

## ACT 46

H.B. NO. 3126

A Bill for an Act Relating to Rapid Identification Documents.

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

SECTION 1. Section 321-23.6, Hawaii Revised Statutes, is amended to read as follows:

“~~[H]§321-23.6~~ **Rapid identification documents.** (a) The department shall adopt rules for emergency medical services ~~[which]~~ that 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] has certified, or for whom has been certified, in [the same] a written “comfort care only” document that the person or, consistent with chapter 327E, the person’s guardian, agent, or surrogate 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]~~ the certification shall be signed by the patient ~~[with the terminal condition, by the patient’s physician,]~~ or, consistent with chapter 327E, the person’s guardian, agent, or surrogate and by any ~~[one]~~ two other adult ~~[person]~~ persons who personally [knows] know the patient; and
- (3) The original document containing ~~[both certifications]~~ the certification and all three signatures shall be ~~[on file with]~~ maintained by the patient, the patient’s [physician.];
  - (A) Physician;
  - (B) Attorney;
  - (C) Guardian;

(D) Surrogate; or

(E) Any other person who may lawfully act on the patient's behalf. Two copies of [this] the document shall be given to the patient, [one of which shall be used to order the patient's identifying necklace or bracelet.] or the patient's guardian, agent, or surrogate.

(b) The rules shall provide for the following:

- (1) The patient, or the patient's guardian, agent, or surrogate, may verbally 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;]~~ document, 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. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 27, 2006.)