

SENATE FILE NO. SF0082

Palliative care.

Sponsored by: Senator(s) Scott, Craft and Driskill and
Representative(s) Esquibel, K., Harvey and
Pelkey

A BILL

for

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

9

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

11

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

14

15

ARTICLE 12

1 PALLIATIVE CARE ADVISORY COUNCIL

2

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

4

5 (a) As used in this article:

6

7 (ii) "Council" means the advisory council on
8 palliative care and quality of life established pursuant to
9 this article;

10

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

17

18 (iii) "Palliative care" means:

19

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

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

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.

15
16 **35-1-1202. Advisory council on palliative care and**
17 **quality of life.**

18
19 (a) There is created the advisory council on
20 palliative care and quality of life. For administrative
21 purposes the council shall be within the department of
22 health unless otherwise specified by the governor. The
23 council shall consist of not less than nine (9) nor more

1 than thirteen (13) members appointed by the governor. The
2 governor shall appoint a chairman for the council and may
3 appoint a vice-chairman as needed. Membership on the
4 council shall include:

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

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

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

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

18
19 (v) Other members selected by the governor to
20 reach a council size of at least nine (9) but not more than
21 thirteen (13) members, which may include members having
22 training, experience or special knowledge concerning
23 personal caregiving or palliative care in a variety of

1 settings including home, community outpatient and inpatient
2 settings and with a variety of populations including adults
3 and children.

4
5 (b) The initial appointments shall be for staggered
6 terms with three (3) members being appointed for two (2)
7 year terms, three (3) members being appointed for three (3)
8 year terms and the remaining members being appointed to one
9 (1) year terms. Thereafter, members shall be appointed for
10 three (3) year terms. The governor may remove any member of
11 the council as provided in W.S. 9-1-202.

12
13 (c) Vacancies on the council shall be filled by
14 appointment for the unexpired term.

15
16 (d) The council shall meet not less than two (2)
17 times a year at times and places mutually agreed upon
18 between the chairman of the council and the department.

19
20 (e) Members of the council shall not receive
21 compensation for their services. The governor may allow
22 council members to receive per diem and mileage in the same

1 manner and amount as members of the legislature, if the
2 governor determines sufficient funds are available.

3

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

8

9 (g) The council shall:

10

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

16

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

21

22 (iii) Be available, as needed, to consult with
23 and advise the department of health on palliative care

1 needs and initiatives for residents of institutions
2 operated by the department of health;

3
4 (iv) Advise the governor and legislature on
5 policy and legislative needs to improve palliative care in
6 Wyoming;

7
8 (v) Seek opportunities to open a dialogue with
9 law enforcement and regulatory bodies on how to accommodate
10 the legitimate uses of drugs for palliative care with
11 efforts to control the dangerous and illegal uses of those
12 drugs; and

13
14 (vi) When appropriate, advise the state board of
15 pharmacy, the attorney general, the division of criminal
16 investigation and local law enforcement on the needs of
17 palliative care patients for prescription drugs and how to
18 accommodate those needs consistent with efforts to control
19 the dangerous and illegal uses of those drugs.

20
21 **35-1-1203. Department duties.**

22
23 (a) The department shall:

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

4

5 (A) Palliative care providers and
6 facilities;

7

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

11

12 (C) Best practices for palliative care
13 delivery;

14

15 (D) Consumer education materials; and

16

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

19

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

23

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

3

4 **35-1-1204. Optional report to legislature.**

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6 The department shall request the American Cancer Society to
7 provide the legislature and the legislature's joint labor,
8 health and social services interim committee with a report
9 by July 1, 2020 on the success or failure of the council.
10 The report should contain recommendations to abolish,
11 continue or modify the council and any other
12 recommendations as are appropriate concerning further
13 palliative care initiatives. The department and council
14 shall provide information necessary for the preparation of
15 this report, provided the information requested is
16 reasonable, economical and not otherwise protected by law.
17 Other concerned parties may be requested to either
18 collaborate with the American Cancer Society for the
19 preparation of the report or provide their own reports. All
20 reports received pursuant to this section shall be treated
21 as public documents by the joint labor, health and social
22 services interim committee and the legislative service
23 office.

1

2 **35-1-1205. Sunset.**

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4 W.S. 35-1-1201 through 35-1-1204 are repealed effective
5 July 1, 2021.

6

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

9

10 **35-1-240. Powers and duties.**

11

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

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

21

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

5

6

(END)