

---

---

# A BILL FOR AN ACT

RELATING TO PALLIATIVE CARE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that numerous studies  
2 show that palliative care significantly improves patient quality  
3 of life and lowers symptom burden. Palliative care is defined  
4 by the World Health Organization as an approach that improves  
5 the quality of life of patients and their families facing the  
6 problems associated with life-threatening illness through the  
7 prevention and relief of suffering by means of early  
8 identification, assessment, and treatment of pain and other  
9 issues of a physical, psychosocial, and spiritual nature.

10           Palliative care has a team approach that utilizes a team of  
11 clinicians, physicians, nurses, social workers, and chaplains  
12 who work with the person with serious illness and their loved  
13 ones. There have been misunderstandings about palliative care  
14 and it has often been confused with hospice and end-of-life  
15 care. Hospice, which is provided only when there is a six month  
16 or less diagnosis and once curative treatments have stopped, is  
17 only one type of palliative care. In other situations,



1 palliative care is an extra layer of support that can be offered  
2 at the same time as curative treatments and can continue if  
3 curative treatments are completed. All palliative care strives  
4 to provide the best quality of life for those with serious  
5 illness and their loved ones.

6       The legislature finds that palliative care and hospice  
7 utilization in Hawaii deviates from mainland patterns. A 2017  
8 study titled "Hospice Utilization of Medicare Beneficiaries in  
9 Hawaii Compared to Other States", found that hospice utilization  
10 in Hawaii was 45.7 per cent compared to a national average of  
11 fifty-two per cent; the mean length of stay was sixty days  
12 compared with seventy-one days nationally. A consistent finding  
13 of this study is that Asian and Pacific Islanders were less  
14 likely than whites to enroll in hospice and that "further  
15 research is needed to understand these differences and eliminate  
16 potential barriers to hospice care." A key concept identified  
17 by this analysis is that Hawaii's culture, uniquely influenced by  
18 Asian values compared to the mainland, emphasizes filial piety  
19 and "the expectation of caring for their loved ones at home  
20 rather than in a nursing home."



1 Other studies make similar observations, such as the  
2 "Culturally Competent Palliative and Hospice Care Training for  
3 Ethnically Diverse Staff in Long-Term Care Facilities", which  
4 found that culturally competent palliative and hospice training  
5 is a promising practice to increase patient, family, and  
6 provider engagement with end-of-life conversations.

7 Therefore, the purpose of this Act is to support activities  
8 that increase the utilization of palliative care through public  
9 education and the development of practices specific to the  
10 cultural norms of Hawaii's patients and families.

11 SECTION 2. (a) There is established the culturally  
12 competent palliative care pilot program, to be administered by  
13 the department of health. The department of health shall:

14 (1) Provide public education to:

15 (A) Promote palliative care utilization;

16 (B) Emphasize referrals to palliative care earlier  
17 during treatment for patients; and

18 (C) Acquire local health care utilization data for  
19 purposes of more precisely measuring palliative  
20 care utilization in the State; and



1           (2) Conduct competitive bidding for at least two pilot  
2           programs for home or community based palliative care.  
3           At least one pilot program shall be implemented in a  
4           county with a population of less than two hundred  
5           thousand residents.

6           (b) The department of health shall submit to the  
7 legislature:

8           (1) A preliminary report no later than twenty days prior  
9           to the convening of the regular session of 2020 on the  
10          expenditure of funds for the culturally competent  
11          palliative care pilot program as of the date of the  
12          preliminary report; and

13          (2) A final report no later than twenty days prior to the  
14          convening of the regular session of 2021 on the  
15          expenditure of all funds for the culturally competent  
16          palliative care pilot program as of the date of the  
17          final report.

18          SECTION 3. The department of health shall establish an  
19          advisory group to oversee implementation of the palliative care  
20          pilot program. The advisory group shall consist of the director  
21          of health or the director's designee, the mayor of the county in



1 which the pilot program is implemented or the mayor's designee,  
 2 the chief executive of the hospital in the region in which the  
 3 pilot program is implemented or the chief executive's designee,  
 4 a representative from the John A. Burns School of Medicine, a  
 5 representative from the American Cancer Society, a  
 6 representative from Kokua Mau, and a representative who is a  
 7 patient or family of a patient who previously received  
 8 palliative care. The advisory group shall be exempt from  
 9 chapter 92.

10 SECTION 4. There is appropriated out of the general  
 11 revenues of the State of Hawaii the sum of \$350,000 or so much  
 12 thereof as may be necessary for fiscal year 2019-2020 and the  
 13 same sum or so much thereof as may be necessary for fiscal year  
 14 2020-2021 for palliative care pilot programs.

15 The sums appropriated shall be expended by the department  
 16 of health for the purposes of this Act.

17 SECTION 5. This Act shall take effect on July 1, 2019.  
 18

INTRODUCED BY:

Handwritten signature of Mark H. ...

Handwritten signature of ...

Tim Winkler

JAN 19 2019



# H.B. NO. 722

**Report Title:**

Palliative Care; Culturally Competent Palliative Care Pilot Program; Department of Health; Appropriation

**Description:**

Establishes the culturally competent palliative care pilot program to promote palliative care, gather health care utilization data, and conduct bidding for at least two pilot programs for home or community based palliative care, one of which must be located in a county with less than two hundred thousand residents. Requires reports to the legislature. Establishes an advisory group to oversee implementation of the pilot program. Appropriates funds.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

