Understanding Hawaiʻi’s Our Care, Our Choice Act

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The Our Care, Our Choice Act (OCOCA) gives Hawaiʻi’s terminally ill patients another option to avoid suffering and die peacefully on their own terms. The law authorizes Medical Aid In Dying (MAID), and now it’s easier to access.

Let’s back up a few years. The OCOCA took effect in 2019, making Hawaiʻi one of the now 11 US jurisdictions that authorize MAID. MAID is a standard medical practice in which an adult with a prognosis of 6 months or less may obtain a prescription for life-ending medication they can take to end suffering at the time and place of their choosing.

Almost immediately, patients and providers realized that the OCOCA, with its 20-day waiting period and limited pool of providers, would be too difficult for dying people to access. According to Kaiser Permanente and Hawaiʻi Pacific Health (HPH), 25-30% of their patients who wanted this option suffered and died during the waiting period. Patients in rural areas, or who were not affiliated with Kaiser or HPH, were having trouble finding a supportive provider at all.

Thankfully, lawmakers like Sen. Joy San Buenaventura and Rep. Della Au Belatti had the compassion and courage to pass an OCOCA improvement bill this session. It took effect immediately upon Governor Josh Green’s signature on June 2, 2023.

Now, in addition to MDs, qualified Advanced Practice Registered Nurses can prescribe. The waiting period has gone from 20 days to five and can even be waived if the provider determines that the patient won’t survive it.

All eligibility requirements remain in place, and qualifying is still by no means an easy process. To use the OCOCA, a patient must be an adult resident, have a 6-month prognosis, and be capable of making their own medical decisions. They must be able to self-ingest the medication, which is what differentiates the practice from euthanasia. They must consult with three providers: an attending, a consulting, and a mental health provider. They must provide two oral requests and one written request, which must be signed by two witnesses, one of whom is not a beneficiary. In short, no one will be making this decision lightly.

Most private insurance and Medicaid cover the cost of medication and provider consultations, which can be conducted via telehealth. Medicare and the VA do not cover MAID. Out-of-pocket costs can be $500 for medication alone.

There is no official list of providers—any Hawaiʻi MD or authorized APRN is legally allowed to support their patient wishing to access this end-of-life option. No special training is required, but if a provider would like to consult with an experienced prescriber, they can call Compassion & Choices’ “Doc-2-Doc” line at 800-247-7241.

Medical aid in dying is not for everyone. In fact, of Hawaiʻi’s approximately 11,000 annual deaths, only about 40 people per year elect to use MAID. Just knowing the option is available can be a great comfort. Even if you’re not terminally ill, if you think you might want this option for yourself someday, it’s important to start talking to your providers now.

For detailed information on the OCOCA, visit <https://health.hawaii.gov/opppd/ococ/>. For tips on how to talk to your provider about your end-of-life choices, visit [www.compassionandchoices.org](http://www.compassionandchoices.org) and click on Resources.

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