



February 22, 2022

Statement in Support
A8881 (Wallace)/ S8206 (Hinchey)

**An act to amend the Public Health Law, in relation to establishing the
Office of Hospice and Palliative Care Access and Quality at the NYS Department of Health**

Historically, New York's health care system and its related policies have not fully supported access to Hospice benefits. This is evidenced by New York State's consistent ranking of 50th in the nation for Hospice Medicare utilization (*See 2020 Edition: Hospice Facts and Figures. Alexandria, VA: National Hospice and Palliative Care Organization. August 2020 www.nhpco.org/factsfigures*).

There are a variety of issues that impact access, including barriers and limitations in the NYS regulatory structure, reimbursement mechanisms, provider and patient education, and the disparity that exists in quality end-of-life care for historically underserved communities. However, the pandemic further highlighted the extent of how the state is failing in its role to care for seriously ill New Yorkers. This failure can no longer go unacknowledged by the state.

The creation of the Office of Hospice and Palliative Care Access and Quality and a Director to oversee the Office is perhaps the most readily identifiable approach to improving Hospice utilization in New York State. Hospice is a unique and highly regulated area of health care service, as it can be carried out in a variety of settings. It focuses on preventing, treating, and eliminating discomfort and pain related to physical, spiritual, and psychosocial distress. As such, it is unlike other forms of health care treatment, yet little consideration is given to the unique impact laws and regulations have on the Hospice programs and patients.

Time and again, Hospice has been overlooked and not considered in necessary and beneficial programs, nor is Hospice excluded from burdensome unnecessary regulations. Under this legislation, the new DOH Director would have the authority and jurisdiction to offer insight into all service lines as it relates to the impact on Hospice programs, their patients and their employees. This would include offering "carve-outs", exemptions, and/or the creation of new beneficial programs that may include Hospice or Palliative Care services.

As hospice and palliative care advocates, we are calling for lawmakers to address underlying issues that present barriers to end-of-life care for all New Yorkers. The Association's recommendations regarding this bill and others is consistent with and reinforce health care patient rights, which include guarantees of informed consent, provider choice, fair treatment, continuity of care, and autonomy over medical decisions.

Restoring and preserving health care rights of all New Yorkers with a life-limiting illness is paramount, and begins with industry understanding and representation at the Department of Health. Therefore, the Association strongly supports the passage of this critical legislation.

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The Hospice and Palliative Care Association of New York State (HPCANYS) is the only statewide association that exclusively represents the State's licensed hospice providers and palliative care providers, as well as individuals and organizations concerned with care for patients at the end of life. Hospice care is a team-oriented approach to expert medical care, pain management, emotional, and spiritual support expressly tailored to the patient's needs and wishes. Our vision is that all persons who are seriously ill receive a full spectrum of care to maximize their quality of life according to their own values, goals, and preferences.

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