

SENATE BILL NO. 22

BY SENATOR BOUDREAUX

1 AN ACT

2 To amend and reenact R.S. 36:259(B)(36), to enact R.S. 40:2018.7, and to repeal R.S.  
3 40:2018.6, relative to the Palliative Care Interdisciplinary Advisory Council; to  
4 provide for placement of the council within the Louisiana Department of Health; to  
5 provide for legislative intent; to provide for subject matter to be studied by the  
6 council; to provide for definitions; to provide for council membership; to provide for  
7 minimum organization and task requirements; to provide for staff support; to provide  
8 for recommendations to the legislature; to provide for termination of laws providing  
9 for the council; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 36:259(B)(36) is hereby amended and reenacted to read as follows:

12 §259. Transfer of agencies and functions to Louisiana Department of Health

13 \* \* \*

14 B. The following agencies, as defined in R.S. 36:3, are placed within the  
15 Louisiana Department of Health and shall perform and exercise their powers, duties,  
16 functions, and responsibilities as otherwise provided by law:

17 \* \* \*

18 (36) The Palliative Care Interdisciplinary Advisory Council (~~R.S. 40:2018.6~~)  
19 (R.S. 40:2018.7).

20 \* \* \*

21 Section 2. R.S. 40:2018.7 is hereby enacted to read as follows:

22 §2018.7. Palliative Care Interdisciplinary Advisory Council; creation; purpose;  
23 termination

24 A. The legislature finds and declares that research indicates palliative  
25 care is appropriate for a patient of any age and at any stage of a life-threatening  
26 illness and can reduce medical costs and patient recovery time when provided  
27 by an interdisciplinary team of physicians, nurses, social workers, and other

1 healthcare specialists in order to provide an additional source of support to a  
2 patient with a life-threatening illness.

3 B. For purposes of this Section, the following definitions shall apply:

4 (1) "Council" means the Palliative Care Interdisciplinary Advisory  
5 Council.

6 (2) "Department" means the Louisiana Department of Health.

7 (3) "Palliative care" means an approach that improves the quality of life  
8 of patients and their families facing the problems associated with  
9 life-threatening illnesses, through the prevention and relief of suffering by  
10 means of early identification and impeccable assessment and treatment of pain  
11 and other problems, physical, psychosocial, and spiritual. "Palliative care"  
12 services:

13 (a) Provide relief from pain and other distressing symptoms.

14 (b) Affirm life and regard dying as a normal process.

15 (c) Intend neither to hasten or postpone death.

16 (d) Integrate the psychosocial and spiritual aspects of patient care.

17 (e) Offer a support system to help patients live as actively as possible  
18 until death.

19 (f) Offer a support system to help the family cope during the patient's  
20 illness and in their own bereavement.

21 (g) Use a team approach to address the needs of patients and their  
22 families, including bereavement counseling, if indicated.

23 (h) Will enhance quality of life, and may also positively influence the  
24 course of illness.

25 (i) Are applicable early in the course of illness, in conjunction with other  
26 therapies that are intended to prolong life, such as chemotherapy or radiation  
27 therapy, and include those investigations needed to better understand and  
28 manage distressing clinical complications.

29 (j) Include "palliative care for children", which means the care  
30 appropriate for children and their families that begins at diagnosis and

1 continues regardless of whether or not the treatment is directed at the disease.  
2 Palliative care for children requires healthcare providers to evaluate and  
3 alleviate a child's physical, psychological, and social distress through a  
4 multi-disciplinary approach that includes the family and makes use of available  
5 community resources which can be successfully implemented even if resources  
6 are limited. The phrase "palliative care for children" includes active total care  
7 of the child's body, mind, and spirit, and the support given to the family.  
8 Palliative care for children can be provided in tertiary care facilities, in  
9 community health centers, and in children's homes.

10 (4) "Secretary" means the secretary of the Louisiana Department of  
11 Health.

12 C.(1) The legislature hereby creates within the Louisiana Department of  
13 Health, the Palliative Care Interdisciplinary Advisory Council to assess the  
14 availability of patient-centered and family-focused palliative care in this state  
15 and make recommendations to the secretary and the legislature. Each member  
16 of the council shall have at least two years of experience providing individual  
17 or interdisciplinary palliative care to pediatric, youth, or adult populations in  
18 inpatient, outpatient, or community settings.

19 (2) The council shall be composed of the following seventeen members:

20 (a) Four physician members, including two who are board-certified in  
21 hospice and palliative care, one who shall be board-certified in pain  
22 management, and one who shall be board-certified in pediatric care appointed  
23 by the Louisiana State Board of Medical Examiners.

24 (b) Three nurse members, including two who are advanced practice  
25 registered nurses who are board-certified in hospice and palliative care  
26 appointed by the Louisiana State Board of Nursing.

27 (c) One pharmacist member with experience providing palliative care  
28 appointed by the Louisiana Board of Pharmacy.

29 (d) One social worker with experience providing palliative care  
30 appointed by the Louisiana State Board of Social Work Examiners.

1           (e) One palliative care program administrator or director with current  
2           operational experience managing a palliative care program appointed by the  
3           governor.

4           (f) One spiritual care professional with experience providing palliative  
5           care appointed by the governor.

6           (g) One insurance plan administrator with experience in reimbursement  
7           coverage and claims processing for palliative care services appointed by the  
8           governor.

9           (h) Three patient and family advocate members who are independent of  
10          a hospital or other healthcare facility appointed by the governor.

11          (i) The secretary or his designee, who shall be a nonvoting member.

12          (j) The Medicaid director of the department or his designee.

13          (3) The council may engage and solicit, as necessary, input,  
14          recommendations, and guidance pertaining to palliative care from interested  
15          parties and stakeholders including but not limited to the following:

16          (a) The Louisiana-Mississippi Hospice and Palliative Care Organization.

17          (b) The American Cancer Society Cancer Action Network.

18          (c) The HomeCare Association of Louisiana.

19          (d) Hospice of Acadiana.

20          (e) Hospice of Baton Rouge.

21          (f) The Louisiana Nursing Home Association.

22          (g) The office for citizens with developmental disabilities of the  
23          department.

24          (h) The office of behavioral health of the department.

25          (i) AARP Louisiana.

26          (j) The Alzheimer's Association.

27          (k) Louisiana State Medical Society.

28          (l) ALS Association Louisiana-Mississippi Chapter.

29          (4)(a) Members of the council shall serve at the pleasure of their  
30          appointing authorities. If any appointed member misses three consecutive

1 meetings, the secretary shall notify the appointing authority and a new  
2 appointment shall be made. If a vacancy occurs on the council, the appointing  
3 authority shall make a new appointment.

4 (b) Members of the council shall serve without compensation.

5 D.(1) The secretary shall call the first meeting of the council at which the  
6 members shall elect and establish the duties of a chair and vice chair.

7 (2) The chair shall set a time and place for regular public meetings of the  
8 council, which shall occur at least quarterly each calendar year.

9 (3) The department shall provide staff support to the council and shall  
10 provide a dedicated link on its website for information regarding the council,  
11 including meeting dates and times, minutes from meetings, and any reports or  
12 data considered by the council.

13 E. The council shall consult with and advise the secretary on matters  
14 related to the establishment, maintenance, operation, and outcome evaluation  
15 of the palliative care consumer and professional information and education  
16 established by this Section. In doing so, the council shall perform the following  
17 tasks:

18 (1) Conduct an analysis and submit a report of its findings to the Senate  
19 and House committees on health and welfare on February first of each year, to  
20 include the following:

21 (a) Availability of palliative care, including palliative care for children,  
22 in this state for patients in the early stages of a life-threatening illness.

23 (b) Barriers to greater access to palliative care.

24 (c) Policies, practices, and protocols in this state concerning patients'  
25 rights related to palliative care, including the following:

26 (i) Whether a palliative care team member may introduce palliative care  
27 options to a patient without the consent of the patient's attending physician.

28 (ii) The practices and protocols for discussions between a palliative care  
29 team member and a patient on life-sustaining treatment or advance directives  
30 decisions.

1                    (iii) The practices and protocols on informed consent and disclosure  
2                    requirements for palliative care services.

3                    (2) Establish a statewide palliative care consumer and professional  
4                    information and education program, in consultation with the department, to  
5                    ensure that comprehensive and accurate information and education about  
6                    palliative care are available to the public, healthcare providers, and healthcare  
7                    facilities.

8                    F. To advance the educational initiative of the council set forth in  
9                    Paragraph (E)(2) of this Section, the department shall make available on its  
10                   website the following information and resources regarding palliative care:

- 11                   (1) Links to external resources regarding palliative care.
- 12                   (2) Continuing education opportunities on palliative care for healthcare  
13                   providers.
- 14                   (3) Information about palliative care delivery in the home, primary,  
15                   secondary, and tertiary environments.
- 16                   (4) Consumer educational materials regarding palliative care, including  
17                   hospice care.

18                   G. The provisions of this Section shall terminate on August 1, 2025.

19                   Section 3. R.S. 40:2018.6 is hereby repealed.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_