

2019 Regular Session

SENATE BILL NO. 119

BY SENATOR COLOMB

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH SERVICES. Creates the "Palliative Care Interdisciplinary Advisory Council".
(8/1/19)

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AN ACT

To enact R.S. 36:259(B)(36) and R.S. 40:2018.6, relative to the Palliative Care Interdisciplinary Advisory Council; to provide for placement within the Louisiana Department of Health; to provide for legislative intent; to provide for subject matter to be studied by the council; to provide for definitions; to provide for council membership; to provide for minimum organization and task requirements; to provide for staff support; to provide for recommendations to the legislature; to provide for termination; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:259(B)(36) is hereby enacted to read as follows:

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

* * *

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

* * *

(36) The Palliative Care Interdisciplinary Advisory Council (R.S.

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40:2018.6).

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Section 2. R.S. 40:2018.6 is hereby enacted to read as follows:

§2018.6. Palliative Care Interdisciplinary Advisory Council creation; purpose; termination

A. The legislature finds and declares that research indicates palliative care is appropriate for a patient of any age and at any stage of a serious illness and can reduce medical costs and patient recovery time when provided by an interdisciplinary team of physicians, nurses, social workers, and other healthcare specialists in order to provide an additional source of support to a patient with a serious illness.

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

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

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

(3) "Palliative care" means person-centered, family-focused care that provides a patient with relief from the symptoms, pain, and stress of a serious illness.

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

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

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

(a) Four physician members, including two who are board certified in

1 hospice and palliative care and one who is board certified in pain management
2 appointed by the Louisiana State Board of Medical Examiners.

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

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

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

10 (e) One palliative care program administrator or director with current
11 operational experience managing a palliative care program appointed by the
12 governor.

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

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

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

20 (i) One ex officio nonvoting member appointed as a representative of the
21 secretary.

22 (3)(a) Members serve at the pleasure of their appointing authority. If any
23 appointed member misses two consecutive meetings the secretary shall notify
24 the appointing authority that the member is being removed from the council
25 and that a new appointment shall be made. If a vacancy occurs on the council,
26 the appointing authority shall make a new appointment.

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

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

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

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

7 E. The council shall consult with and advise the secretary on matters
8 related to the establishment, maintenance, operation, and outcome evaluation
9 of the palliative care consumer and professional information and education
10 established by this Section. In doing so, the council shall perform the following
11 tasks:

12 (1) Conduct an analysis and submit a report of its findings to the senate
13 and house committees on health and welfare on February first of each year, to
14 include the following:

15 (a) Availability of palliative care in this state for patients in the early
16 stages of serious illness.

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

18 (c) Policies, practices, and protocols in this state concerning patient's
19 rights related to palliative care, including the following:

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

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

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

27 (2) Establish a statewide palliative care consumer and professional
28 information and education program, in consultation with the department, to
29 ensure that comprehensive and accurate information and education about

1 **palliative care are available to the public, healthcare providers, and healthcare**
2 **facilities.**

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

6 **(1) Links to external resources regarding palliative care.**

7 **(2) Continuing education opportunities on palliative care for healthcare**
8 **providers.**

9 **(3) Information about palliative care delivery in the home, primary,**
10 **secondary, and tertiary environments.**

11 **(4) Consumer educational materials regarding palliative care, including**
12 **hospice care.**

13 **G. Unless reauthorized by the legislature, the provisions of this Section**
14 **shall expire on March 31, 2022, and this Section shall be deemed repealed on**
15 **that date.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST

SB 119 Original

2019 Regular Session

Colomb

Proposed law defines palliative care as person-centered, family-focused care that provides a patient with relief from the symptoms, pain, and stress of a serious illness. Proposed law provides that palliative care is appropriate for a patient of any age and at any stage of a serious illness and can reduce medical costs and patient recovery time when provided by an interdisciplinary team of physicians, nurses, social workers, and other healthcare specialists in order to provide an additional source of support to a patient with a serious illness.

Proposed law establishes the Palliative Care Interdisciplinary Advisory Council to study and make recommendations to the secretary and the legislature regarding the availability of patient-centered and family-focused palliative care in this state. Proposed law provides that the secretary shall call the first meeting and that the council shall meet at least twice a year.

Proposed law provides that the department shall provide staff support for the council and shall post notices and materials regarding the council on its website.

Proposed law provides that council members shall have at least two years of experience providing individual or interdisciplinary palliative care to pediatric, youth, or adult populations in inpatient, outpatient, or community settings and shall include four physicians, three nurses, one palliative care program administrator, one social worker, one pharmacist, one spiritual care advisor, one insurance administrator, three patient and family advocates, and the secretary of the Louisiana Department of Health.

Proposed law provides for analysis of information regarding palliative care to be included in recommendations to the secretary and the legislature and for the creation of an educational initiative, including the addition of such information on the department's website. Proposed law provides for a report to the legislature on February 1st of each year.

Proposed law terminates on March 31, 2022, unless reauthorized by the legislature.

Effective August 1, 2019.

(Adds R.S. 36:259(B)(36) and R.S. 40:2018.6)