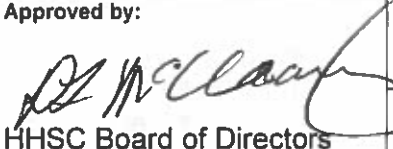
 <p>HAWAII HEALTH SYSTEMS CORPORATION "Quality Healthcare For All"</p> <p>POLICY</p>	<p>Department:</p> <p>Legal</p>	<p>Policy No.:</p> <p>PAT 1007A</p>
		<p>Revision No.:</p> <p>1</p>
		<p>Effective Date:</p> <p>November 14, 2019</p>
<p>Subject:</p> <p>ADVANCE HEALTH CARE DIRECTIVES</p>	<p>Approved by:</p>  <p>HHSC Board of Directors By: Donna McCleary, M.D. Its: Secretary/Treasurer</p>	<p>Supersedes Policy:</p> <p>Next Review Date:</p> <p>October 1, 2022</p>

I. **PURPOSE:** To establish guidelines to ensure individuals obtaining services at HHSC ("Individual") are informed of their rights to make decisions concerning their care, including the right to: (1) accept or refuse medical, surgical, or mental health treatment and (2) at the Individual's option, formulate an Advance Health Care Directive.

II. **DEFINITIONS:**

- A. "Advance Health Care Directive" means an individual instruction or a power of attorney for health care.
- B. "Advance Mental Health Care Directive" means a written document expressing preferences, instructions or a power of attorney for mental health treatment.
- C. "Health Care Institution" means an institution, facility or agency licensed, certified, or otherwise authorized or permitted by law to provide health care in the ordinary course of business.
- D. "Health Care Provider" means an individual licensed, certified, or otherwise authorized or permitted by law to provide health care in the ordinary course of business or practice of a profession.
- E. "Individual Instruction" means an individual's direction concerning a health care decision for the individual.

III. **POLICY:**

- A. HHSC recognizes and supports the fundamental rights of each Individual to control his or her health care. In accordance with all applicable federal and state laws and regulations, HHSC facilities (each a "Facility") shall provide patients or residents upon admission to a Facility with: (1) written information concerning their rights to make decisions concerning the care they receive at the Facility, including the right to accept or refuse medical, surgical, or mental health treatment and the right to formulate, at the Individual's option, an Advance Health Care Directive or Advance Mental Health Care

Directive, or both, and (2) the Facility's written policies regarding the implementation of such rights.

B. HHSC shall not condition the provision of care or otherwise discriminate against an Individual on the basis of whether or not the Individual has issued, executed, or revoked an Advance Health Care Directive or Advance Mental Health Care Directive, or both. If an Individual has an Advance Health Care Directive or Advance Mental Health Care Directive, HHSC shall honor such documents within the limits of all applicable laws and HHSC's mission, philosophy, and capabilities.

C. HHSC, however, recognizes a health care provider's right to decline to comply with an individual instruction or health care decision.

(i) A health care provider may decline to comply with an individual instruction or health care decision for reasons of conscience if the instruction or decision is contrary to a policy of the institution which is expressly based on reasons of conscience and if the policy was timely communicated to the patient or to a person then authorized to make health care decisions for the patient.

(ii) A health care provider may decline to comply with an individual instruction or health care decision if the individual instruction or health care decision requires medically ineffective health care or health care contrary to generally accepted health care standards applicable to the health care provider or institution.

(iii) If a health care provider or HHSC declines to comply with an Individual's health care or mental health care decisions, HHSC shall promptly inform the Individual, or Individual's Legal Representative, provide continuing care to the Individual until a transfer can be effected, and, unless the Individual or Individual's Legal Representative refuses assistance, immediately make all reasonable efforts to assist in the transfer of the Individual to another health care provider or institution that is willing to comply with the Individual's health care or mental health care instruction or decision.

III. APPLICABILITY:

All HHSC Facilities.

IV. AUTHORITY:

- Patient Self-Determination Act of 1990, codified as 42 U.S.C. §§ 1395cc(f) and 1396a(w);
- 42 C.F.R. Part 489, Subpart I;
- Chapters 327E and 327G, Hawaii Revised Statutes ("HRS"), as all such statutes and regulations are amended from time to time.

V. REFERENCES:

- Chapters 551 and 577, Hawaii Revised Statutes ("HRS");
- PAT 0001 – Hospital Patients' Rights, Notice and Grievance Procedure.

VI. ATTACHMENTS:

- PAT 1007B1 – Advance Health Care Directive Procedure;
- PAT 1007B2 – Advance Mental Health Care Directive Procedure.