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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO HEALTH AND SAFETY - STATE PALLIATIVE CARE AND QUALITY OF
LIFE ACT

Introduced By: Representatives McNamara, Bennett, Palumbo, Serpa, and Malik

Date Introduced: January 30, 2013

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 88

4 THE RHODE ISLAND PALLIATIVE CARE AND QUALITY OF LIFE ACT

5 **23-88-1. Establishment of advisory council - Purposes.** -- (a) There is hereby
6 authorized, created and established a seven (7) member advisory council to be known as "The
7 Rhode Island Palliative Care and Quality of Life Interdisciplinary Advisory Council" within the
8 department of health with the powers and duties set forth in this chapter.

9 (b) The director of the department of health shall appoint seven (7) members to the
10 council who shall have expertise in various aspects of palliative care including, but not limited to,
11 medical, nursing, social work, pharmacy and spiritual; and patient and family caregivers.
12 Membership shall specifically include experience in palliative care in a variety of inpatient,
13 outpatient and community settings such as acute care, long-term care and hospice and with a
14 variety of populations including pediatric, youth and adult care. At least two (2) council members
15 shall be board-certified hospice and palliative medicine physicians and/or nurses. Members shall
16 serve for a term of three (3) years. Members shall receive no compensation for their services.

17 (c) The Rhode Island palliative care and quality of life interdisciplinary advisory council
18 shall consult with and advise the department of health on matters related to the establishment,

1 maintenance, operation, and outcomes evaluation of palliative care initiatives in the state.

2 **23-88-2. Establishment of palliative care consumer and professional information**
3 **and education program.** -- (a) There is hereby created and established a statewide "Palliative
4 Care Consumer and Professional Information and Education Program" within the department of
5 health.

6 (b) The purpose of the palliative care consumer and professional information and
7 education program shall be to maximize the effectiveness of palliative care initiatives in the state
8 by ensuring that comprehensive and accurate information and education about palliative care is
9 available to the public, healthcare providers, and healthcare facilities.

10 (c) The department of health shall publish on its website information and resources,
11 including links to external resources, about palliative care delivery for the public, healthcare
12 providers, and healthcare facilities. This shall include, but not limited to, continuing educational
13 opportunities for healthcare providers; information about palliative care delivery in the home,
14 primary, secondary, and tertiary environments; best practices for palliative care delivery; and
15 consumer educational materials and referral information for palliative care, including hospice.

16 (d) The department of health may develop and implement any other initiatives regarding
17 palliative care services and education that the director determines would further the purposes of
18 this chapter.

19 (e) The department shall consult with the palliative care and quality of life
20 interdisciplinary advisory council in implementing this section.

21 **23-88-3. Access to palliative care.** -- (a) As used in this section, the following terms
22 shall have the following meanings:

23 (1) "Appropriate" means consistent with applicable legal, health and professional
24 standards, the patient's clinical and other circumstances, and the patient's reasonably known
25 wishes and beliefs.

26 (2) "Medical care" means services provided, requested, or supervised by a physician or
27 advanced practice nurse.

28 (3) "Palliative care" means patient and family centered medical care that optimizes
29 quality of life by anticipating, preventing, and treating suffering caused by serious illness.
30 Palliative care throughout the continuum of illness involves addressing physical, emotional,
31 social, and spiritual needs and facilitating patient autonomy, access to information, and choice.
32 Palliative care includes, but is not limited to, discussions of the patient's goals for treatment;
33 discussion of treatment options appropriate to the patient, including, where appropriate, hospice
34 care; and comprehensive pain and symptom management.

1 (4) "Serious illness" means and medical illness or physical injury or condition that
2 substantially impacts quality of life for more than a short period of time. Serious illness includes,
3 but is not limited to, cancer; heart, renal or liver failure; lung disease; and Alzheimer's disease
4 and related dementias.

5 (b) On or before January 1, 2015, all healthcare organizations which required a license to
6 operate shall:

7 (1) Establish a system for identifying patients or residents who could benefit from
8 palliative care.

9 (2) Provide information about and facilitate access to appropriate palliative care services
10 for those patients or residents with serious illness.

11 (c) The department shall carry out this section with the consultation of the palliative care
12 and quality of life interdisciplinary advisory council.

13 (d) In carrying out this section, the department shall take into account factors that may
14 impact the development of such a system and its ability to facilitate access to palliative care,
15 including the size of the healthcare organization; access and proximity to palliative care services,
16 including the availability of hospice and palliative care board-certified practitioners and related
17 workforce staff; and geographic factors.

18 (e) If a healthcare organization fails to carry out the provisions of this section, the director
19 of the department of health shall require the organization to provide a plan of action to bring the
20 organization into compliance and may impose a civil monetary penalty.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY - STATE PALLIATIVE CARE AND QUALITY OF
LIFE ACT

1 This act would establish the "Rhode Island Palliative Care and Quality of Life
2 Interdisciplinary Advisory Council" within the department of health and would require healthcare
3 organizations to provide information about palliative care to appropriate patients.

4 This act would take effect upon passage.

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