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I N   S E N A T E

May 15, 2014

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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:

1     Section 1. Legislative intent. The purpose of this act is to conform  
2 the concept of palliative care under article 40 of the public health law  
3 with that in sections 2997-c (palliative care patient information) and  
4 2997-d (hospital, nursing home, home care, special needs assisted living  
5 residences and enhanced assisted living residences palliative care  
6 support) of the public health law.

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

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

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

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

28     [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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1 (a) "Advanced and progressive disease" means a medical condition which  
2 is irreversible and which will continue indefinitely, where there is no  
3 reasonable hope of maintaining life.

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

9 S 4. This act shall take effect immediately.