



EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 16, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: House Bill No. 1379 HD2 SD2 CD1

On July 15, 2009, House Bill No. 1379, entitled "A Bill for an Act Relating to Physician Orders for Life Sustaining Treatment" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to create a means for individuals or their surrogates to provide evidence of their wishes regarding life sustaining treatment to health care providers through a standardized form.

I support measures that help individuals and their families make personal decisions about end of life care. The Physician Orders for Life Sustaining Treatment form created by this bill would give individuals an opportunity to be very specific about the course of medical attention they desire should they become gravely ill or incapacitated. In addition, this form has the potential to provide clear guidance to emergency care workers regarding what types of life sustaining treatment they should provide to a critically ill patient.

Whenever possible, decisions regarding end of life care should be made by individuals before they become ill or incapacitated. Making such decisions through an advance healthcare directive, living will, or another legal form provides friends and family members with clear guidance about the level of care one desires and can help alleviate some of the pain when a loved one is suffering.

While I can understand and support the intent of this legislation, I am concerned about provisions in the bill that allow a surrogate to make decisions on behalf of an incapacitated patient without the patient's knowledge or authorization. Specifically, the bill states that the Physician Orders for Life Sustaining Treatment form may be executed by a physician and a surrogate if the patient is incapacitated. I am concerned that this provision could lead to an abuse by a surrogate. In addition, it is unclear why the authors of the bill feel that a surrogate should be

The Honorable Colleen Hanabusa, President  
and Members of the Senate

Page 2

afforded the power to make life sustaining treatment decisions without authorization or appointment by the patient.

We must be cautious when legislating in areas that deal with such complex ethical questions. While it makes sense to give individuals the opportunity to make decisions about life sustaining treatments, it is questionable why government should give that same authority to surrogates who may not represent the patient's wishes.

For the foregoing reasons, I allowed House Bill No. 1379 to become law as Act 186, effective July 15, 2009, without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle", with a large, stylized loop at the end.

LINDA LINGLE