

JAN 23 2015

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# A BILL FOR AN ACT

RELATING TO PROVIDER ORDERS FOR LIFE-SUSTAINING TREATMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Act 154, Session  
2           Laws of Hawaii 2014, amended the Hawaii physician orders for  
3           life-sustaining treatment law. Act 154, Session Laws of Hawaii  
4           2014, codified as chapter 327K, Hawaii Revised Statutes, enables  
5           patients or their surrogates to create a physician orders for  
6           life-sustaining treatment. Physician orders for life-sustaining  
7           treatment is a holistic method of planning for end-of-life care  
8           and a specific set of medical orders that ensure patients'  
9           wishes are honored.

10           The legislature further finds that completing a physician  
11           orders for life-sustaining treatment form encourages  
12           communication and conversations between patients and health care  
13           providers. Patients may elect to create a physician orders for  
14           life-sustaining treatment based on conversations with their  
15           health care providers, enabling patients to make informed  
16           decisions and translating their wishes into actionable medical  
17           orders. Physician orders for life-sustaining treatment is



1 beneficial to people with serious illnesses, including dementia,  
2 as it specifies the types of treatment that a patient wishes to  
3 receive toward the end of their life. A physician orders for  
4 life-sustaining treatment form documents a patient's wishes in a  
5 clear manner and can be quickly understood by all health care  
6 providers, including first responders and emergency medical  
7 services personnel. A physician orders for life-sustaining  
8 treatment form, which is portable and recognized statewide, also  
9 ensures that a patient's wishes can be honored across all  
10 settings of care. If a patient no longer has the capacity to  
11 make decisions, the patient's legally authorized representative  
12 may complete a physician orders for life-sustaining treatment  
13 form on the patient's behalf.

14 The legislature further finds that the national standard  
15 for authorized health care provider signatories includes  
16 licensed physicians, physician assistants, and advanced practice  
17 registered nurses. However, chapter 327K, Hawaii Revised  
18 Statutes, limits physician orders for life-sustaining treatment  
19 to licensed physicians and advanced practice registered nurses.  
20 This creates a barrier to timely completion of physician orders  
21 for life-sustaining treatment, especially in rural areas or on



1 the neighbor islands. Limiting physician orders for life-  
2 sustaining treatment to licensed physicians and advanced  
3 practice registered nurses also affects long-term care setting  
4 where physician assistants may be acting as the patient's  
5 medical provider.

6 The purpose of this Act is to increase access to physician  
7 orders for life-sustaining treatment by expanding health care  
8 provider signatory authority to include physician assistants.

9 SECTION 2. Section 327K-1, Hawaii Revised Statutes, is  
10 amended by amending the definition of "patient's provider" to  
11 read as follows:

12 "Patient's provider" means a physician or physician  
13 assistant licensed pursuant to chapter 453 or an advanced  
14 practice registered nurse [†]licensed[†] pursuant to chapter 457  
15 who has examined the patient."

16 SECTION 3. Section 327K-3, Hawaii Revised Statutes, is  
17 amended by amending subsection (a) to read as follows:

18 "(a) No physician, physician assistant, advanced practice  
19 registered nurse, health care professional, nurse's aide,  
20 hospice provider, home care provider, including private duty and  
21 medicare home health providers, emergency medical services



1 provider, adult residential care home operator, skilled nursing  
2 facility operator, hospital, or person employed by or under  
3 contract with a hospital shall be subject to criminal  
4 prosecution, civil liability, or be deemed to have engaged in  
5 unprofessional conduct for:

6 (1) Carrying out in good faith, a decision regarding  
7 treatment orders, including cardiopulmonary  
8 resuscitation by or on behalf of a patient pursuant to  
9 orders in a form and in compliance with the standards  
10 and procedures set forth in this chapter; or

11 (2) Providing cardiopulmonary resuscitation to a patient  
12 for whom an order not to resuscitate has been issued  
13 on a form; provided the person reasonably and in good  
14 faith:

15 (A) Was unaware of the issuance of an order not to  
16 resuscitate; or

17 (B) Believed that any consent to treatment orders,  
18 including the order not to resuscitate, had been  
19 revoked or canceled."

20 SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



# S.B. NO. 790

1 SECTION 5. This Act shall take effect on July 1, 2015.

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INTRODUCED BY: Josh Duen

St. Arsen

Paul E. Puder

[Signature]

TS-D. Jyl.



# S.B. NO. 790

**Report Title:**

Physician Assistant; Physician Orders for Life-sustaining Treatment

**Description:**

Increases access to physician orders for life-sustaining treatment by expanding health care provider signatory authority to include physician assistants.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

