

HOUSE BILL NO. 285

INTRODUCED BY W. MCKAMEY

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PALLIATIVE CARE ACCESS INITIATIVE; CREATING THE STATE PALLIATIVE CARE AND QUALITY OF LIFE INTERDISCIPLINARY ADVISORY COUNCIL; REQUIRING A PALLIATIVE CARE CONSUMER AND PROFESSIONAL INFORMATION AND EDUCATION PROGRAM; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Legislative findings -- purpose.** (1) The legislature finds that:

(a) individuals who are experiencing complex, chronic health issues that affect their quality of life should be offered palliative care as a treatment option;

(b) palliative care is appropriate at any age and any stage of a disease and can be provided in conjunction with curative treatments; and

(c) palliative care includes but is not limited to discussions of an individual's treatment goals and options, including, when appropriate, discussion of comprehensive pain and symptom management and of hospice care.

(2) It is the purpose of [sections 1 through 5] to ensure that individuals who could benefit from palliative care are made aware of their options through a consumer education program and an informed workforce trained in the benefits of palliative care.

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 5], the following definitions

apply:

(1) "Council" means the palliative care and quality of life interdisciplinary advisory council provided for in [section 3].

(2) "Department" means the department of public health and human services provided for in 2-15-2201.

(3) "Palliative care" means patient-centered and family-centered medical care that optimizes quality of life by anticipating, preventing, and treating suffering caused by serious illness.

(4) "Program" means the palliative care consumer and professional information and education program provided for in [section 5].



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2 **NEW SECTION. Section 3. Palliative care and quality of life interdisciplinary advisory council --**3 **duties -- membership.** (1) There is a state palliative care and quality of life interdisciplinary advisory council
4 within the department to advise the department on matters related to the establishment, maintenance, operation,
5 and evaluation of outcomes of palliative care initiatives in this state.6 (2) (a) The council consists of at least nine members appointed by the director of the department.
7 Members must include:8 (i) individuals with collective expertise in interdisciplinary palliative care provided in a variety of settings
9 and to children, youth, adults, and the elderly;

10 (ii) individuals with expertise in nursing, social work, and pharmacy; and

11 (iii) members of the clergy or individuals with professional spiritual experience.

12 (b) The appointees must include:

13 (i) at least two board-certified physicians or nurses with expertise in palliative care;

14 (ii) a department employee with knowledge of the state medicaid program; and

15 (iii) a representative of a private insurer.

16 (3) Council members shall serve staggered 3-year terms.

17 (4) Council members shall elect a presiding officer and vice presiding officer and shall establish the
18 duties of the officers.19 (5) The council shall meet at least twice a year according to a schedule established by the director or
20 the director's designee.

21 (6) The department shall provide administrative support to the council.

22 (7) Council members may not receive compensation for their service but may be reimbursed at the
23 department's discretion for expenses as provided in 2-18-501 through 2-18-503.

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25 **NEW SECTION. Section 4. Duties of council.** The council shall advise the director of the department
26 on ways to improve access to and quality of palliative care. At a minimum, the council shall:

27 (1) conduct an initial survey of palliative care services available in Montana;

28 (2) submit an initial report highlighting opportunities and challenges for palliative care, including
29 recommendations on how to address both the opportunities and the challenges;

30 (3) advise the department on material for inclusion in the palliative care section of the website provided

1 for in [section 5]; and

2 (4) recommend priorities for pediatric palliative care and the availability and delivery of palliative care
3 services in rural and underserved areas.

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5 **NEW SECTION. Section 5. Palliative care consumer and professional information and education**

6 **program.** (1) There is a statewide palliative care consumer and professional information and education program
7 in the department.

8 (2) The program is intended to maximize the effectiveness of palliative care initiatives in Montana by
9 ensuring that comprehensive and accurate information and education about palliative care is available to the
10 public, health care providers, and health care facilities.

11 (3) (a) The department shall make information about palliative care available on its website, including
12 links to external resources.

13 (b) The information shall include but is not limited to information about:

14 (i) continuing educational opportunities for health care providers;

15 (ii) palliative care delivery in all settings, including but not limited to the home, hospitals, assisted living
16 facilities, and nursing homes;

17 (iii) best practices for palliative care delivery; and

18 (iv) consumer education and referral information for palliative care, including hospice care.

19 (4) The department may develop and implement other palliative care initiatives that the department
20 determines would further the purposes of [sections 1 through 5].

21 (5) The department shall consult with the council in implementing this section.

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23 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 5] are intended to be codified

24 as an integral part of Title 50, and the provisions of Title 50 apply to [sections 1 through 5].

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26 **NEW SECTION. Section 7. Direction to department -- appointment of advisory council.** The

27 director of the department of public health and human services shall appoint the advisory council provided for in
28 [section 3] no later than 90 days after [the effective date of this act].

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30 **NEW SECTION. Section 8. Effective date.** [This act] is effective on passage and approval.

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