

Hawaii's Our Care, Our Choice Act of 2018

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Question I: All Correct EXCEPT

- 1. "[t]he person (who) intentionally causes another person to commit suicide" is guilty of manslaughter, a Class B felony under HRS § 707-702(1)(b).
- 2. Physician-assisted suicide (PAS) occurs when lethal drugs are prescribed by physician at patient's request and self-administered by patient with the aim of ending his or her life (Emanuel, JAMA 2016).
- 3. Hawaii recently legalized PAS.
- 4. Prior to 1994, PAS was a crime throughout U.S.
- 5. PAS is now legal in most U.S. jurisdictions.

Ethical Arguments on Physician- Assisted Suicide (PAS)

Key Arguments in favor:

- Patient autonomy
- Preservation of dignity
- Intolerable pain and suffering

Key Arguments against:

- We have effective palliative care
- Slippery slope argument
- Integrity of the medical profession

Oaths

- **Osteopathic Oath:** “I will give no drug for deadly purposes to any person though it may be asked of me....”
- **Hippocratic Oath:** “I shall give no deadly medicine to anyone if asked nor suggest any such counsel...”

AMA Position on Physician-Assisted Suicide

- “... Permitting physicians to engage in assisted suicide would ultimately cause more harm than good. Physician-assisted suicide is fundamentally incompatible with the physician’s role as healer, would be difficult or impossible to control, and would pose serious societal risks. Instead of participating in assisted suicide, physicians must aggressively respond to the needs of patients at the end of life...”
-- AMA Code of Medical Ethics, Opinion 5.7 (2016)

Attitudes of osteopathic physicians toward physician-assisted suicide (T. Cavalieri et al, JAOA 2002; 102:27)

- Most (58%) would not be willing to prescribe medication with primary intention of ending life.
- Most (55%) would oppose legalization of PAS.

Question II:
All Correct EXCEPT

- 1. Law is known as “Our Care, Our Choice Act.”
- 2. The purpose ... is to allow qualified patients ... with a medically confirmed terminal illness ... to determine their own medical care at the end of their lives.
- 3. Data from other states indicate most patients who participate in PAS are in intractable pain.
- Hawaii’s statute does not use the term PAS.
- 4. Hawaii’s law stipulates that action “shall not ... constitute suicide, assisted suicide, mercy killing, murder, manslaughter, negligent homicide, or any other criminal conduct ...”

Question III:
All Correct EXCEPT

- 1. Must be aged 18 or older.
- 2. Must be resident in state of Hawaii.
- 3. Must have a terminal disease defined as an incurable and irreversible disease that has been medically confirmed and will, within reasonable medical judgment, produce death within six months.
- 4. Must be capable of medical decision-making.
- 5. Patient’s durable power of attorney can make request on behalf of patient.

Question IV:
All Correct EXCEPT

- 1. Qualified patient’s request is for prescription that may be self-administered for purpose of ending life.
- 2. No health care provider shall be under any duty to participate in PAS but a non-participating physician is required to make a referral.
- 3. Attending provider will counsel patient of importance of having another person present.
- 4. Recommend that patient notify next of kin.
- 5. Form entitled “REQUEST FOR MEDICATION TO END MY LIFE” is provided in the statute.

Question V:
All Correct EXCEPT

- 1. Attending provider must consult another provider for a second opinion.
- 2. Attending provider need not be the patient's primary care doctor.
- 3. A retired doctor may serve as an attending provider.
- 4. Attending provider makes initial determination that condition is terminal.
- 5. Attending provider decides on patient's capability in voluntary, informed, medical decision-making.

Question VI:
All Correct EXCEPT

- 1. This is followed by referral for counseling.
- 2. The counselor ensures that patient is capable and is not suffering from under-treatment or no treatment of depression or other conditions that may interfere with making an informed decision.
- 3. Advanced nurse practitioner is a qualified counselor.
- 4. Psychiatrist or psychologist is a qualified counselor.
- 5. Clinical social worker is a qualified counselor.

Question VII:
All Correct EXCEPT

- 1. Patient must make two (2) oral requests, at least 20 days apart.
- 2. There must be one (1) written request for prescription that may be self-administered for purpose of ending life.
- 3. Written request shall be signed and dated by patient and witnessed by at least two individuals who can attest that patient is of sound mind, acting voluntarily and is not being coerced.
- 4. Attending physician may serve as witness.
- 5. Office assistant may serve as witness.

Question VIII:
All Correct EXCEPT

- 1. Patient is denied use of prescription upon loss of capacity.
- 2. Class A felony to tamper with a patient's request.
- 3. Or to coerce a person to request a prescription.
- 4. Patient retains right to rescind request for medication or filing or using prescription.
- 5. No effect on wills, insurance or annuity benefits.
