

SECOND REGULAR SESSION

# SENATE BILL NO. 635

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4769S.011

## AN ACT

To amend chapter 191, RSMo, by adding thereto three new sections relating to palliative care.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 191, RSMo, is amended by adding thereto three new sections, to be known as sections 191.1075, 191.1080, and 191.1085, to read as follows:

**191.1075. As used in sections 191.1075 to 191.1085, the following terms shall mean:**

(1) "Department", the department of health and senior services;

(2) "Health care professional", a physician or other health care practitioner licensed, accredited, or certified by the state of Missouri to perform specified health services;

(3) "Hospital":

(a) A place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care of not less than twenty-four consecutive hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions; or

(b) A place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for three or more unrelated individuals. "Hospital" does not include convalescent, nursing, shelter, or boarding homes as defined in chapter 198.

**191.1080. 1. There is hereby created within the department of health and senior services the "Missouri Palliative Care and Quality of Life Interdisciplinary Council", which shall be a palliative care**

4 consumer and professional information and education program to  
5 improve quality and delivery of patient-centered and family-focused  
6 care in this state.

7       2. On or before December 1, 2016, the following members shall be  
8 appointed to the council:

9       (1) Two members of the senate, appointed by the president pro  
10 tempore of the senate;

11       (2) Two members of the house of representatives, appointed by  
12 the speaker of the house of representatives;

13       (3) Two board-certified hospice and palliative medicine  
14 physicians licensed in this state, appointed by the governor with the  
15 advice and consent of the senate;

16       (4) Two certified hospice and palliative nurses licensed in this  
17 state, appointed by the governor with the advice and consent of the  
18 senate;

19       (5) A certified hospice and palliative social worker, appointed by  
20 the governor with the advice and consent of the senate;

21       (6) A patient and family caregiver advocate representative,  
22 appointed by the governor with the advice and consent of the senate;

23       (7) A spiritual professional with experience in palliative care and  
24 health care, appointed by the governor with the advice and consent of  
25 the senate.

26       3. Council members shall serve for a term of three years. The  
27 members of the council shall elect a chair and vice chair whose duties  
28 shall be established by the council. The department shall determine a  
29 time and place for regular meetings of the council, which shall meet at  
30 least biannually.

31       4. Members of the council shall serve without compensation, but  
32 shall, subject to appropriations, be reimbursed for their actual and  
33 necessary expenses incurred in the performance of their duties as  
34 members of the council.

35       5. The council shall consult with and advise the department on  
36 matters related to the establishment, maintenance, operation, and  
37 outcomes evaluation of palliative care initiatives in this state,  
38 including the palliative care consumer and professional information  
39 and education program established in section 191.1085.

40       6. The council shall submit an annual report to the general

41 assembly which includes an assessment of the availability of palliative  
42 care in this state for patients at early stages of serious disease and an  
43 analysis of barriers to greater access to palliative care.

44 7. The council authorized under this section shall automatically  
45 expire August 28, 2022.

191.1085. 1. There is hereby established the "Palliative Care  
2 Consumer and Professional Information and Education Program"  
3 within the department of health and senior services.

4 2. The purpose of the program is to maximize the effectiveness  
5 of palliative care in this state by ensuring that comprehensive and  
6 accurate information and education about palliative care is available  
7 to the public, health care providers, and health care facilities.

8 3. The department shall publish on its website information and  
9 resources, including links to external resources, about palliative care  
10 for the public, health care providers, and health care facilities,  
11 including but not limited to:

12 (1) Continuing education opportunities for health care providers;

13 (2) Information about palliative care delivery in the home,  
14 primary, secondary, and tertiary environments; and

15 (3) Consumer educational materials and referral information for  
16 palliative care, including hospice.

17 4. Each hospital in this state is encouraged to have a palliative  
18 care presence on its intranet or internet website which provides links  
19 to one or more of the following organizations: the Institute of Medicine,  
20 the Center to Advance Palliative Care, the Supportive Care Coalition,  
21 the National Hospice and Palliative Care Organization, the American  
22 Academy of Hospice and Palliative Medicine, and the National Institute  
23 on Aging.

24 5. Each hospital in this state is encouraged to have patient  
25 education information about palliative care available for distribution  
26 to patients.

27 6. The department shall consult with the palliative care and  
28 quality of life interdisciplinary council established in section 191.1080  
29 in implementing the section.

30 7. The department may promulgate rules to implement the  
31 provisions of sections 191.1075 to 191.1085. Any rule or portion of a  
32 rule, as that term is defined in section 536.010, that is created under

33 the authority delegated in sections 191.1075 to 191.1085 shall become  
34 effective only if it complies with and is subject to all of the provisions  
35 of chapter 536 and, if applicable, section 536.028. Sections 191.1075 to  
36 191.1085 and chapter 536 are nonseverable and if any of the powers  
37 vested with the general assembly pursuant to chapter 536 to review, to  
38 delay the effective date, or to disapprove and annul a rule are  
39 subsequently held unconstitutional, then the grant of rulemaking  
40 authority and any rule proposed or adopted after August 28, 2016, shall  
41 be invalid and void.

42 8. Notwithstanding the provisions of section 23.253 to the  
43 contrary, the program authorized under this section shall automatically  
44 expire on August 28, 2022.

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Bill

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