
A BILL FOR AN ACT

RELATING TO PROVIDER ORDERS FOR LIFE SUSTAINING TREATMENT FORM.

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

1 SECTION 1. The legislature finds that one of the most
2 important documents for patients with a serious illness is a
3 Provider Orders for Life-Sustaining Treatment (POLST), a
4 portable medical order that documents a patient's care plan
5 outside the hospital, reflecting "right now care" for the
6 patient and setting forth the patient's wishes and directions to
7 health care providers regarding the provision of resuscitative
8 and life-sustaining measures. The POLST form is intended for a
9 person with a chronic debilitating illness or a life-limiting
10 disease, such as terminal cancer or end-stage lung or heart
11 disease, and is followed by health care providers, paramedics,
12 and firefighters.

13 The legislature further finds that in 2009, Hawaii was one
14 of the first states to enact a law governing POLST and the
15 program is now well-functioning and widespread throughout the
16 State. However, the legislature finds that certain language in
17 existing law impedes patients from obtaining POLST in a timely



1 manner, thereby exposing the sickest and most vulnerable
2 patients to the risk of receiving unwanted and unnecessary care.

3 Specifically, existing law requires the patient's physician
4 or a health care provider to explain to the patient the nature
5 and content of the POLST form, including any medical
6 intervention or procedures, and the difference between an
7 advance health-care directive and the form, and prepare the
8 POLST form based on the patient's preferences and medical
9 indications. Across the State and in a variety of settings,
10 POLST conversations with patients are started by various health
11 care professionals, especially nurses and social workers.
12 However, existing law requires POLST forms to be signed by the
13 "patient's provider", defined as a licensed physician, advanced
14 practice registered nurse, or physician assistant "who has
15 examined the patient". The legislature finds that this language
16 can be interpreted as requiring a face-to-face encounter with
17 the patient.

18 This examination requirement is most often an issue for
19 patients in hospice care who are at the end of their lives,
20 since medicare regulations do not require a face-to-face
21 encounter with a physician or an advanced practice registered



1 nurse until the patient has been in hospice care for at least
2 six months. In Hawaii, the median length of stay for patients
3 in hospice care is twenty-one days, meaning half of all patients
4 in hospice care pass away within the first three weeks of care.
5 In 2022, 4,774 medicare recipients died in hospice care. The
6 challenges in obtaining a POLST can have large ramifications on
7 these patients, such as receiving unwanted treatment if a POLST
8 with the most current directions is not in place.

9 Accordingly, the purpose of this Act is to amend the
10 definition of "patient's provider" in existing law governing
11 POLST forms to allow licensed physicians, physician assistants,
12 and advanced practice registered nurses to sign POLST for their
13 patients without a face-to-face encounter.

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

17 "Patient's provider" means a physician licensed pursuant
18 to chapter 453, a physician assistant licensed pursuant to
19 chapter 453, or an advanced practice registered nurse licensed
20 pursuant to chapter 457 [~~who has examined the patient~~]."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken.

3 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Provider Orders for Life-Sustaining Treatment (POLST); Health Care Providers; Patient Care; Medical Care; Hospice

Description:

Amends the definition of "patient's provider" in State law governing Provider Orders for Life-Sustaining Treatment by removing language that requires the provider to examine the patient. (CD1)

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