

ENROLLED ACT NO. 81, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

AN ACT relating to public health and safety; creating the advisory council on palliative care; providing definitions; providing for council membership; providing duties for the council; providing duties for the department of health or other entity as specified; requesting a report as specified; providing a sunset date; and providing for an effective date.

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

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

ARTICLE 12  
PALLIATIVE CARE ADVISORY COUNCIL

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

(a) As used in this article:

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

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

(iii) "Palliative care" means:

(A) Patient and family centered medical care that optimizes quality of life by anticipating, preventing and treating suffering caused by serious

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illness. Palliative care throughout the continuum of illness involves addressing the physical, emotional, spiritual and social needs of the patient and facilitates patient autonomy, access to information and choice. Palliative care includes, but is not limited to, discussion of the patient's goals for treatment and discussion of appropriate treatment options including hospice care and comprehensive pain and symptom management when appropriate; and

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

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

(a) There is created the advisory council on palliative care. For administrative purposes the council shall be within the department of health unless otherwise specified by the governor. The council shall consist of not less than nine (9) nor more than thirteen (13) members appointed by the governor. The governor shall appoint a chairman for the council and may appoint a vice-chairman as needed. Membership on the council shall include:

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

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

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

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

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

(vi) Other members selected by the governor to reach a council size of at least nine (9) but not more than thirteen (13) members, which may include members having training, experience or special knowledge concerning personal caregiving or palliative care in a variety of settings including home, community outpatient and inpatient settings and with a variety of populations including adults and children.

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

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

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

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(e) Members of the council shall not receive compensation for their services. The governor may allow council members to receive per diem and mileage in the same manner and amount as members of the legislature, if the governor determines sufficient funds are available.

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

(g) The council shall:

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

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

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

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

(v) Seek opportunities to open a dialogue with law enforcement and regulatory bodies on how to accommodate

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the legitimate uses of prescription drugs for palliative care with efforts to control the dangerous and illegal uses of those drugs;

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

(vii) Under no circumstances shall the scope of this council be construed or expanded to advocate, legitimize or otherwise provide for euthanasia or assisted suicide.

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

(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

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

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

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

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

The department shall provide the legislature and the legislature's joint labor, health and social services interim committee with a report by July 1, 2022 on the success or failure of the council. The report should contain recommendations to abolish, continue or modify the council and any other recommendations as are appropriate concerning further palliative care initiatives. The department and council shall provide information necessary for the preparation of this report, provided the information requested is reasonable, economical and not otherwise protected by law. Concerned parties may either collaborate for the preparation of the report or provide their own reports. All reports received pursuant to this section shall be treated as public documents by the joint labor, health and social services interim committee and the legislative service office.

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

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

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

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

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

(xxiii) If the duty is not assigned to another entity pursuant to W.S. 35-1-1202, develop initiatives and provide information to the public regarding palliative care as provided in W.S. 35-1-1203.

ORIGINAL SENATE  
FILE NO. SF0088

ENGROSSED

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk