

FREQUENTLY ASKED QUESTIONS

Hawai'i State Department of Health (DOH)

Our Care, Our Choice Act (OCOCA)



FOR HAWAI'I STATE RESIDENTS

1. What is the OCOCA?

i Effective January 1, 2019 and under the new law OCOCA, Hawai'i residents with a terminal illness and 6 months or less to live can now request medical aid in dying (MAID) prescription to end their life.

2. How do I become eligible??

i Patients must meet the following requirements:

- Adult age 18 or older, and Hawai'i state resident;
- Diagnosed with a terminal illness with 6 months or less to live;
- Able to take the aid-in-dying medication yourself;
- Able to make **two oral requests** not less than 20 days apart to your Hawai'i licensed, attending physician;
- Mentally capable to make an informed decision voluntarily (e.g. without coercion);
- Able to complete **one written request** that includes a signed declaration from two independent witnesses and written in a specific format (access form on the last page of this document); and
- Meet the OCOCA criteria with two additional providers.

3. Why do I need an examination by an Attending Physician, Consulting Physician and Counseling Provider (e.g. psychiatrist, psychologist, or licensed clinical social worker)?

i Hawaii's OCOCA was enacted with strict patient safeguards to ensure the patient is eligible, and protected from abuse and coercion.

Along with the patient, the attending physician is critical to the overall process of meeting the OCOCA requirements. The attending physician is responsible for:

- Conducting the initial medical diagnosis and prognosis;
- Verifying Hawai'i residency;
- Ensuring the patient know their rights to rescind the request at any time and are making an informed decision;
- Advising the patient on end of life care options; and

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- *Informing the patient of the potential risks and probable result associated with taking the prescribed medication.*

The attending physician will refer the patient to two additional providers noted below:

- 1) *A consulting physician who will examine and confirm the medical diagnosis and prognosis. He or she will verify that the patient is making an informed decision, is capable (e.g. has the mental capacity), and acting voluntarily; and*
- 2) *A counseling provider (e.g. psychiatrist, psychologist or licensed clinical social worker) who will determine if the patient is capable (e.g. has the mental capacity to make an informed decision) and does not appear to be suffering from undertreatment or nontreatment of depression or other conditions which may interfere with the patient's ability to make an informed decision.*

After meeting the OCOCA criteria of all three (3) providers, the patient is now considered a qualified patient and may submit a written request for aid-in-dying medication to their attending physician.

4. What's the Hawai'i state residency requirements?

i *Only requests made by residents of Hawai'i state shall be granted under the OCOCA. Factors demonstrating Hawai'i state residency include but are not limited to:*

1. *Possession of a Hawai'i driver's license or civil identification card;*
2. *Registration to vote in Hawai'i;*
3. *Evidence that the patient owns or leases property in Hawai'i; or*
4. *Filing of a Hawai'i tax return for the most recent tax year.*

5. Is the medication covered by insurance?

i *Please inquire with your health plan. Federal law may prohibit some programs from participation.*

6. How much does the medication costs?

i *May range from \$400 to \$4,000 (or more). Consult with your health plan.*

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7. Should I tell my family, next of kin, friend or caregiver I want to exercise my rights under the OCOCA?

i Yes. Please inform your next of kin, family, caregiver or designee. To ensure your first oral request is documented, talk with your attending physician.

If not yet enrolled in hospice, the DOH strongly recommends enrolling in hospice to ensure all options are available to you including guidance on advanced care directives and provider orders for life-sustaining treatment.

8. Which doctors in Hawai`i will prescribe medical aid in dying (MAID) medication?

i Talk with a Hawai`i licensed physician who may be able to assist you. The DOH is working to ensure Hawai`i doctors are informed of the OCOCA. Please note: The OCOCA does not require doctors to participate. Hawai`i doctors may choose to opt-out.

9. Where can I take the medication?

i Patients **should not** take the aid-in-dying medication to end their life in a public place such as a park, beach or similar public space. **The DOH strongly recommends enrolling in hospice to ensure follow-up actions after death are cared for respectfully, timely, and appropriately.**

10. What kind of medication will I receive?

i Talk with your attending physician. There are two known aid-in-dying medications: secobarbital and DDMP2 (a compounded medication). At present, there are no pharmacies in Hawai`i who can make DDMP2. Hawai`i laws prohibit compounded medications from outside of Hawai`i state.

11. What happens with the unused medication?

i Patients are highly encouraged to plan follow-up actions after death. Designate an individual to dispose **all unused medications** by personally delivering the unused medications to the nearest qualified facility that properly disposes of controlled substances. Talk with the attending physician or hospice care provider.

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ONLINE ACCESS TO PATIENT FORMS (CLICK LINKS IN RED BELOW)

1. [Patient's Written Request Form](#)

Complete form after meeting eligibility criteria with all three (3) providers as described above.

2. [Final Attestation Form](#)

Complete form 48 hours prior to self-ingesting the prescribed aid-in-dying medication. Keep a copy with you and provide a copy to an individual who can return it to your attending physician.