

HOUSE BILL NO. 1994

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CORNEJO.

4098H.011

D. ADAM CRUMBLISS, Chief Clerk

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
2 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:

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

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

6 **(3) "Hospital":**

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

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

191.1080. 1. There is hereby created within the department the "Missouri
2 **Palliative Care and Quality of Life Interdisciplinary Council", which shall be a palliative**
3 **care consumer and professional information and education program to improve quality**
4 **and delivery of patient-centered and family-focused care in this state.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 **2. On or before December 1, 2016, the following members shall be appointed to the**
6 **council:**

7 **(1) Two members of the senate, appointed by the president pro tempore of the**
8 **senate;**

9 **(2) Two members of the house of representatives, appointed by the speaker of the**
10 **house of representatives;**

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

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

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

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

19 **(7) A spiritual professional with experience in palliative care and health care,**
20 **appointed by the governor with the advice and consent of the senate.**

21 **3. Council members shall serve for a term of three years. The members of the**
22 **council shall elect a chair and vice chair whose duties shall be established by the council.**
23 **The department shall determine a time and place for regular meetings of the council, which**
24 **shall meet at least biannually.**

25 **4. Members of the council shall serve without compensation, but shall, subject to**
26 **appropriations, be reimbursed for their actual and necessary expenses incurred in the**
27 **performance of their duties as members of the council.**

28 **5. The council shall consult with and advise the department on matters related to**
29 **the establishment, maintenance, operation, and outcomes evaluation of palliative care**
30 **initiatives in this state, including the palliative care consumer and professional information**
31 **and education program established in section 191.1085.**

32 **6. The council shall submit an annual report to the general assembly, which**
33 **includes an assessment of the availability of palliative care in this state for patients at early**
34 **stages of serious disease and an analysis of barriers to greater access to palliative care.**

35 **7. The council authorized under this section shall automatically expire August 28,**
36 **2022.**

191.1085. 1. There is hereby established the "Palliative Care Consumer and
2 **Professional Information and Education Program" within the department.**

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

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

9 **(1) Continuing education opportunities for health care providers;**

10 **(2) Information about palliative care delivery in the home, primary, secondary, and**
11 **tertiary environments; and**

12 **(3) Consumer educational materials and referral information for palliative care,**
13 **including hospice.**

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

20 **5. Each hospital in this state is encouraged to have patient education information**
21 **about palliative care available for distribution to patients.**

22 **6. The department shall consult with the palliative care and quality of life**
23 **interdisciplinary council established in section 191.1080 in implementing the section.**

24 **7. The department may promulgate rules to implement the provisions of sections**
25 **191.1075 to 191.1085. Any rule or portion of a rule, as that term is defined in section**
26 **536.010, that is created under the authority delegated in sections 191.1075 to 191.1085 shall**
27 **become effective only if it complies with and is subject to all of the provisions of chapter**
28 **536 and, if applicable, section 536.028. Sections 191.1075 to 191.1085 and chapter 536 are**
29 **nonseverable, and if any of the powers vested with the general assembly pursuant to**
30 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
31 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
32 **proposed or adopted after August 28, 2016, shall be invalid and void.**

33 **8. Notwithstanding the provisions of section 23.253 to the contrary, the program**
34 **authorized under this section shall automatically expire on August 28, 2022.**

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