



# FREQUENTLY ASKED QUESTIONS (FAQS) FOR HAWAII STATE RESIDENTS

Hawaii State Department of Health (DOH)  
Our Care, Our Choice Act (OCOCA)

## 1. What is the OCOCA?

Under the Our Care, Our Choice Act effective January 1, 2019, Hawaii residents with a terminal illness and 6 months or less to live can request medical-aid-in dying (MAID) prescription to end their life.

## 2. How do I become eligible?

Patients must meet the following requirements:

- Adult age 18 or older, and Hawaii 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 5 days apart to your Hawaii licensed, Attending Provider;
- 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 Provider, Consulting Provider and Counseling Provider (e.g., psychiatrist, psychologist, LCSW, LMFT, or APRN with a psychiatric or clinical nurse specialization)?

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 Provider is critical to the overall process of meeting the OCOCA requirements. The Attending Provider is responsible for:

- Conducting the initial medical diagnosis and prognosis;
- Verifying Hawaii residency;
- Ensuring the patient know their rights to rescind the request at any time and making an informed decision;
- Advising the patient on end-of-life care options; and
- Informing the patient of the potential risks and probable result associated with taking the prescribed medication.



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The Attending Provider will refer the patient to two additional providers noted below:

1. A Consulting Provider who will examine the patient 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, licensed clinical social worker, LMFT, or APRN with a psychiatric or clinical nurse specialization) 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 Provider.

### **4. Does the 5-day waiting period start all over again if I made my first oral request with another Attending Provider?**

No. The current Attending Provider writing the prescription can use the date of the patient's first oral request documented in the medical record by another Attending Provider.

### **5. What's the Hawaii state residency requirements?**

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

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

### **6. Is the medication covered by insurance?**

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



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### 7. How much does the medication cost?

Medication often used for MAID continue to evolve. To date, reports are that medication spans from several hundred dollars and upwards.

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

Although it is not required by law, you should inform your next of kin, family, caregiver, or designee. To ensure your first oral request is documented, talk with your Attending Provider.

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

### 9. Which providers in Hawaii will prescribe medical aid in dying (MAID) medication?

Talk with a Hawaii licensed provider (such as a physician or APRN) who may be able to assist you. The DOH is working to ensure Hawaii providers are informed of the OCOCA. Please note: The OCOCA does not require providers to participate. Hawaii providers may choose to opt-out.

### 10. Where can I take the medication?

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 or palliative care to ensure follow-up actions after death are cared for respectfully, timely, and appropriately.

### 11. What happens with the unused medication?

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.