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# 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 the rate of hospice  
10 utilization in Hawaii was 45.7 per cent compared to a national  
11 average of fifty-two per cent and the mean length of stay was  
12 sixty days compared with seventy-one days nationally. A  
13 consistent finding of this study is that Asian and Pacific  
14 Islanders were less likely than whites to enroll in hospice and  
15 that "further research is needed to understand these differences  
16 and eliminate potential barriers to hospice care." A key  
17 concept identified by this analysis is that Hawaii's culture,  
18 uniquely influenced by Asian values compared to the mainland,  
19 emphasizes filial piety and "the expectation of caring for their  
20 loved ones at home 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. (a) The department of health shall establish  
19 an advisory group to oversee implementation of the palliative  
20 care pilot program.



- 1 (b) The advisory group shall consist of:
- 2 (1) The director of health or the director's designee;
- 3 (2) The mayor of the county in which the pilot program is
- 4 implemented or the mayor's designee;
- 5 (3) The chief executive of the hospital in the region in
- 6 which the pilot program is implemented or the chief
- 7 executive's designee;
- 8 (4) A representative from the John A. Burns School of
- 9 Medicine;
- 10 (5) A representative from the American Cancer Society;
- 11 (6) A representative from Kokua Mau; and
- 12 (7) A representative who is a patient or family of a
- 13 patient who previously received palliative care.
- 14 (c) The advisory group shall be exempt from chapter 92,
- 15 Hawaii Revised Statutes.

16 SECTION 4. There is appropriated out of the general  
 17 revenues of the State of Hawaii the sum of \$ or so much  
 18 thereof as may be necessary for fiscal year 2019-2020 and the  
 19 same sum or so much thereof as may be necessary for fiscal year  
 20 2020-2021 for palliative care pilot programs.



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

3           SECTION 5. This Act shall take effect on July 1, 2050.



**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. Establishes an advisory group to oversee implementation of the pilot program. (HB722 HD1)

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