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SENATE BILL 173

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Craig W. Brandt

AN ACT

RELATING TO HEALTH; ENACTING SECTIONS OF THE PUBLIC HEALTH ACT  
TO CREATE THE PALLIATIVE CARE ADVISORY COUNCIL AND ESTABLISH  
THE VIVA LA VIDA PROGRAM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public Health Act is  
enacted to read:

"[NEW MATERIAL] PALLIATIVE CARE ADVISORY COUNCIL  
CREATED--DUTIES.--

A. The "palliative care advisory council" is  
created. The council shall advise the department of health,  
the office of superintendent of insurance and the standing and  
interim committees of the legislature with primary jurisdiction  
over health matters on matters related to the establishment,  
maintenance, operation and outcomes evaluation of palliative

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1 care initiatives in the state to increase awareness of, access  
2 to and use of palliative care services.

3 B. The council is administratively attached to the  
4 department of health. Members of the council shall be  
5 appointed by the secretary of health and shall include an  
6 interdisciplinary group of:

7 (1) medical, nursing, social work, pharmacy  
8 and spiritual professionals with expertise in palliative care;  
9 and

10 (2) palliative care patients, family  
11 caregivers and patient advocates.

12 C. In addition to members appointed pursuant to  
13 Subsection B of this section, the council shall include the  
14 following ex-officio members:

15 (1) the secretary of human services or the  
16 secretary's designee;

17 (2) the secretary of Indian affairs or the  
18 secretary's designee; and

19 (3) the secretary of health or the secretary's  
20 designee.

21 D. Membership of the council shall include health  
22 professionals having palliative care work experience or  
23 expertise in palliative care delivery models:

24 (1) in a variety of inpatient, outpatient and  
25 community settings, including acute care, long-term care and

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1 hospice; and

2 (2) with a variety of populations, including  
3 pediatric, youth and adult populations.

4 E. At least two council members shall be certified  
5 hospice and palliative medicine physicians or nurses.

6 F. Council members shall serve for a period of  
7 three years.

8 G. By December 1, 2017, the secretary of health  
9 shall convene the council for its first meeting, at which  
10 council members shall elect a chair and vice chair, whose  
11 duties shall be established by the council, and shall fix a  
12 time and place for regular meetings of the council, which shall  
13 meet at least twice yearly. Council members shall receive no  
14 compensation for their services.

15 H. As used in this section, "palliative care" means  
16 patient- and family-centered medical care that optimizes the  
17 quality of life by anticipating, preventing and treating  
18 suffering caused by serious illness. Palliative care  
19 throughout the continuum of illness involves addressing  
20 physical, emotional, social and spiritual needs and  
21 facilitating patient autonomy, access to information and  
22 choice. "Palliative care" includes discussions of the  
23 patient's goals for treatment; discussion of treatment options  
24 for the patient, including, where appropriate, hospice care;  
25 and comprehensive pain and symptom management."

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1           SECTION 2. A new section of the Public Health Act is  
2 enacted to read:

3           "[NEW MATERIAL] VIVA LA VIDA PROGRAM ESTABLISHED--  
4 PURPOSE--ACTIVITIES.--

5           A. The "viva la vida" program is created as a  
6 statewide program to educate patients, family caregivers and  
7 health care providers about improving quality of life through  
8 the provision of palliative care.

9           B. The purpose of the viva la vida program is to  
10 maximize the awareness of, access to and use of palliative care  
11 initiatives in the state by ensuring that comprehensive and  
12 accurate information and education about palliative care are  
13 available to the public, health care providers and health  
14 facilities. The department of health shall consult with the  
15 palliative care advisory council established pursuant to  
16 Section 1 of this 2017 act in implementing the viva la vida  
17 program.

18           C. The department of health shall publish on its  
19 website information and resources, including links to external  
20 resources, about patient and family caregiver quality of life  
21 and palliative care for the public, health care providers and  
22 health facilities. This information shall include:

23                   (1) continuing educational opportunities for  
24 health care providers;

25                   (2) information about palliative care delivery

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1 in the home and in primary, secondary and tertiary  
2 environments;

3 (3) best practices for palliative care  
4 delivery;

5 (4) consumer educational materials and  
6 referral information for palliative care, including hospice;  
7 and

8 (5) the benefits of palliative care for  
9 patients and family caregivers.

10 D. The department of health may develop and  
11 implement any other initiatives regarding the viva la vida  
12 program and palliative care services information and education  
13 that the department of health determines would further the  
14 purposes of this section.

15 E. As used in this section:

16 (1) "medical care" means services provided,  
17 requested or supervised by a physician or advanced practice  
18 nurse;

19 (2) "palliative care" means patient- and  
20 family-centered medical care that optimizes the quality of life  
21 by anticipating, preventing and treating suffering caused by  
22 serious illness. Palliative care throughout the continuum of  
23 illness involves addressing physical, emotional, social and  
24 spiritual needs and facilitating patient autonomy, access to  
25 information and choice. "Palliative care" includes discussions

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1 of the patient's goals for treatment; discussion of treatment  
2 options for the patient, including, hospice care; and  
3 comprehensive pain and symptom management; and

4 (3) "serious illness" means any medical  
5 illness or physical injury or condition that has a substantial  
6 impact upon a patient's quality of life for more than a short  
7 period of time. "Serious illness" includes cancer; heart,  
8 renal or liver failure; lung disease; and Alzheimer's disease  
9 and related dementias."

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