

Palliative Care Information Act (“PCIA”)

On August 13, 2010, Governor David A. Paterson signed into law the Palliative Care Information Act (“PCIA”). PCIA requires a physician or nurse practitioner who has primary responsibility for the patient to offer to provide a patient suffering from a terminal illness or condition with information and counseling regarding palliative care, which includes inter-disciplinary end-of-life care appropriate to the patient; the prognosis, risks and benefits of such options; and comprehensive pain and symptom management at the end of life. Palliative care further includes offering to provide consultation with the patient and family members to discuss prevention or relief from pain and suffering and the enhancement of the patient’s quality of life, including hospice care.

The information and counseling can be provided orally or in writing. If a patient lacks capacity to reasonably understand and make informed choices relating to palliative care, the attending health care practitioner shall provide the information and counseling to a person with authority to make health care decisions for the patient. In cases where the attending health care physician is not willing to provide such information and counseling, then he or she must either arrange for another physician or nurse practitioner to provide the required information and counseling or refer or transfer the patient to another physician or nurse practitioner willing to provide the information and counseling regarding palliative care to the patient.

The Department of Health will be consulting with the New York State Palliative Care Education and Training Council in order to develop educational documents and rules and regulations relating to PCIA. PCIA will take effect in February of 2011.

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If you have any questions regarding the Palliative Care Information Act or require any legal assistance in drafting policies related to the Palliative Care Information Act, please contact the GW attorney with whom you regularly consult.

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