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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  
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 in  
12 Hawaii compared with seventy-one days nationally. A consistent  
13 finding of this study is that Asian and Pacific Islanders were  
14 less 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 The legislature further finds that public education and the  
8 development of practices to address the lack of knowledge and  
9 understanding about palliative care are in the public interest.  
10 The cultural norms of Hawaii's patients and families need to be  
11 addressed to ensure that comprehensive and accurate information  
12 about palliative care is available to the wider public in a way  
13 that both benefits the entire community and helps the sickest  
14 patients access the best care.

15 Therefore, the purpose of this Act is to support activities  
16 that increase the utilization of palliative care through public  
17 education and the development of practices specific to the  
18 cultural norms of Hawaii's patients and families.

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



- 1 (1) Provide public education to:
- 2 (A) Promote palliative care utilization;
- 3 (B) Emphasize referrals to palliative care earlier
- 4 during treatment for patients; and
- 5 (C) Acquire local health care utilization data for
- 6 purposes of more precisely measuring palliative
- 7 care utilization in the State; and
- 8 (2) Conduct competitive bidding for at least two pilot
- 9 programs for home- or community-based palliative care.
- 10 At least one pilot program shall be implemented in a
- 11 county with a population of less than two hundred
- 12 thousand residents.
- 13 (b) The department of health shall submit to the
- 14 legislature:
- 15 (1) A preliminary report no later than twenty days prior
- 16 to the convening of the regular session of 2020 on the
- 17 expenditure of funds for the culturally competent
- 18 palliative care pilot program as of the date of the
- 19 preliminary report; and
- 20 (2) A final report no later than twenty days prior to the
- 21 convening of the regular session of 2021 on the



1 expenditure of all funds for the culturally competent  
2 palliative care pilot program as of the date of the  
3 final report.

4 SECTION 3. The department of health shall establish an  
5 advisory group to oversee implementation of the palliative care  
6 pilot program. The advisory group shall consist of the director  
7 of health or the director's designee, the mayor of the county in  
8 which the pilot program is implemented or the mayor's designee,  
9 the chief executive of the Hawaii health systems corporation  
10 region in which the pilot program is implemented or the chief  
11 executive's designee; provided that if the pilot program is  
12 implemented in the county of Maui, the director of health shall  
13 invite the chief executive of Maui Health System or the chief  
14 executive's designee. The director of health shall also invite  
15 to serve on the advisory group a representative from the John A.  
16 Burns school of medicine, a representative from the American  
17 Cancer Society, a representative from Kokua Mau, and a  
18 representative who is a patient or family of a patient who  
19 previously received palliative care. The advisory group shall  
20 be exempt from chapter 92, Hawaii Revised Statutes.



1 SECTION 4. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so much  
3 thereof as may be necessary for fiscal year 2019-2020 and the  
4 same sum or so much thereof as may be necessary for fiscal year  
5 2020-2021 for palliative care pilot programs.

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

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



**Report Title:**

Palliative Care; Culturally Competent Palliative Care Pilot Program; DOH; Appropriation; Advisory Group

**Description:**

Establishes the culturally competent palliative care pilot program within the DOH to provide public education and conduct two home- or community-based palliative care pilot programs. Establishes an advisory group to oversee the pilot program. Appropriates funds. (SB804 HD1)

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