



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237
www.health.ny.gov

Nirav R. Shah, M.D., M.P.H.
Commissioner

James W. Clyne, Jr.
Executive Deputy Commissioner

February 8, 2011

Dear Administrator:

As of February 9, 2011, Chapter 331 of the Laws of 2010 (commonly known as the Palliative Care Information Act), requires physicians and nurse practitioners to offer to provide terminally-ill patients with information and counseling concerning palliative care and end-of-life options. A patient has a terminal illness or condition, under the law, if the illness or condition is “reasonably expected to cause death within six months, whether or not treatment is provided.” Palliative care, as defined by the law, is “health care treatment, including interdisciplinary end-of-life care, and consultation with patients and family members, to prevent or relieve pain and suffering and to enhance the patient's quality of life, including hospice care.”

The law is intended to ensure that patients are fully informed of the options available to them when they are faced with a terminal illness or condition, so that they are empowered to make choices consistent with their goals for care and wishes and beliefs, and to optimize their quality of life. The law is not intended to limit the options available to terminally-ill patients. Nor is it intended to discourage conversations about palliative care with patients whose life expectancy exceeds six months. It is often appropriate to discuss palliative care with patients earlier in the disease progression.

Health care facilities, home care agencies, and hospice programs must provide patient care consistent with professional standards.¹ In addition, informed consent must be properly secured for health care services.² Accordingly, facilities, agencies, and programs are strongly encouraged to educate their affiliated physicians and nurse practitioners about the law's requirements and to put in place policies and processes that support compliance by their staff. A copy of the law is attached for your convenience. It can also be found at section 2997-c of the Public Health Law.

This letter provides a brief summary of the law and includes a series of questions and answers to provide guidance for practitioners. The summary and questions and answers, along with extensive resources for providers, will be posted on the Department of Health's website at: http://www.health.ny.gov/professionals/patients/patient_rights/palliative_care/.

¹ PHL Articles 28, 36 and 40; 10 NYCRR §§ 415.15, 763.4, 763.11, 766.2, 793.1.

² PHL §§ 2803-c; Education Law § 6530(26); 10 NYCRR §§ 415.3, 415.11, 415.15, 763.2, 766.1, 794.1; *see also* PHL §2805-d.

Thank you for your prompt attention to this very important issue, and your continued commitment to high-quality care for terminally-ill patients.

Sincerely yours,

Mark L. Kissinger
Deputy Commissioner
Office of Long Term Care