
 HAWAII HEALTH SYSTEMS CORPORATION <i>Quality Healthcare for All</i> POLICY	Department: Risk Management	Policy No. PAT 0014A
		Supersedes Policy No.
Subject: Our Care Our Choice Act (OCOCA)	Approved By:  HHSC Board of Directors By: Donna McCleary, M.D. Its: Secretary/Treasurer	Approved Date: January 28, 2021 Last Reviewed: January 14, 2021

I. PURPOSE:

Hawaii's Our Care, Our Choice Act (OCOCA) allows Qualified Patients in Hawaii with a medically confirmed Terminal Disease, to make health care decisions including a right to request a prescription or medication to end the Qualified Patient's life. OCOCA does not establish a duty for a Health Care Provider or a Health Care Facility to provide to a Qualified Patient a prescription or a medication to end the Qualified Patient's life. A Health Care Facility may permit or prohibit a Health Care Provider from participating in OCOCA related services on the premises of the Health Care Facility.

II. DEFINITIONS:

"Adult" means an individual who is eighteen years of age or older.

"Attending Provider" means a Physician licensed pursuant to chapter 453, HRS, who has responsibility for the care of the Patient and treatment of the Patient's Terminal Disease.

"Capable" means that in the opinion of the Patient's Attending Provider or Consulting Provider, psychiatrist, psychologist, or clinical social worker, a Patient has the ability to understand the Patient's choices for care, including risk and benefits, and make and communicate health care decisions to Health Care Providers.

"Consulting Provider" means a Physician licensed pursuant to chapter 453, HRS, who is qualified by specialty or experience to make a professional diagnosis and prognosis regarding the Patient's disease.

"Health Care Facility" means any program, institution, place, building, or agency, or portion thereof, private or public, other than federal facilities or services, whether organized for profit or not, used, operated, or designated to provide medical diagnosis, treatment, nursing, rehabilitative, or preventive care to any person(s), pursuant to 323D-2, HRS.

“Health Care Provider” means a person licensed, certified, or otherwise authorized or permitted by Hawaii state law to administer health care or dispense medication in the ordinary course of business or practice of a profession.

“Our Care, Our Choice Act (OCOCA)” means Chapter 327L, Hawaii Revised Statute which established a regulated process under which an Adult resident of Hawaii with a Terminal Disease may choose to obtain a prescription for medication to self-administer to end his or her life.

“Patient” means a person who is under the care of an Attending Provider.

“Physician” means a doctor of medicine or osteopathy licensed to practice medicine pursuant to chapter 453 by the Hawaii medical board.

“Qualified Patient” means a Capable Adult who is a resident of the State of Hawaii and has satisfied the requirements of OCOCA to obtain a prescription to end the Qualified Patient’s life pursuant to OCOCA.

“Terminal Disease” means an incurable and irreversible disease that has been medically confirmed and will, within reasonable medical judgment, produce death within six months. Terminal Disease does not include age or any physical disability or condition that is not likely to, by itself, cause death within six months.

III. POLICY:

Each HHSC Region shall determine its Facility’s participation in OCOCA related services in its defined Health Care Facility. Each HHSC Health Care Facility shall develop a written policy reflecting its election to or not to participate in OCOCA related services, and to provide guidance to its Employees and its employed Health Care Providers and Physicians when responding to requests from Patients for life-ending prescriptions and medications.

This policy applies to the provisions of OCOCA only and does not apply to the end-of-life services provided by HHSC Facilities.

- A. Based on its decision to participate in OCOCA related services, each Health Care Facility shall develop a policy that specifically addresses the application of the provisions of OCOCA and shall include but not be limited to:
 - a. Duties of the Attending Provider
 - b. Duties of the Consulting Provider
 - c. Medical records documentation requirements
 - d. Dispensing of life-ending medications

- B. No Health Care Provider shall be subject to censure, discipline, suspension, loss of license, loss of privileges, loss of membership, or other penalty for participating or refusing to participate in good faith compliance with the provisions of OCOCA related services.

- C. No Patient shall be denied care because the Patient has requested information about OCOCA or is obtaining or considering OCOCA related services at another Health Care Facility. Any HHSC Health Care Facility not participating in OCOCA shall provide care not related to OCOCA within its capacity, including but not limited to:

- a. Diagnostic services to determine whether a Patient has a terminal illness
- b. Evaluation to determine a Patient's capability
- c. Communication of diagnosis, prognosis and treatment options with the Patient, including, at the Patient's request, information about OCOCA
- d. Support for the Patient with a Terminal Illness and their families through the end of life by supporting the Patient's health care decisions, offering hospice, palliative and other supportive care, and providing pastoral care support and services

D. Although a Health Care Provider is under no obligation to transfer a Patient's care to a provider who participates in or provides OCOCA related services, if a Patient transfers care to a new Health Care Provider, the prior Health Care Provider shall, upon receipt of written authorization, transfer a copy of the Patient's medical records to the new Health Care Provider.

IV. AUTHORITY:

- Our Care, Our Choice Act (OCOCA), Chapter 327L
- Chapter 453, Hawaii Revised Statutes
- Section 323D-2, Hawaii Revised Statutes

V. RELATED PROCEDURE(S):

None

VI. REFERENCE(S):

- Advance Healthcare Directives PAT1007A, PAT1007B1, PAT1007B2

