

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



KENNETH S. FINK, M.D., M.G.A., M.P.H.
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LATE

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

SEN. JOY SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

Hearing Date: January 31, 2024

Room Number: 225

- 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.

Testimony of
Jonathan Ching
Government Relations Director

Before:
Senate Committee on Health and Human Services
The Honorable Joy A. San Buenaventura, Chair
The Honorable Henry J.C. Aquino, Vice Chair

January 31, 2024
1:00 p.m.
Conference Room 225 & Via Videoconference

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

Chair San Buenaventura, Vice Chair Aquino, and committee members, thank you for this opportunity to provide testimony on SB 2529, 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.

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.

LATE

SB-2529

Submitted on: 1/31/2024 6:30:45 AM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Angela Melody Young	Testifying for CARES	Support	In Person

Comments:

CARES testifies in strong support.

Jan. 27, 2024

Dear Chair Senator Joy An Buenaventura, Co- Chair Senator Henry Aquino, and members of the Senate Committee on Health and Human Services,

This testimony is in **strong support of SB 2529** which will enable an administrative adjustment to the **Provider Orders for Life Sustaining Treatment (POLST)** legislation. (327K - https://www.capitol.hawaii.gov/hrscurrent/vol06_ch0321-0344/HRS0327K/HRS_0327K-.htm)

This non-substantive administrative change will help to 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.

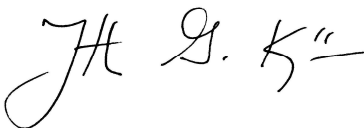
POLST is a widespread and well-functioning program in Hawai'i and has been in effect since 2009. POLST, a portable medical order, ensures that patients with serious illness will have their treatment plans honored outside of a hospital.

Kōkua Mau serves as the administrative home for POLST in Hawai'i and I currently serve on the National POLST organization as the Hawai'i 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 but will be traveling to a conference during the hearing time so cannot zoom in from an airplane.

Mahalo nui loa



Jeannette Koiijane, MPH
Executive Director
Kōkua Mau, A Movement to Improve Care
jkoiijane@kokuamau.org



HOSPICE MAUI

Senator Joy San Buenaventura
Senator Henry Aquino
Health and Human Services Committee

Chad Farmer, MD, MA, HMDC
Medical Director
Hospice Maui
400 Mahalani Street
Wailuku, HI 96793

Wednesday, January 31st, 2024

Support for SB No.2529, Relating to POLST

Aloha-

I am Chad Farmer, Medical Director for Hospice Maui which is a non-profit hospice that has been serving Maui for the past 43 years. I strongly support SB No.2529, which would remove the current barrier to patients, especially homebound ones, getting completed Provider Orders for Life-Sustaining Treatment (POLST) documents in a timely manner.

I am proud to be providing hospice care in a state where POLST documents are widely used and accepted. POLST documents are the clearest way to honor a person's choices for treatment at the end-of-life. Unfortunately, 5 words in the current legislation create a barrier for hospice providers in getting signed POLST to our patients in a timely manner. Now, eligible providers that can sign a POLST are ones "who have examined the patient." This creates a challenge simply due to the volume of house calls required by me to sign the POLST document. By removing those 5 words, that would allow other health care providers to have the POLST discussion and bring the document to the office for an immediate signature.

Hospice nurses and hospice social workers have extensive experience and training on holding the important POLST discussion. I feel confident that hospice nurses and hospice social workers have the skill set to have these sensitive conversations and return a POLST for my signature. As a primarily Medicare funded agency, the examination of a patient prior to signing a POLST is not a requirement and we are the only State of the Union that this is a requirement.

I ask for your sincere consideration to support SB No. 2529 .

Mahalo,

Chad Farmer
Medical Director
Hospice Maui

Caring for families on Maui • Moloka'i • Lana'i

SB-2529

Submitted on: 1/30/2024 6:20:34 AM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kenneth Zeri	Testifying for Hospice Hawaii, Inc. dba Navian Hawaii	Support	Written Testimony Only

Comments:

Hawaii State Legislature

State Senate

Committee on Health and Human Services

Senator Joy A. San Buenaventura, Chair

Senator Henry Aquino, Vice Chair

Hearing Date: Wednesday, January 31, 2024

Testimony IN SUPPORT of SB2529

Testimony of Kenneth Zeri, RN, MS President and CEO of Hospice Hawaii, Inc. *dba* Navian Hawaii

Aloha, Chair San Buenaventura, Vice Chair Aquino, and members of the Senate Committee on Health and Human Services.

I offer this testimony in SUPPORT of SB2529 relating to Providers Orders for Life Sustaining Treatment and encourage you all to pass this bill as written.

Background: I have been involved in the POLST legislation since its inception. Initially, a patient's "Provider" was a physician who had examined the patient. Over the years this law was amended to allow Advance Practice Nurses and then Physician Assistants to be included in the "Provider" definition.

During those initial years, only about 20% to 25% of all people (in Hawaii) who died per year were cared for by a hospice provider. Today, almost 50% of all deaths per year occur under the professional care of hospice providers. That is about 4000 people per year. Unfortunately, most people still only receive hospice for less than three weeks. According to Medicare data, the median stay on hospice is about 23 days.

As a result, for those patients who come into hospice without a POLST form, it becomes logistically impractical for a MD, APRN or PA to make a face-to-face clinical examination of the patient. Instead, the hospice RN, as a skilled and trained professional in discussing goals of care and the patient's decisions regarding life sustaining treatment, can assist the patient or their legal representative. The current law actually allows other professional staff to assist a patient and family in completing the document and preparing it for the MD, APRN, or PA signature.

Thus, we believe that the amendment to remove the requirement for an "examination" will facilitate a timely completion of a POLST form.

This is also consistent with Medicare's standard for allowing a hospice Medical Director to Certify Terminal Illness and admission to hospice care. Medicare allows the hospice RN to conduct a nursing assessment, and along with medical records of other providers, permits the Medical Director certify without requiring a clinical, face-to-face, examination. The same standard can be applied to the POLST document.

Changing this definition of a "Provider" allows for a more streamlined process, assuring that the thousands of patients who have a very brief care experience with hospice will still have a properly and legally executed POLST document should they need the support of EMS, other first responders, or other emergency care.

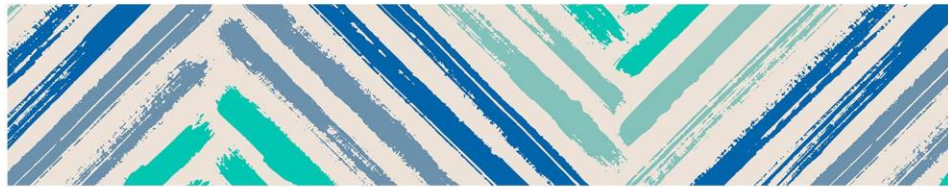
I urge you to pass this bill AS IS, unamended.

Respectfully,

Ken Zeri

President and CEO

Navian Hawaii



January 31, 2024

To: Chair San Buenaventura, Vice Chair Aquino, and Members of the Senate Committee on Health and Human Services

From: The Hawaii Association of Health Plans Public Policy Committee

Date/Location: Jan. 31, 2024; 1:00 p.m./Conference Room 225 & Videoconference

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

The Hawaii Association of Health Plans (HAHP) supports SB 2529. 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.

Sincerely,

HAHP Public Policy Committee

cc: HAHP Board Members



January 31, 2024

The Honorable Joy A. San Buenaventura, Chair
The Honorable Henry J.C. Aquino, Vice Chair
Senate Committee on Health and Human Services

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

Dear Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify in support of SB 2529, 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 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

SB-2529

Submitted on: 1/30/2024 9:56:10 AM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
J Emma Grote	Testifying for Navian Hawaii	Support	Written Testimony Only

Comments:

Senate Committee on Health and Human Services (HHS); Chairs: Sen Joy San Buenaventura, Chair, and Sen. Henry Aquino, Vice Chair. Other members: Jarret Keohokalole, Maile Shimabukuro, Brenton Awa

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

Wednesday, Jan 31, 2024

Strong Support for SB2529 and HB2285 relating to improving access to POLST

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 current POLST requirement 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 to be 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.

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COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair
Senator Henry J.C. Aquino, Vice Chair

RE: **TESTIMONY IN SUPPORT OF SB 2529**
RELATING TO PROVIDER ORDERS FOR LIFE SUSTAINING
TREATMENT (POLST) FORM
Hearing: Wednesday, January 31, 2024

Dear Chair San Buenaventura, Vice Chair Aquino and Members of the
Committee:

Thank you for the opportunity to provide testimony in SUPPORT of SB 2529
amending the definition of “patient’s provider” in existing law governing
POLST forms.

In Hawaii, we strive to provide care with compassion and respect for all
people and for all phases of life. 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.

Unfortunately, there is language in the current legislation that impedes the
sickest and 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
which exists to 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 bring us in alignment with other states and
maintain the integrity and importance of POLST. We respectfully request
passage of SB 2529.

Sincerely,



Brenda S. Ho, MS, RN
Chief Executive Officer

SB-2529

Submitted on: 1/27/2024 12:27:34 AM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lawren Love	Individual	Support	Remotely Via Zoom

Comments:

To whom it may concern:

I am writing in support of this bill.

I am a hospice physician practicing in Hawaii. Patients admitted to hospice may have a delay in the ability to execute a legal POLST due to the verbiage requiring POLST to be signed by a provider who has examined the patient. The hospice nurse or SW sees the patient first and has a discussion with patient about their wishes surrounding life sustaining treatment. They may fill out a POLST with the patient and then notify me of the conversation they had. I need to be able to sign that POLST without waiting until I am able to make a visit to see the patient. Without a legal POLST, patients are at risk of receiving care that goes against their wishes.

Regards,

Lawren Love, MD

Hawaii State Legislature
State Senate

Committee on Health and Human Services
Senator Joy A. San Buenaventura, Chair
Senator Henry Aquino, Vice Chair
Hearing Date: Wednesday, January 31, 2024

Testimony IN STRONG SUPPORT of SB2529

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

Aloha, Chair San Buenaventura, Vice Chair Aquino, and members of the Senate Committee on Health and Human Services.

I am IN STRONG SUPPORT of SB2529.

Thank you for hearing this bill. This bill simply amends the definition of “patient’s provider” and, as a result, will allow the timely creation or updating 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). Circumstances include when patients enter hospice care and a new or updated POLST is urgently needed.

The POLST form is 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), community care foster family homes (CCFFH), hospices, and other settings.

Please pass SB2529 as-is. Thank you.

January 29, 2024

Honorable Chair San Buenaventura, Vice Chair Aquino, and Esteemed Senate Committee on Health and Human Services 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**. 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 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 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 read 'Daniel Fischberg', with a long horizontal flourish extending to the right.

Daniel Fischberg, MD, PhD, FAAHPM
Kailua, HI

LATE

SB-2529

Submitted on: 1/30/2024 4:17:54 PM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Oppose	Written Testimony Only

Comments:

I do not believe this is wise.