

A Bill for an Act Relating to Health.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§321- Rapid identification documents. (a) The department shall adopt rules for emergency medical services which shall include:

- (1) Uniform methods of rapidly identifying an adult person who:
 - (A) Has been certified in a written “comfort care only” document by the person’s physician to be a terminally ill patient of that physician; and
 - (B) Has certified in the same written “comfort care only” document that the person directs emergency medical services personnel, first responder personnel, and health care providers not to administer chest compressions, rescue breathing, electric shocks, or medication, or all of these, given to restart the heart if the person’s breathing or heart stops, and directs that the person is to receive care for comfort only, including oxygen, airway suctioning, splinting of fractures, pain medicine, and other measures required for comfort; and
 - (C) Has been prescribed by a physician a “comfort care only” identifying bracelet or necklace;
 - (2) The written document containing both certifications must be signed by the patient with the terminal condition, by the patient’s physician, and by any one other adult person who personally knows the patient; and
 - (3) The original document containing both certifications and all three signatures shall be on file with the patient’s physician. Two copies of this document shall be given to the patient, one of which shall be used to order the patient’s identifying necklace or bracelet.
- (b) The rules shall provide for the following:
- (1) The patient may revoke the “comfort care only” document at any time, including during the emergency situation, either verbally or by removing the patient’s identifying bracelet or necklace;
 - (2) An anonymous tracking system shall be developed to assess the success or failure of the procedures and to ensure that abuse is not occurring; and
 - (3) If an emergency medical services person, first responder, or any other health care provider believes in good faith that the provider’s safety, the safety of the family or immediate bystanders, or the provider’s own conscience requires the patient be resuscitated despite the presence of a “comfort care only” bracelet or necklace, then that provider may attempt to resuscitate that patient, and neither the provider, the ambulance service, nor any other person or entity shall be liable for attempting to resuscitate the patient against the patient’s will.”

SECTION 2. Section 321-222, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

““Department” means the department of health.

“Emergency medical services personnel” means any mobile intensive care technician or emergency medical technician who is certified or licensed by the State.

“First responder personnel” means a person who has successfully completed a United States Department of Transportation approved First Responder Course of training in emergency basic life support.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 1995.

(Approved June 21, 1994.)

Note

1. Edited pursuant to HRS §23G-16.5.