

Hawai'i Bill Summary:

Amending the Our Care, Our Choice Act

SB839

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 Advanced Practice Registered Nurses (APRNs) with prescriptive authority, and expanding the definition of "counseling" to include consultations with psychiatric nurse practitioners.** Hawai'i is one of 24 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. Allowing APRNs to participate as providers under the *Our Care, Our Choice Act* is 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. SB839 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 10 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. SB839 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 identical companion bill HB 487):

- Senator Baker
- Senator Acasio
- Senator Chang
- Senator Ihara
- Senator Keith-Agaran
- Senator Keohokalole
- Senator Kidani
- Senator Moriwaki
- Senator Nishihara
- Senator Rhoads
- Senator San Buenaventura
- Senator Shimabukuro
- Senator Wakai
- Senator Inouye
- Senator Misalucha
- Senator Taniguchi
- Representative Hashimoto
- Representative Decoite
- Representative Eli
- Representative Hashem
- Representative Holt
- Representative Ilagan
- Representative Kapela
- Representative Marten
- Representative Mizuno
- Representative Morikawa
- Representative Nishimoto
- Representative Perruso
- Representative Takayama
- Representative Takumi
- Representative Tam
- Representative Tarnas
- Representative Tas
- Representative Todd
- Representative Yamashita
- Representative Branco

Legislation

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Compassion & Choices Website:

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

For More Information:

Samantha Trad

Hawaii State Director, Compassion & Choices

strad@compassionandchoices.org