

SENATE FILE NO. SF0088

Palliative care.

Sponsored by: Senator(s) Scott and Baldwin and
Representative(s) Henderson, Kinner,
Kirkbride, Pelkey and Schwartz

A BILL

for

1 AN ACT relating to public health and safety; creating the
2 advisory council on palliative care; providing definitions;
3 providing for council membership; providing duties for the
4 council; providing duties for the department of health or
5 other entity as specified; requesting a report from the
6 American Cancer Society Cancer Action Network and other
7 interested parties; providing a sunset date; and providing
8 for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

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12 **Section 1.** W.S. 35-1-1201 through 35-1-1205 are
13 created to read:

14

15

ARTICLE 12

1 PALLIATIVE CARE ADVISORY COUNCIL

2

3 **35-1-1201. Definitions.**

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5 (a) As used in this article:

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7 (i) "Council" means the advisory council on
8 palliative care established pursuant to this article;

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10 (ii) "Department" means the department of
11 health, unless the governor establishes the council within
12 a different office or department pursuant to W.S.
13 35-1-1202, in which case department means the office or
14 department within which the governor establishes the
15 council;

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17 (iii) "Palliative care" means:

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19 (A) Patient and family centered medical
20 care that optimizes quality of life by anticipating,
21 preventing and treating suffering caused by serious
22 illness. Palliative care throughout the continuum of
23 illness involves addressing the physical, emotional,

1 spiritual and social needs of the patient and facilitates
2 patient autonomy, access to information and choice.
3 Palliative care includes, but is not limited to, discussion
4 of the patient's goals for treatment and discussion of
5 appropriate treatment options including hospice care and
6 comprehensive pain and symptom management when appropriate;
7 and

8
9 (B) Care for a terminal, potentially
10 terminal or serious chronic illness that is designed to
11 reduce adverse symptoms, reduce pain and suffering and
12 improve quality of life without, by itself, seeking to cure
13 the illness, prevent death or prolong life. Palliative care
14 includes hospice care. Palliative care does not include
15 treatment or procedures that are meant to hasten death.

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17 **35-1-1202. Advisory council on palliative care.**

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19 (a) There is created the advisory council on
20 palliative care. For administrative purposes the council
21 shall be within the department of health unless otherwise
22 specified by the governor. The council shall consist of not
23 less than nine (9) nor more than thirteen (13) members

1 appointed by the governor. The governor shall appoint a
2 chairman for the council and may appoint a vice-chairman as
3 needed. Membership on the council shall include:

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5 (i) At least two (2) health care professionals
6 with professional experience in palliative or hospice care;

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8 (ii) At least one (1) licensed pharmacist;

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10 (iii) At least one (1) law enforcement
11 professional with experience in illegal drug offenses or
12 the prosecution of illegal drug offenses;

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14 (iv) At least one (1) member with experience
15 counseling seriously ill or dying persons as a member of
16 the clergy or as a mental health professional;

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18 (v) At least one (1) member active in the faith
19 community in Wyoming;

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21 (vi) Other members selected by the governor to
22 reach a council size of at least nine (9) but not more than
23 thirteen (13) members, which may include members having

1 training, experience or special knowledge concerning
2 personal caregiving or palliative care in a variety of
3 settings including home, community outpatient and inpatient
4 settings and with a variety of populations including adults
5 and children.

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7 (b) The initial appointments shall be for staggered
8 terms with three (3) members being appointed for two (2)
9 year terms, three (3) members being appointed for three (3)
10 year terms and the remaining members being appointed to one
11 (1) year terms. Thereafter, members shall be appointed for
12 three (3) year terms. The governor may remove any member of
13 the council as provided in W.S. 9-1-202.

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15 (c) Vacancies on the council shall be filled by
16 appointment for the unexpired term.

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18 (d) The council shall meet not less than two (2)
19 times a year at times and places mutually agreed upon
20 between the chairman of the council and the department.

21

22 (e) Members of the council shall not receive
23 compensation for their services. The governor may allow

1 council members to receive per diem and mileage in the same
2 manner and amount as members of the legislature, if the
3 governor determines sufficient funds are available.

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5 (f) Funding for expenses of the council shall come
6 from the budget of the department, unless the governor,
7 within his discretion as permitted by law, transfers funds
8 from a different budget.

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10 (g) The council shall:

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12 (i) As its first priority, seek to maximize the
13 effectiveness of palliative care in Wyoming by making
14 comprehensive and accurate information and education about
15 palliative care available to the public, health care
16 providers and health care facilities;

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18 (ii) Consult with and advise the department of
19 health on matters related to the establishment,
20 maintenance, operation and outcomes evaluation of
21 palliative care initiatives in Wyoming;

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1 (iii) Be available, as needed, to consult with
2 and advise the department of health on palliative care
3 needs and initiatives for residents of institutions
4 operated by the department of health;

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6 (iv) Advise the governor and legislature on
7 policy and legislative needs to improve palliative care in
8 Wyoming;

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10 (v) Seek opportunities to open a dialogue with
11 law enforcement and regulatory bodies on how to accommodate
12 the legitimate uses of drugs for palliative care with
13 efforts to control the dangerous and illegal uses of those
14 drugs; and

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16 (vi) When appropriate, advise the state board of
17 pharmacy, the attorney general, the division of criminal
18 investigation and local law enforcement on the needs of
19 palliative care patients for prescription drugs and how to
20 accommodate those needs consistent with efforts to control
21 the dangerous and illegal uses of those drugs.

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23 **35-1-1203. Department duties.**

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(a) The department shall:

(i) Publish information and resources on its website, including links to external resources, concerning:

(A) Palliative care providers and facilities;

(B) Information about palliative care delivery in the home, community outpatient and inpatient settings;

(C) Best practices for palliative care delivery;

(D) Consumer education materials; and

(E) Referral information for palliative care, including hospices.

1 (ii) Develop and implement, as appropriate and
2 consistent with existing appropriations, other initiatives
3 regarding palliative care services and education;

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5 (iii) Consult with the council regarding the
6 performance of its duties under this section.

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8 **35-1-1204. Optional report to legislature.**

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10 The department shall request the American Cancer Society
11 Cancer Action Network to provide the legislature and the
12 legislature's joint labor, health and social services
13 interim committee with a report by July 1, 2022 on the
14 success or failure of the council. The report should
15 contain recommendations to abolish, continue or modify the
16 council and any other recommendations as are appropriate
17 concerning further palliative care initiatives. The
18 department and council shall provide information necessary
19 for the preparation of this report, provided the
20 information requested is reasonable, economical and not
21 otherwise protected by law. Other concerned parties may
22 either collaborate with the American Cancer Society Cancer
23 Action Network for the preparation of the report or provide

1 their own reports. All reports received pursuant to this
2 section shall be treated as public documents by the joint
3 labor, health and social services interim committee and the
4 legislative service office.

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6 **35-1-1205. Sunset.**

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8 W.S. 35-1-1201 through 35-1-1204 are repealed effective
9 July 1, 2023.

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11 **Section 2.** W.S. 35-1-240(a) by creating a new
12 paragraph (xxiii) is amended to read:

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14 **35-1-240. Powers and duties.**

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16 (a) The department of health, through the state
17 health officer, or under his direction and supervision,
18 through the other employees of the department, shall have
19 and exercise the following powers and duties:

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21 (xxiii) If the duty is not assigned to another
22 entity pursuant to W.S. 35-1-1202, develop initiatives and

1 provide information to the public regarding palliative care
2 as provided in W.S. 35-1-1203.

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4 **Section 3.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9

(END)