

JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII



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WRITTEN
TESTIMONY
ONLY

Testimony in SUPPORT of SB2529 SD1
RELATING TO PROVIDER ORDERS FOR LIFE SUSTAINING TREATMENT FORM.

SEN. KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: February 16, 2024

Room Number: 016

- 1 **Fiscal Implications:** N/A.
- 2 **Department Testimony:** The Department of Health (DOH) supports this amendment that will
- 3 remove barriers for patients when creating or updating Provider Orders for Life Sustaining
- 4 Treatment (POLST). There may be circumstances when a patient either does not have a primary
- 5 care or other specialist provider whom they see regularly, or when a sudden and unexpected
- 6 change in their health requires urgent POLST documentation.
- 7 Thank you for the opportunity to testify.

Testimony of
Jonathan Ching
Government Relations Director

Before:
Senate Committee on Judiciary
The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair

February 16, 2024
10:00 a.m.
Conference Room 016 & Via Videoconference

Re: SB 2529, SD1, Relating to Provider Orders for Life Sustaining Treatment Form.

Chair Rhoads, Vice Chair Gabbard, and committee members, thank you for this opportunity to provide testimony on SB 2529, SD1, which amends the definition of “patient’s provider” in state law governing Provider Orders for Life-Sustaining Treatment (POLST) by removing language that requires the provider to examine the patient during a face-to-face encounter.

Kaiser Permanente Hawai‘i SUPPORTS SB 2529, SD1.

Kaiser Permanente is one of the nation’s largest not-for-profit health plans, serving 12.6 million members nationwide, and more than 274,000 members in Hawai‘i. In Hawai‘i, more than 4,200 dedicated employees and more than 650 Hawai‘i Permanente Medical Group physicians and advance practice providers work in our integrated health system to provide our members coordinated care and coverage. Kaiser Permanente Hawai‘i has more than 19 medical facilities, including our award-winning Moanalua Medical Center. We continue to provide high-quality coordinated care for our members and deliver on our commitment to improve the health of our members and the 1.4 million people living in the communities we serve.

POLST is a portable medical order that documents a patient’s care plan outside the hospital. A POLST is intended for a person with a chronic debilitating illness or a life-limiting disease and is followed by healthcare providers, paramedics, and firefighters.

Hawai‘i was one of the first states in the nation to enact a law governing POLST. Despite having a strong program statewide, HRS 327K-1 requires POLST forms to be signed by the “patient’s provider”, defined as a licensed physician, advanced practice registered nurse, or physician assistant “who has examined the patient.” This examination requirement can cause delays for patients when their provider is out of the office or if they cannot get an immediate appointment. If the POLST form is time-sensitive, as it often is when patients are terminally ill, patients are left to find a provider who is available or take a chance and wait for an appointment with their own

doctor. The result of the signature requirement can be our members receiving unwanted life-prolonging care all for want of a signature. While video visits can suffice, many of our elderly homebound members or those on hospice care are unable to use telehealth modalities.

Removing this language will align our POLST law with other states while continuing to prioritize patient safety by keeping in place current obligations for providers to evaluate and assess the patient's appropriateness for POLST and develop a care plan.

Mahalo for the opportunity to testify in support of this important measure.

SB-2529-SD-1

Submitted on: 2/13/2024 4:30:54 PM

Testimony for JDC on 2/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
John C. (Jack) Lewin, M.D.	Testifying for State Health Planning and Development Agency	Support	Written Testimony Only

Comments:

State Health Planning and Development Agency (SHPDA) strongly supports SB2529, SD1 as is.

February 13, 2024

Dear Chair Senator Karl Rhoads, Co- Chair Senator Mike Gabbard, and members of the Senate Committee on the Judiciary,

This testimony is in **strong support of SB 2529 SD1** which will enable an administrative adjustment to the **Provider Orders for Life Sustaining Treatment (POLST)** legislation. I ask for it to be passed AS IS.

This non-substantive administrative change will help to bring our POLST law in line with other states and will not impact the quality of POLST. This change does not change a provider's obligation to evaluate and care for a patient and decreases barriers to having hospice patients complete or update a POLST. This change is supported by our hospice providers as well as other members of the healthcare community.

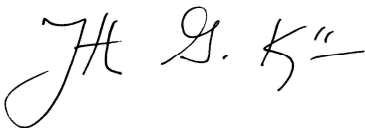
POLST is a widespread and well-functioning program in Hawai'i and has been in effect since 2009. POLST, a portable medical order, ensures that patients with serious illness will have their treatment plans honored outside of a hospital.

Kōkua Mau serves as the administrative home for POLST in Hawai'i and I currently serve on the National POLST organization as the Hawai'i representative. The Kōkua Mau website is the hub to get information for providers and the public and download. We also provide training and guidance throughout our community on POLST.

www.kokuamau.org/polst

Kōkua Mau is a statewide coalition that has worked since 1999 to improve care for those with serious illness. We work to help those who may be facing serious illness and their loved ones understand decisions they may need to make and to understand different care options. As such we encourage early completion of Advance Directives (available in 11 languages for free on our website) as well as information on POLST, palliative care, hospice care and grief and bereavement.

Mahalo nui loa



Jeannette Kojane, MPH
Executive Director
Kōkua Mau, A Movement to Improve Care
koijane@kokuamau.org



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COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

RE: **TESTIMONY IN SUPPORT OF SB 2529 SD1**
RELATING TO PROVIDER ORDERS FOR LIFE SUSTAINING
TREATMENT (POLST) FORM
Hearing: Friday, February 16, 2024

Dear Chair Rhoads, Vice Chair Gabbard and Members of the Committee:

Thank you for the opportunity to provide testimony in SUPPORT of SB 2529 SD1 amending the definition of “patient’s provider” in state law governing POLST by removing language that requires the provider to examine the patient.

In Hawaii, we strive to provide care with compassion and respect for all people and for all phases of life. One of the most important documents that seriously ill individuals should complete is a POLST, a portable medical order that documents a patient’s care plan outside of the hospital, which is followed by health care providers, paramedics, and firefighters.

Unfortunately, there is language in the current legislation that impedes the sickest and most vulnerable patients from obtaining a POLST in a timely manner, thereby exposing them to the risk of receiving unwanted and unnecessary care. The proposed amendment will allow licensed physicians, advanced practice registered nurses, and physician assistants to sign POLST for their patients without a face-to-face encounter, thus, strengthening the ability of hospices and other healthcare providers to help their patients complete the POLST.

Hawai'i Care Choices is a nonprofit, tax-exempt charitable organization. Our Team of physicians, providers, nurses, social workers, certified nurse aides, spiritual counselors, grief counselors and volunteers provide a continuum of quality and specialized care for seniors or for patients facing a serious and/or life-limiting illness, and their loved ones who care for them. In addition, our organization is committed to providing the community-at-large with bereavement support and grief counseling.

Hawaii has a strong POLST program that is widely used across the state. The proposed amendment will streamline the process of establishing and updating the POLST form based on the patient’s current health status and goals of care. We respectfully request passage of HB 2529 SD1.

Sincerely,

Brenda S. Ho, MS, RN
Chief Executive Officer



Friday, February 16, 2024 at 10:00 am
Conference Room 016

Senate Committee on Judiciary

To: Chair Karl Rhoads
Vice Chair Mike Gabbard

From: Paige Heckathorn Choy
AVP, Government Affairs
Healthcare Association of Hawaii

Re: **Testimony in Support**
SB 2529 SD 1, Relating to Providers Orders for Life Sustaining Treatment Form

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 member organizations who represent almost every aspect of the healthcare continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, and assisted living facilities. In addition to providing access to appropriate, affordable, high-quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing more than 30,000 people statewide.

Thank you for the opportunity to testify **support** of this measure, which would amend Hawaii Revised Statute to remove the requirement that defines a patient's provider as a physician, physician assistant, or advanced practice registered nurse *who has examined the patient*. This requirement creates unnecessary barriers particularly for patients seeking hospice care, as Medicare does not require a face-to-face encounter within this same timeframe. We believe this simple change will help to honor the choices individuals make for end-of-life care in a more meaningful way.

Promoting end-of-life care planning, including the use of provider orders for life sustaining treatment, is a meaningful goal and we appreciate the legislature's support. Thank you for the opportunity to support this needed change.



HOSPICE MAUI

Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Decision-Making Hearing Date: Friday, February 16, 2024

Chad Farmer, MD, MA, HMDC
Medical Director
Hospice Maui
400 Mahalani Street
Wailuku, HI 96793

Testimony IN STRONG SUPPORT of SB2529 SD1

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on the Judiciary.

I am IN STRONG SUPPORT of SB2529 SD1. I am Chad Farmer, Medical Director for Hospice Maui which is a non-profit hospice that has been serving Maui for the past 43 years. I strongly support SB No.2529, which would remove the current barrier to patients, especially homebound ones, getting completed Provider Orders for Life-Sustaining Treatment (POLST) documents in a timely manner.

I am proud to be providing hospice care in a state where POLST documents are widely used and accepted. POLST documents are the clearest way to honor a person's choices for treatment at the end of life. Unfortunately, 5 words in the current legislation create a barrier for hospice providers to get signed POLST to our patients in a timely manner. Now, eligible providers that can sign a POLST are ones "who have examined the patient." This creates a challenge simply due to the volume of house calls required by me to sign the POLST document. By removing those 5 words, would allow other healthcare providers to have the POLST discussion and bring the document to the office for an immediate signature.

Hospice nurses and hospice social workers have extensive experience and training on holding the important POLST discussion. I feel confident that hospice nurses and hospice social workers have the skill set to have these sensitive conversations and return a POLST for my signature. As a primarily Medicare-funded agency, the examination of a patient prior to signing a POLST is not a requirement and we are the only State of the Union that this is a requirement.

I ask for your sincere consideration to support SB No. 2529.

Mahalo,

Chad Farmer, MD, MA
Medical Director
Hospice Maui

Caring for families on Maui • Moloka'i • Lana'i

Hawaii State Legislature
State Senate

Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Decision Making Hearing Date: Friday, February 16, 2024

Testimony IN STRONG SUPPORT of SB2529 SD1

Testimony of Keith R. Ridley, private citizen and retired Chief of the Department of Health, Office of Health Care Assurance (OHCA).

Aloha, Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on the Judiciary.

I am IN STRONG SUPPORT of SB2529 SD1.

Thank you for hearing this bill for decision making. This bill simply amends the definition of “patient’s provider” and, as a result, will allow for the timely creation or updating of an individual’s Provider Orders for Life Sustaining Treatment (POLST) form when circumstances do not readily permit a face-to-face encounter between a patient and his/her physician, advanced practice registered nurse (APRN), or physician assistant (PA). Circumstances include when patients enter hospice care and a new or updated POLST is urgently needed.

The POLST form is recognized by first responders and professional health care caregivers throughout the state and is used in many health care settings including hospitals, skilled nursing facilities (SNF), adult residential care homes (ARCH), community care foster family homes (CCFFH), hospices, and other settings.

Please pass SB2529 SD1 AS IS. Thank you.

February 13, 2024

Honorable Chair Rhoads, Vice Chair Gabbard, and Esteemed Senate Committee on Judiciary Members,

I have practiced and taught full-time palliative medicine in Hawaii for 20 years, and I am writing, as an individual, **in strong support of SB 2529, SD1**. I have been involved with POLST in Hawaii from its beginning and most recently lead the efforts to update our POLST form to include Physician Assistants and bring other updates and improvements to the POLST form.

Provider Orders for Life-Sustaining Treatment (POLST) is the national standard by which individuals living with serious illness can direct their care in advance of a medical emergency. It is the best tool available to ensure patients receive all wanted care and avoid any unwanted care, particularly unwanted invasive treatments near the end of life.

SB 2529, SD1 will empower more people in Hawaii to have their choices honored and to control their end-of-life care. The proposed language change of SB 2529, SD1 will also bring Hawaii in line with the rest of the nation.

I thank the Committee for its attention and diligence in ensuring the people of Hawaii receive quality health care that is safe, timely, equitable, and person-centered.

Respectfully,

A handwritten signature in black ink, appearing to be 'Daniel Fischberg', written in a cursive style.

Daniel Fischberg, MD, PhD, FAAHPM
Kailua, HI

SB-2529-SD-1

Submitted on: 2/13/2024 4:00:09 PM

Testimony for JDC on 2/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Hope Young	Individual	Support	Written Testimony Only

Comments:

I am in strong support for this bill.

SB-2529-SD-1

Submitted on: 2/13/2024 6:22:48 PM

Testimony for JDC on 2/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lawren Love	Individual	Support	Written Testimony Only

Comments:

I am IN STRONG SUPPORT of SB2529 SD1.

I am a hospice physician practicing in Hawaii. Patients admitted to hospice may have a delay in the ability to execute a legal POLST due to the verbiage requiring POLST to be signed by a provider who has examined the patient. The hospice nurse or SW sees the patient first and has a discussion with patient about their wishes surrounding life sustaining treatment. They may fill out a POLST with the patient and then notify me of the conversation they had. I need to be able to sign that POLST without waiting until I am able to make a visit to see the patient. Without a legal POLST, patients are at risk of receiving care that goes against their wishes.

Please pass SB2529 SD1 AS IS. Thank you.

SB-2529-SD-1

Submitted on: 2/14/2024 8:37:33 AM

Testimony for JDC on 2/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
rachel porter	Individual	Support	Written Testimony Only

Comments:

Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Decision Making Hearing Date: Friday, February 16, 2024

Testimony IN STRONG SUPPORT of SB2529 SD1

Aloha, Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on the Judiciary.

I am IN STRONG SUPPORT of SB2529 SD1.

This bill will improve access to POLST for some of our most vulnerable populatiopn-- without affecting the integrity of POLST.

Please pass SB2529 SD1 AS IS. Thank you.

Sincerely,

Rachel Porter

Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Decision Making Hearing Date: Friday, February 16, 2024
Testimony IN STRONG SUPPORT of SB2529 SD1

Aloha, Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on the Judiciary.

I am a long-time hospice & palliative care RN and a palliative nursing educator at Chaminade University of Honolulu. I am submitting this testimony IN STRONG SUPPORT of SB2529 SD1.

In Hawai'i, we strive to care well for people throughout their lives, including in the last phase of life. One of the most important documents that people with very serious illness should complete is a POLST (Providers Orders for Life Sustaining Treatment) form, a portable medical order that documents a patient's care plan out of the hospital. Hawai'i was one of the first states to adopt POLST in 2009 and we have a widespread and strong program across the state.

Currently, there is language in our state's POLST legislation that presents a barrier for some patients getting POLST in a timely manner. This means that the most vulnerable and sickest patients may not be able to have a POLST and risk getting unwanted and unnecessary care.

The proposed wording change will strengthen the ability of hospices and other healthcare providers to help their patients complete or update a POLST.

The current wording in 327K-1 defines that signing providers (MD, APRN, PA) are those "*who have examined the patient*", which could be interpreted as requiring a face-to-face encounter. **My proposal is simple: remove those 5 words** "who have examined the patient".

Please pass SB2529 SD1 AS IS.

Thank you for considering my testimony on this legislation,

Dan Weiss, DNP, RN, CHPN

203 Akiohala St.

Kailua, HI 96734