

MEMORANDUM

A.5587 (Wallace)/S.4858 (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***

LeadingAge New York supports the passage of A.5587 (Wallace)/S.4858 (Hinchey) which would establish an Office of Hospice and Palliative Care Access and Quality within the Department of Health. The creation of this office, and a Director to oversee it, is critical 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 hospice programs and patients.

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.

Additionally, hospice is frequently provided in tandem with other services such as nursing home, assisted living and home care. It would be beneficial to have a dedicated resource at the Department to help address these complexities, to ensure that New Yorkers have full access to the services they want and are entitled to, particularly at end of life. Under this legislation, the new Office and 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, the inclusion in key state initiatives, and/or the creation of new beneficial programs that may include Hospice or Palliative Care services.

Lawmakers must address underlying issues that present barriers to end-of-life care for all New Yorkers. Restoring and preserving health care rights of all New Yorkers with a life-limiting illness is paramount, and begins with understanding of hospice services and representation at the Department of Health.

For these reasons, LeadingAge NY supports A.5587 (Wallace)/S.4858 (Hinchey) and urges that it be adopted.

LeadingAge New York represents over 400 not-for-profit and public long-term care providers, including nursing homes, home care agencies, senior housing, retirement communities, assisted living, adult care facilities, adult day health care and managed long term care.

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