S T A T E O F N E W Y O R K

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I N S E N A T E

May 15, 2014

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the definition of palliative care

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative intent. The purpose of this act is to conform the concept of palliative care under article 40 of the public health law with that in sections 2997-c (palliative care patient information) and 2997-d (hospital, nursing home, home care, special needs assisted living residences and enhanced assisted living residences palliative care support) of the public health law.

S 2. Section 4002 of the public health law is amended by adding a new subdivision 6 to read as follows:

6. "PALLIATIVE CARE" MEANS HEALTH CARE TREATMENT, INCLUDING INTERDISCIPLINARY END-OF-LIFE CARE, CONSULTATION WITH PATIENTS AND FAMILY MEMBERS, AND PSYCHOSOCIAL AND SPIRITUAL SUPPORT, TO PREVENT OR RELIEVE PAIN AND SUFFERING AND TO ENHANCE THE PATIENT'S QUALITY OF LIFE.

S 3. Section 4012-b of the public health law, as added by chapter 195 of the laws of 2002, is amended to read as follows:

S 4012-b. Hospice palliative care [program for persons with advanced and progressive disease]. [1.] Notwithstanding any inconsistent provision of this article to the contrary, a hospice may also offer a program of palliative care for patients with advanced [and progressive disease] LIFE-LIMITING CONDITIONS AND ILLNESSES and their families. Such a program may be provided by a hospice issued a certificate of approval pursuant to section forty hundred four of this article, acting alone or under contract with a certified home health agency, long term home health care program, licensed home care services agency or AIDS home care program, as such terms are defined in section thirty-six hundred two of this chapter. Nothing in this section shall preclude the provision of palliative care by any other health care provider otherwise authorized to provide such services.

[2. For the purposes of this section the following terms shall mean:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(a) "Advanced and progressive disease" means a medical condition which is irreversible and which will continue indefinitely, where there is no reasonable hope of maintaining life.

(b) "Palliative care" means the active, interdisciplinary care of patients with advanced, life-limiting illness, focusing on relief of distressing physical and psychosocial symptoms and meeting spiritual needs. Its goal is achievement of the best quality of life for patients and families.]

S 4. This act shall take effect immediately.