million members nationwide, and more than 274,000 members in Hawai‘i. In Hawai‘i, more than 4,200 dedicated employees and more than 650 Hawai‘i Permanente Medical Group physicians and advance practice providers work in our integrated health system to provide our members coordinated care and coverage. Kaiser Permanente Hawai‘i has more than 19 medical facilities, including our award-winning Moanalua Medical Center. We continue to provide high-quality coordinated care for our members and deliver on our commitment to improve the health of our members and the 1.4 million people living in the communities we serve.

POLST is a portable medical order that documents a patient’s care plan outside the hospital. A POLST is intended for a person with a chronic debilitating illness or a life-limiting disease and is followed by healthcare providers, paramedics, and firefighters.

Hawai‘i was one of the first states in the nation to enact a law governing POLST. Despite having a strong program statewide, HRS 327K-1 requires POLST forms to be signed by the “patient’s provider”, defined as a licensed physician, advanced practice registered nurse, or physician assistant “who has examined the patient.” This examination requirement can cause delays for

patients when their provider is out of the office or if they cannot get an immediate appointment. If the POLST form is time-sensitive, as it often is when patients are terminally ill, patients are left to find a provider who is available or take a chance and wait for an appointment with their own doctor. The result of the signature requirement can be our members receiving unwanted life-prolonging care all for want of a signature. While video visits can suffice, many of our elderly homebound members or those on hospice care are unable to use telehealth modalities.

Removing this language will align our POLST law with other states while continuing to prioritize patient safety by keeping in place current obligations for providers to evaluate and assess the patient's appropriateness for POLST and develop a care plan.

Mahalo for the opportunity to testify in support of this important measure.

Hawaii State Legislature
State House of Representatives

Committee on Commerce and Consumer Protection
Representative Mark Nakashima, Chair
Representative Jackson Sayama, Vice Chair

Committee on Judiciary and Hawaiian Affairs
Representative David Tarnas, Chair
Representative Gregg Takayama, Vice Chair

Hearing Date: March 21, 2024; 2:02 pm; Room 329

Testimony IN STRONG SUPPORT of SB2529 SD1

Testimony of Keith R. Ridley, private citizen and retired Chief of the Department of Health, Office of Health Care Assurance (OHCA).

Aloha, Chairs Nakashima and Tarnas and Vice Chairs Sayama and Takayama and members of the House Committees on Commerce and Consumer Affairs and Judiciary and Hawaiian Affairs.

I am IN STRONG SUPPORT of SB2529 SD1.

Thank you for hearing this bill. This bill simply amends the definition of “patient’s provider” as currently defined in HRS 327K-1 and, as a result, will allow for the timely creation or update of an individual’s Provider Orders for Life Sustaining Treatment (POLST) form when circumstances do not readily permit a face-to-face encounter between a patient and his/her physician, advanced practice registered nurse (APRN), or physician assistant (PA). This bill will enhance consumer protection by enabling consumers to make urgent and timely creations of initial POLST forms or to make similar urgent and timely changes to their current forms. The current HRS does not allow consumers that flexibility. Circumstances include when patients enter hospice care or when other unanticipated or significant health status changes occur.

The POLST form is universally recognized by first responders and professional health care caregivers throughout the state and is used in many health care settings including hospitals, skilled nursing facilities (SNF), adult residential care homes (ARCH), expanded ARCH (E-ARCH), community care foster family homes (CCFFH), hospices, and other settings.

Please pass SB2529 SD1 AS IS.

Mahalo.

SB-2529-SD-1

Submitted on: 3/19/2024 3:39:49 PM

Testimony for CPC on 3/21/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Individual	Support	Written Testimony Only

Comments:

I support SB2529. Please pass this bill.

Mike Golojuch, Sr

March 19, 2024

Honorable Chairs Nakashima and Tarnas, Vice Chairs Sayama and Takayama, and Esteemed House Committees on Consumer Protection & Commerce and Judiciary and Hawaiian Affairs Members,

I have practiced and taught full-time palliative medicine in Hawaii for 20 years, and I am writing, as an individual, **in strong support of SB 2529, SD1**. I have been involved with POLST in Hawaii from its beginning and most recently lead the efforts to update our POLST form to include Physician Assistants and bring other updates and improvements to the POLST form.

Provider Orders for Life-Sustaining Treatment (POLST) is the national standard by which individuals living with serious illness can direct their care in advance of a medical emergency. It is the best tool available to ensure patients receive all wanted care and avoid any unwanted care, particularly unwanted invasive treatments near the end of life.

SB 2529, SD1 will empower more people in Hawaii to have their choices honored and to control their end-of-life care. The proposed language change of SB 2529, SD1 will also bring Hawaii in line with the rest of the nation.

I thank the Committee for its attention and diligence in ensuring the people of Hawaii receive quality health care that is safe, timely, equitable, and person-centered.

Respectfully,

A handwritten signature in black ink, appearing to be 'Daniel Fischberg', with a long horizontal flourish extending to the right.

Daniel Fischberg, MD, PhD, FAAHPM
Kailua, HI

SB-2529-SD-1

Submitted on: 3/19/2024 8:59:30 PM

Testimony for CPC on 3/21/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Nelson	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill and I would ask you to please pass it AS IS. Thank you.

Elizabeth Nelson

SB-2529-SD-1

Submitted on: 3/20/2024 6:39:01 AM

Testimony for CPC on 3/21/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Hermina H Taylor	Individual	Support	Written Testimony Only

Comments:

Dear Chair Rep. Mark M. Nakashima, Co- Chair Rep. Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce & Chair Rep. Tarnas, Vice-Chair Rep. Takayama and members of the House Committee on Judiciary and Hawaiian Affairs

This testimony is in strong support of SB 2529 SD1 which will enable an administrative adjustment to the Provider Orders for Life Sustaining Treatment (POLST) legislation. I/we ask for it to be passed AS IS.

This will allow community members to have their wishes honored and their rights protected in cases of serious illness and community emergencies.

SB-2529-SD-1

Submitted on: 3/20/2024 8:03:25 AM

Testimony for CPC on 3/21/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
J Emma Grote	Individual	Support	Written Testimony Only

Comments:

Dear Chair Rep. Mark M. Nakashima, Co- Chair Rep. Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce & Chair Rep. Tarnas, Vice-Chair Rep. Takayama and members of the House Committee on Judiciary and Hawaiian Affairs

Dr J Emma Grote, Hospice Physician, Navian Hawaii. 808.358.4799

March 20, 2024

IThis testimony is in strong support of SB 2529 SD1 which will enable an administrative adjustment to the Provider Orders for Life Sustaining Treatment (POLST) legislation. I ask for it to be passed AS IS.

I am a Hospice & Palliative Care Physician, working with Navian Hawaii the last 7 years. POLST is a medical document that allows a patient’s autonomy and wishes around life prolonging treatment to be honored by EMS and first responders when called to a medical emergency. As a hospice agency, our admission nurses routinely evaluate goals of care as patients come onto hospice services. This involves comprehensive exploration of goals of care and education about the POLST by the Admission RN to the patient and family. Frequently, medical goals change as patients near end of life and an updated POLST must be completed. Our current legislation requires that the Patient Provider who signs off on the POLST “has examined the patient”. We routinely have a patient’s hospitalist or PCP (who has previously examined the patient) complete this documentation. However there are cases where a patient may not have a PCP or recent physician contact. In these cases it requires a visit by one of our APRN / physicians to examine the patient before the POLST can

be signed. It is not unusual for patients on hospice to die within 7 days of admission and some will pass within hours - day. Scheduling physician / APRN visits to solely fulfill the requirement of current POLST when no symptom management / education is required can be difficult as they also work to address more pressing patient management issues. Because of this, it may take up to a week to have these visits done and thus patients are left without a valid POLST which reflects their current desires towards life sustaining treatment. Taking out the words "who has examined the patient" will allow patients to have a valid POLST at time of admission ,preventing unwanted medical treatments in the case where EMS is activated. Taking out this wording does not change the obligation for signing providers to evaluate and assess the appropriateness of POLST and care plan. As a physician, we review medical records and take report from the Admission Nurse with each new patient allowing us to clarify any questions or concerns there may be as we review our plan of care. I strongly support SB2925 and HB2285 to ensure that a patient's desire around life sustaining therapy may be facilitated by timely completion of a POLST, thereby preventing potential unwanted medical treatment.

SB-2529-SD-1

Submitted on: 3/20/2024 9:54:10 AM

Testimony for CPC on 3/21/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Craig Thomas	Individual	Support	Written Testimony Only

Comments:

As an emergency physician I believe this is a significant improvement.

Mahalo,

Craig Thomas, MD

SB-2529-SD-1

Submitted on: 3/20/2024 10:38:01 AM

Testimony for CPC on 3/21/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Wendy Gibson-Viviani	Individual	Support	Written Testimony Only

Comments:

Dear Chair Rep Della Au Belatti, Co- Chair Rep. Jenna Takenouchi., and members of the House Committee on Health & Homelessness.

My name is Wendy Gibson-Viviani and I'm a nurse who used to work in assistive-living care settings.

This testimony is in strong support of SB 2529 SD1 which will enable an administrative adjustment to the Provider Orders for Life Sustaining Treatment (POLST) legislation.

Please pass this bill AS IS.

Thank you,

Wendy Gibson-Viviani RN/BSN

Kailua

LATE

SB-2529-SD-1

Submitted on: 3/21/2024 11:05:11 AM

Testimony for CPC on 3/21/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn	Individual	Support	Written Testimony Only

Comments:

I am in strong support of SB 2529 SD 1. Marilyn Seely Kaneohe Hawaii