

Hawai'i Bill Summary:

Amending the Our Care, Our Choice Act

HB 1823 HD1

The Legislation Would Improve the Existing Law:

The *Our Care, Our Choice Act* took effect on Jan. 1, 2019. Under the law, terminally ill, mentally capable adults with six months or less to live are able to request and self-ingest medication that allows them to peacefully end their suffering, should they decide. In 2020, the Hawai'i Department of Health evaluated how the law was working and issued a report to the legislature with recommendations to remove unnecessary roadblocks in the law, so that all eligible patients can access the compassionate option of medical aid in dying.

Inspired by the Hawai'i Department of Health's recommendations to the legislature, this bill would improve the law by:

- Expanding the definitions of attending and consulting providers to include medical providers that have the ability to act in these roles already within their scope of practice:
 - Advanced Practice Registered Nurses (APRNs) with prescriptive authority and Physician Assistants (PAs), and expanding the definition of "counseling" to include consultations with psychiatric nurse practitioners and physician assistants.
 - Hawai'i is one of 25 states that give APRNs authority to independently carry out all medical acts consistent with their education and training, including prescribing all forms of medication, including controlled substances.
 - PAs may perform all duties and responsibilities delegated to them by their supervising physician and within the scope of practice and prescriptive authority for PAs under existing Hawai'i law.
 - Allowing APRNs and PAs to participate as providers under the Our Care, Our Choice Act is generally consistent with their scope of practice and would help address the disparity in access to participating providers, particularly in rural areas and on the neighbor islands.
- Allowing attending providers to waive the mandatory waiting period if the patient is unlikely to survive and meets all other qualifications. Two of the largest healthcare systems found that a significant number of eligible patients die in exactly the way they don't want to during the mandatory minimum waiting period. HB 1823 HD1 will allow a

qualified patient's attending provider to waive the waiting period if, in their medical judgment, the patient is unlikely to survive that time period.

- **Reducing the 20-day waiting period to 15 days.** Of the 11 authorized U.S. jurisdictions, Hawai'i has the longest mandatory waiting period (20 days) between the first and second oral requests for medical aid in dying. Rather than a safety feature, the additional waiting period required under the Our Care, Our Choice Act has proven to be a barrier for individuals seeking this option. HB 1823 HD1 will reduce the waiting period between oral requests to 15 days, the length of time used in all the other authorized states.

Additional Information About the Bill:

Bill Sponsors & Co-Sponsors (including companion bill SB 2680 HD1):

- Representative Belatti
- Representative Branco
- Representative Ganaden
- Representative Hashem
- Representative Hashimoto
- Representative Holt
- Representative Ichiyama
- Representative Ilagan
- Representative Kapela
- Representative Lowen
- Representative Marten
- Representative Matayoshi
- Representative Morikawa
- Representative Nakamura
- Representative Nakashima
- Representative Nishimoto
- Representative Ohno
- Representative Onishi
- Representative Perruso
- Representative Takayama
- Representative Tam
- Representative Tarnas
- Representative Todd
- Representative Wildeberger
- Representative Yamashita
- Senator Baker
- Senator Acasio
- Senator Chang
- Senator Ihara
- Senator Keith-Agaran
- Senator Keoholalole,
- Senator Lee,
- Senator Moriwaki
- Senator Rhoads

Legislation

- [HB 1823 HD1](#)
- [SB 2680](#)

Compassion & Choices Website:

<https://compassionandchoices.org/in-your-state/hawaii>

For More Information:

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