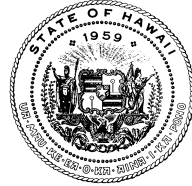


HB2052

HD2 SD1

LATE

TESTIMONY



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Senate Committee on Judiciary and Labor

HB 2052, HD2, SD1, Relating to Provider Orders for Life-Sustaining Treatment

**Testimony of Linda Rosen, M.D., M.P.H.
Director of Health**

Tuesday, March 25, 2014

1 **Department's Position:** The department SUPPORTS the intent of this bill and provides COMMENTS.

2 **Fiscal Implications:** None.

3 **Purpose and Justification:** Following passage of the original POLST bill in 2009, the department
4 remained a voluntary and active participant along with local practicing physicians and clinical and
5 professional experts to help shape POLST and the current POLST form. The department supports the
6 intent of POLST and the aim of this bill as amended by the Senate to expand signatory authority to
7 advance practice nurses. The department defers to legal and technical experts on language concerning
8 legal representatives and the capacity of patients and other technical language changes. The department
9 also appreciates that the SD1 removed the requirement for the department to develop and adopt a sample
10 POLST form and requests that the prior wording on this requirement not be reinserted. Such a
11 requirement would be unnecessary since a POLST form has already been developed and adopted and it is
12 recognized state-wide by 1st responders and healthcare professionals. The form is used to write medical
13 orders, and as with other medical orders forms should not be regulated. The form was modeled after
14 forms used in other parts of the country and the local physicians and experts continually review the form
15 for improvement based on national standards and as best practices emerge through study and experience.

1 As a result, the Department of Health SUPPORTS the intent of HB 2052, HD2, SD1 to expand
2 signatory authority to advanced practice nurses.

3 Thank you for the opportunity to provider written testimony.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
Senate Committee on Judiciary and Labor
March 25, 2014 at 10:00 a.m.

by

Mary G. Boland, DrPH, RN, FAAN
Dean and Professor
School of Nursing & Dental Hygiene
University of Hawai'i at Mānoa

HB 2052 HD2 SD1 – RELATING TO PROVIDER ORDERS FOR LIFE-SUSTAINING TREATMENT

Chair Hee, Vice Chair Shimabukuro, and members of the Senate Committee on Judiciary and Labor, thank you for this opportunity to provide testimony in strong support of this bill, HB 2052 HD2 SD1.

UH Mānoa Nursing supports increasing access to the Hawai'i physician orders for life-sustaining treatment (POLST) law by updating references from "physician orders for life-sustaining treatment" to "provider orders for life-sustaining treatment" throughout chapter 327K, HRS; particularly, expanding health care provider signatory authority to include advanced practice registered nurses (APRNs); and correcting inconsistencies over terms used to describe who may sign a POLST form on behalf of a patient.

POLST is a tool to help ensure that patients make informed decisions and that their wishes are honored across health care settings. POLST requires a meaningful dialog between patients and their physicians or APRNs (especially in rural, medically underserved areas of Hawai'i).

HB 2052 HD2 SD1 is consistent with barrier-breaking legislation made between 2009-2011, when the Legislature authorized¹ APRNs to function independently as primary care providers to help relieve the oncoming shortage of primary care physicians².

¹ **Act 169, SLH 2009** required insurers/HMOs/benefit societies to recognize APRNs as PCPs; authorized APRNs to sign, certify, or endorse all documents relating to health care within their scope of practice provided for their patients including workers' compensation, verification documents, verification and evaluation forms the DHS and DOE, verification and authorization forms of the DOH and physical examination forms.

Act 57, SLH 2010 the adoption of the National Council of State Boards of Nursing's Model Nurse Practice Act and Model Nursing Administrative Rules.

Act 110, SLH 2011 required each hospital in the State licensed under Hawai'i Revised Statutes (HRS), § 321-14.5 is required to allow¹ APRNs¹ and qualified APRNs granted prescriptive authority to practice within the full scope of practice including as a primary care provider. APRNs granted prescriptive authority to prescribe

Therefore, UH Mānoa Nursing respectfully requests passage of this measure. Thank you for the opportunity to testify.

controlled drugs (Schedule II-V) within formulary appropriate to the APRN's specialty. Able to prescribe drugs without working relationship agreement with a licensed physician.

² A 2010 study by the John A. Burns School of Medicine reported a current shortage of 600 physicians (more than 20% of the current supply) and an impending shortage of 1,600 by 2020. "Because physician shortages of the magnitude described will directly impact the health and well-being of virtually all residents of Hawai'i, something must be done. Unfortunately, there is no easy fix to the problem. The problem is most acute on the island of Hawai'i, but people everywhere, including urban O'ahu are also starting to feel the effects in a variety of specialties... If Hawai'i's utilization of physician services were to match the average mainland usage, our current demand for physicians would be about 3,500. If Hawai'i's population grows as anticipated without change being made in the system of care or current utilization patterns, our state will need over 4,000 doctors by the year 2020. It is expected that even with active recruitment Hawai'i will probably suffer a net loss of approximately 50 physicians every year in the face of dramatically rising demand. If the delivery system remains the same as today, many Hawai'i residents will not have timely access to care. The indigent and elderly will feel it first. As the shortage deepens, we'll all experience the effects". The ten top solutions identified by the working groups to be addressed most urgently include the use of non-physician clinicians (*Report to the 2011 Hawaii State Legislature: Report on Findings from the Hawaii Physician Workforce Assessment Project*. Withy, K. and Sakamoto, D.T. John A. Burns School of Medicine, December, 2010).



March 25, 2014

The Honorable Clayton Hee, Chair
The Honorable Maile S.L. Shimabukuro, Vice Chair

Committee on Judiciary and Labor

Re: HB 2052, HD 2, SD1 – Relating to Physician Orders for Life-Sustaining Treatment

Dear Chair Hee, Vice Chair Shimabukuro, and Members of the Committee:

My name is Rick Jackson and I am Chairperson of the Hawaii Association of Health Plans (“HAHP”) Public Policy Committee. HAHP is a non-profit organization consisting of nine (9) member organizations:

AlohaCare	MDX Hawai‘i
Hawaii Medical Assurance Association	‘Ohana Health Plan
HMSA	University Health Alliance
Hawaii-Western Management Group, Inc.	UnitedHealthcare
Kaiser Permanente	

Our mission is to promote initiatives aimed at improving the overall health of Hawaii. We are also active participants in the legislative process. Before providing any testimony at a Legislative hearing, all HAHP member organizations must be in unanimous agreement of the statement or position.

HAHP appreciates the opportunity to provide testimony in support to HB 2052, HD2, SD1, which would expand access to physician orders for life-sustaining treatment to advanced practice registered nurses. We believe that this type of expansion will be highly beneficial to all the people of Hawai‘i, especially to those living in rural communities. HAHP also believes that this Bill will further encourage communication between healthcare providers and patients to make more informed decisions, which is crucial to positive health outcomes.

Thank you for the opportunity to provide testimony.

Sincerely,

Rick Jackson
Chair, Public Policy Committee

HMSA



An Independent Licensee of the Blue Cross and Blue Shield Association

March 25, 2014

The Honorable Clayton Hee, Chair
The Honorable Maile S. L. Shimabukuro, Vice Chair
Senate Committee on Judiciary and Labor

Re: HB 2052, HD2, SD1 – Relating to Provider Orders for Life-Sustaining Treatment

Dear Chair Hee, Vice Chair Shimabukuro and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify in support of HB 2052, HD2, SD1, which increases access to physician orders for life-sustaining treatment (POLST). HMSA supports this Bill.

It has long been HMSA's mission to improve the health and well-being of our members, and for all the people of Hawaii. A POLST form serves as a portable and recognized vehicle for documenting an individuals' end-of-life care and medical orders. We acknowledge the importance of communication between patients and health care providers.

Updating the references from "physician orders for life-sustaining treatment" to "provider orders for life-sustaining treatment" throughout chapter 327K, HRS; will allow advanced practice registered nurses (APRN) to also complete a POLST directly with patients and families. We believe that expanding access to APRNs to complete POLST forms will be highly beneficial for individuals, especially those living in rural areas or the neighbor-islands.

Thank you for the opportunity to testify in support of HB 2052, HD2, SD1. Increasing access to POLST will improve the health and well-being for all the people of Hawai'i.

Sincerely,

A handwritten signature in black ink, appearing to read "JDiesman".

Jennifer Diesman
Vice President
Government Relations



55 Merchant Street
Honolulu, Hawai'i 96813-4333

HAWAI'I PACIFIC HEALTH
Kapi'olani • Pali Momi • Straub • Wilcox

808-535-7401
www.hawaiipacifichealth.org

Tuesday, March 25, 2014 – 10:00 am
Conference Room 016

The Senate Committee on Judiciary and Labor

To: Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair

From: Michelle Cantillo, RN, Advance Care Planning Coordinator

Re: **HB 2052 HD2, SD1 Relating to Provider Orders For Life Sustaining Treatment
Testimony in Support**

My name is Michelle Cantillo, and I am the RN, Advance Care Planning Coordinator for Hawai'i Pacific Health (HPH). HPH is a not-for-profit health care system, and the state's largest health care provider and non-government employer. It is committed to providing the highest quality medical care and service to the people of Hawai'i and the Pacific Region through its four hospitals, more than 50 outpatient clinics and service sites, and over 1,600 affiliated physicians. HPH's hospitals are Kapi'olani Medical Center for Women & Children, Pali Momi Medical Center, Straub Clinic & Hospital and Wilcox Memorial Hospital. The system's leading strategic initiatives include women's health, pediatric care, cardiovascular services, cancer care, and bone and joint services. HPH ranks among the top three percent of hospitals nationwide in the adoption of electronic health records, with system-wide implementation that allows its hospitals and physicians to offer integrated, coordinated care throughout the state.

We support HB 2051, HD 2, SD1 which has been amended to be consistent with the Senate version contained in SB 2227. In its current form, the bill maintains the statutory requirements to allow POLST to continue to be effective in the State of Hawaii, while also expanding access by allowing APRNs to participate in signatory authority.

POLST have been shown to be nearly 100% effective in preventing unwanted treatments in contrast to other directives, such as living wills, which have not been shown to be effective. POLST have never been a barrier to people receiving the treatments that they do desire. Unfortunately, access to care continues to be an issue, particularly for those with advanced illnesses. Many patients that would wish to complete a POLST to avoid unwanted medical treatment are confined to their beds at home, in a nursing facility, or a hospice. Advanced practice nurses have been critical in providing needed medical care to these patients. The effect of not permitting Advanced Practice Nurses to sign POLST forms means many patients in need will be unable to complete them, leaving these patients vulnerable to unwanted, aggressive treatment, such as electric shocks to the chest or placement on an artificial respirator, at the end of life when most people would prefer to focus on their comfort and dignity.

We urge your Committee to pass this measure. Thank you for the opportunity to provide this testimony.



Affiliates of Hawai'i Pacific Health

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: cdbeck@hawaii.edu
Subject: *Submitted testimony for HB2052 on Mar 25, 2014 10:00AM*
Date: Monday, March 24, 2014 10:34:26 AM

HB2052

Submitted on: 3/24/2014

Testimony for JDL on Mar 25, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
christine	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

23 March 2014

HB2052 HD2 SD1 POLST in Hawaii
Support with Amendments

Dear Chair Hee and members of the Judiciary Committee,

Hawaii already has a POLST (Physicians Orders for Life Sustaining Treatment) and it is working well to allow people to state their wishes for medical care and have them honored, in the event they are incapacitated or unable to speak for themselves. POLST is an immediately actionable document recognized across the state by EMS personnel and first responders, as well as physicians and healthcare professionals.

I agree with the changes that have been made to HB2052 HD2 SD1. However we would like for one change to make sure the language of the amended bill is as strong as possible.

1. Change the term "Legal Representative" to "Legally Authorized Representative." LAR is the more common legal term and we would like to be consistent with best legal practice and will make the language consistent with HRS 327E.
2. Additionally we would like to clarify that there was an error in **the Committee Report (SSCR 2959) in HB2052 HD2 SD1:** The requirement to have a provider sign the POLST form has **not** been removed as stated in amendment 4. We do want the provider (physician or advance practice nurse) to have to sign the POLST form and it seems like they must, as this is a physician's (or APRN's) medical orders

Respectfully,

Elizabeth A Char MD
EMS and Emergency Physician

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: teresa.parsons@hawaii.edu
Subject: Submitted testimony for HB2052 on Mar 25, 2014 10:00AM
Date: Monday, March 24, 2014 11:40:06 AM

HB2052

Submitted on: 3/24/2014

Testimony for JDL on Mar 25, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Parsons	Individual	Support	No

Comments: Senators of the Judicial Committee, Mahalo for the opportunity to submit testimony in support of HB2052 HD2 SD1 RELATING TO PROVIDER ORDERS FOR LIFE-SUSTAINING TREATMENT. I support the intent of the measure to: (1) Increase access to provider orders for life-sustaining treatment by updating references from "physician orders for life-sustaining treatment" to "provider orders for life-sustaining treatment" throughout chapter 327K, Hawaii Revised Statutes; and (2) Expand health care provider signatory authority to include advanced practice registered nurses. APRNs are a vital member of the healthcare team providing direct primary care and this measure will ensure continuity of care for patients and families experiencing the extremely emotional and complex path at the end of life. It is critical to maintain this established relationship between primary care providers who can be APRNs. Supporting this Bill is in keeping with the intent of the Institute of Medicine's Report on the Status of Nursing recommendations as well as the Patient Protection, Affordable Care Act. My only comment in regards to amendment is to return the effective date of this measure to "on enactment" date rather than 2021. I urge you to support passage of this measure to the full Legislature for a vote to support the public's health and wellbeing. Mahalo for the opportunity to submit testimony in support of this important legislation.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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