

1 HB291  
2 156133-2  
3 By Representatives McClendon, Beech, Treadaway, Patterson,  
4 Lee, Forte, McClurkin, Weaver, Johnson (R) and Millican  
5 RFD: Health  
6 First Read: 16-JAN-14

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ENGROSSED

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the State Health Department and palliative care; to establish a State Advisory Council on Palliative Care and Quality of Life; to provide for the appointment of the members and the duties of the council; and to provide for the establishment of a statewide palliative care education program within the department.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The purpose of this act is to improve quality and delivery of patient centered and family focused palliative care in this state by establishing a State Advisory Council on Palliative Care and Quality of Life within the State Health Department and to provide for the establishment within the department of a palliative care consumer and professional information and education program.

Section 2. (a) Not later than 90 days after the effective date of this act, the State Health Department shall establish a State Palliative Care and Quality of Life Advisory Council within the department.

(b) The council membership shall be appointed by the State Health Officer and shall include interdisciplinary

1 palliative care medical, nursing, social work, pharmacy, and  
2 spiritual professional expertise; patient and family caregiver  
3 advocate representation; shall consider the racial, gender,  
4 geographic, urban/rural, and economic diversity of the state  
5 when appointing members; and any other relevant appointees the  
6 State Health Officer determines appropriate. Membership shall  
7 specifically include health professionals having palliative  
8 care work experience or expertise in palliative care delivery  
9 models in a variety of inpatient, outpatient, and community  
10 settings such as acute care, long-term care, and hospice and  
11 with a variety of populations, including pediatric, youth, and  
12 adults. At least one council member shall be a board-certified  
13 hospice and palliative medicine physician and one member a  
14 licensed ~~registered nurse~~ Certified Registered Nurse  
15 Practitioner. At least one council member shall be designated  
16 by the Alabama Hospital Association and at least one council  
17 member shall be designated by the Alabama Hospice and  
18 Palliative Care Organization. Council members shall be  
19 appointed for a term of three years, but may be replaced at  
20 the discretion of the State Health Officer. The members shall  
21 elect a chair and vice chair whose duties shall be established  
22 by the council. The council shall fix a time and place for  
23 regular meetings and shall meet not less than twice yearly.

24 (c) Council members shall receive no compensation  
25 for their services.

26 (d) The Palliative Care and Quality of Life Advisory  
27 Council shall consult with and advise the State Health Officer

1 and the department on matters related to the establishment,  
2 ~~maintenance, operation, and outcome evaluation of palliative~~  
3 maintenance and operation of palliative care initiatives in  
4 this state.

5 Section 3. There is created a statewide Palliative  
6 Care Information and Education Program in the State Health  
7 Department. The purpose of the palliative care information and  
8 education program is to maximize the effectiveness of  
9 palliative care initiatives in the state by ensuring that  
10 comprehensive and accurate information and education about  
11 palliative care is available to the public, health care  
12 providers, and health care facilities. The department shall  
13 publish on its website information and resources, including  
14 links to external resources, about palliative care for the  
15 public, health care providers, and health care facilities.  
16 This information shall include, but not be limited to,  
17 continuing educational opportunities for health care  
18 providers; information about palliative care delivery in the  
19 home and in other primary, secondary, and tertiary  
20 environments; ~~best practices for palliative care delivery;~~ and  
21 consumer educational materials and referral information for  
22 palliative care, including hospice. The department may develop  
23 and implement any other initiatives regarding palliative care  
24 services and education that the department determines would  
25 further the purposes of this section.

1                   (b) The department shall consult with the State  
2 Advisory Council on Palliative Care and Quality of Life  
3 Advisory Council in implementing this section.

4                   (c) The information gathered by the State Advisory  
5 Council on Palliative Care and Quality of Life, and any  
6 information published by the State Department of Public Health  
7 pursuant to this act, shall not be construed to establish a  
8 standard of care for physicians and hospitals, as hospitals  
9 are defined in Section 22-21-20, Code of Alabama 1975, or  
10 otherwise modify, amend, or supersede any provision of the  
11 Alabama Medical Liability Act of 1987 or the Alabama Medical  
12 Liability Act of 1996, commencing with Section 6-5-540, Code  
13 of Alabama 1975, et seq., or any amendment thereto, or any  
14 judicial interpretation thereof. A physician and hospital  
15 shall be immune from all civil and criminal liability for any  
16 claims directly associated with information produced by the  
17 State Advisory Council on Palliative Care and Quality of Life  
18 or the State Department of Public Health pursuant to this act.

19                   Section 4. This act shall become effective  
20 immediately following its passage and approval by the  
21 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Health ..... 16-JAN-14

Read for the second time and placed  
on the calendar 2 amendments ..... 06-FEB-14

Read for the third time and passed  
as amended..... 13-FEB-14

Yeas 98, Nays 0, Abstains 1

Jeff Woodard  
Clerk