
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 and renamed "physician orders for
4 life-sustaining treatment" to "provider orders for life-
5 sustaining treatment" to reflect the signatory authority of
6 advanced practice registered nurses. Act 154, Session Laws of
7 Hawaii 2014, codified as chapter 327K, Hawaii Revised Statutes,
8 enables patients or their surrogates to create a provider orders
9 for life-sustaining treatment. Provider orders for life-
10 sustaining treatment is a holistic method of planning for end-
11 of-life care and a specific set of medical orders that ensure
12 patients' wishes are honored.

13 The legislature further finds that completing a provider
14 orders for life-sustaining treatment form encourages
15 communication and conversations between patients and health care
16 providers. Patients may elect to create a provider orders for
17 life-sustaining treatment based on conversations with their
18 health care providers, enabling patients to make informed



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

16 The legislature further finds that the national standard
17 for authorized health care provider signatories includes
18 licensed physicians, physician assistants, and advanced practice
19 registered nurses. However, chapter 327K, Hawaii Revised
20 Statutes, limits provider orders for life-sustaining treatment
21 to licensed physicians and advanced practice registered nurses.



1 This creates a barrier to timely completion of provider orders
2 for life-sustaining treatment, especially in rural areas or on
3 the neighbor islands. Limiting provider orders for life-
4 sustaining treatment to licensed physicians and advanced
5 practice registered nurses also affects long-term care setting
6 where physician assistants may be acting as the patient's
7 medical provider.

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

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

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

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

20 "(a) No physician, physician assistant, advanced practice
21 registered nurse, health care professional, nurse's aide,



1 hospice provider, home care provider, including private duty and
2 medicare home health providers, emergency medical services
3 provider, adult residential care home operator, skilled nursing
4 facility operator, hospital, or person employed by or under
5 contract with a hospital shall be subject to criminal
6 prosecution, civil liability, or be deemed to have engaged in
7 unprofessional conduct for:

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

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

17 (A) Was unaware of the issuance of an order not to
18 resuscitate; or

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



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

4



Report Title:

Physician Assistant; Provider Orders for Life-sustaining Treatment

Description:

Increases access to provider orders for life-sustaining treatment by expanding health care provider signatory authority to include physician assistants. (SD1)

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

