

Honolulu, Hawaii
February 14, 2014

RE: H.B. No. 2052
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2052 entitled:

"A BILL FOR AN ACT RELATING TO PROVIDER ORDERS FOR LIFE-SUSTAINING TREATMENT,"

begs leave to report as follows:

The purpose of this measure is to increase access to provider orders for life-sustaining treatment (POLST) by:

- (1) Updating references from "physician orders for life-sustaining treatment" to "provider orders for life-sustaining treatment" throughout Chapter 327K, Hawaii Revised Statutes;
- (2) Expanding health care provider signatory authority to include advanced practice registered nurses; and
- (3) Correcting inconsistencies over terms used to describe who may sign a POLST form on behalf of a patient.

The Executive Office on Aging, Healthcare Association of Hawaii, Hawaii Medical Service Association, Kokua Mau, and numerous individuals testified in support of this measure. An individual testified in opposition to this measure. An individual provided comments on this measure.



Your Committee has amended this measure by:

- (1) Changing the term "legal representative" to "legally authorized representative" and removing the reference to a power of attorney in the definition because it is already referenced in the definition of agent under section 327E-2, Hawaii Revised Statutes;
- (2) Requiring the Department of Health to develop and adopt a sample POLST form;
- (3) Changing the effective date of this measure to July 1, 2112, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that this measure ensures that a POLST is signed by a legally authorized representative. Your Committee further notes that it received testimony that stated that there are several flaws with some of the POLST forms currently used. Therefore, your Committee required the Department of Health to develop and adopt sample POLST forms by administrative rule. Your Committee respectfully requests that the Committee on Judiciary further examine this issue.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2052, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.B. No. 2052, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ANGUS L.K. MCKELVEY, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSCR 489-14

Record of Votes of the Committee on Consumer Protection and Commerce

Bill/Resolution No.: HB 2052	Committee Referral: HLT, CPC, JUD	Date: 02/12/14
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The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	/			
2. KAWAKAMI, Derek S.K. (VC)	/			
3. BELATTI, Della Au	/			
4. BROWER, Tom	/			
5. CACHOLA, Romy M.				/
6. CREAGAN, Richard	/			
7. EVANS, Cindy	/			
8. HAR, Sharon E.	/			
9. ITO, Ken				/
10. LEE, Chris	/			
11. NAKASHIMA, Mark M.	/			
12. OSHIRO, Marcus R.				/
13. TSUJI, Clift	/			
14. YAMANE, Ryan I.	/			
15. MCDERMOTT, Bob	/			
16. THIELEN, Cynthia	/			
TOTAL (16)	13			3

The recommendation is: Adopted Not Adopted
If joint referral, _____ did not support recommendation.
committee acronym(s)

Vice Chair's or designee's signature: _____

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