



[NationalHealthcareDecisionsDay.org](http://NationalHealthcareDecisionsDay.org)

[National Healthcare Decisions Day](http://NationalHealthcareDecisionsDay.org) web page on [CompassionAndSupport.org](http://CompassionAndSupport.org)

[NHDD New York State Coalition](#)

[NHDD NYS Coalition Collaborators](#)

**National Healthcare Decisions Day New York State Coalition  
Conference Call**

**Date:** Tuesday, July 12, 2011

**Time:** 1:00 pm – 2:30 pm.

[Conference Call Instructions](#)

Dial-in number: 1-800-747-5150

Passcode: 2384514

**Meeting Goal – Update activities that support NYS NHDD Goals:**

- Describe plans for remainder of 2011 and NHDD 2012
- Provide update on legislative session and feeding issues
- Provide updates on statewide implementation of Family Health Care Decisions Act and the MOLST Program.

**Meeting Minutes**

1. Welcome and Introductions
2. Review minutes – Minutes stand as is. No needed revisions or additions. 2011 meeting minutes are posted on [CompassionAndSupport.org](http://CompassionAndSupport.org)
3. Updates and Action Items
  - A. 2011 NHDD NYS Coalition plans for remainder of 2011
    - a) Regional representatives
      - Mary Beth Morrissey – Hosting programs on the Palliative Care Information Act (PCIA): one at end of September targeting physicians and one on December 23<sup>rd</sup>.
      - Donnie Richmond – [Medical Liability Mutual Insurance Company](#) (MLMIC) Insured Hospitals Symposium in September. Pat is a speaker providing education and encouragement on PCIA, including MOLST and FHCDA.
      - Kathy McMahan – Palliative Care (PC) Collaborative in October. Also, a recently created PC Information Act Resources Center on line or thumb drive or CD.
      - Monroe County Bar Association presenting a CLE program on New Legislation and Digital Transformation CLE, PCIA, MOLST & sharing digital transformation: the ability to upload Health Care Proxies to the [Rochester RHIO](#), a first in the country for patients to do this through the patient portal and eMOLST.
      - Pat announced that the National APS Association (NAPSA) Conference and the New York State ATTI is being held simultaneously in Buffalo in September 2011. Pat and Dr. Steve Evans, a geriatrician from Buffalo and member of the MOLST Statewide Implementation Team, will present a double workshop; overview on the two-step approach to advance care planning, recent legislation followed by a case-based approach using real de-identified community cases.
      - Pat has been working with the NYSDOH on the Spanish version of the MOLST to include in the CCCC ACP Booklet. The the initial two pages of the MOLST form are included in this booklet and the MOLST form being a DOH form. Pat has been working closely with the NYSDOH ensuring they approve of the Spanish translation and that it is incorporated into the DOH format.

- Just a reminder that this CCCC ACP Booklet is co-branded with the NYS Bar Association. Once the Spanish translation is completed the PDF will be posted on our [Resource Directory](#) and [En Espanola](#) Web page on CompassionAndSupport.org. Verbiage will be present clarifying that the Spanish MOLST form is a tool only and not a full, legally binding MOLST form.
  - Pat is receiving requests from others wanting to have the ACP Booklet in other languages. Funding for translation is needed.
  - Elder Law Section of the Summer Meeting of the Bar Association regarding PCIA on August 19<sup>th</sup>.
  - Bonnie – In process of training leadership on implementing the MOLST Program and form. Will be utilizing the MOLST Trainers Data base to obtain a MOLST trainer.
  - Pat & Mary Beth – Shared the AARP National has completed a report (found on CompassionAndSupport.org) that includes a full report and summary. [Improving Advanced Illness Care: The Evolution of the State POLST Programs](#).
  - Pat had article published in Widener Law Review integrating recent legislation including MOLST, FHCDA and PCIA. This is posted on the [Compassion And Support Facebook](#) and [Twitter](#).
  - A Catholic guide from Bishops on end-of-life (EOL) decision making, [Now and at the Hour of Our Death](#) is posted on the CompassionAndSupport.org Web site. The Catholic church is supportive of the POLST Paradigm. Two of Father Tuohey's articles have been posted [HERE](#).
  - Conn Foley – Spoke to a conflict that arose when a Health Care Proxy (HCP) (with explicit directions) contradicted with the patients recently completed MOLST form, which was completed by the patient. Therefore, all wishes could not be adhered to. Reiteration and caution by team members to keep the HCP simple to ensure there is no misunderstanding, confusion or contradiction with a medical order such as a MOSLT form. Pat also pointed out the HCA needs to be aware of a completed MOLST.
  - A related point identified the importance of making sure consumers know that it is **NOT** necessary to have an attorney to complete an advance directive and/or the advance care planning process.
  - Mention of hospice services being provided in an Assisted Living (AL) facility and the disparity of resources to provide palliative care and hospice in accordance to what the resident needs. There seems to be incentive for an AL to support hospice care since residents who do not meet requirements on ADLs to remain in an AL, may be able to remain with additional care such as hospice.
- b) NHDD NYS Coalition Colleges and Universities Subcommittee – Not reviewed  
c) NHDD NYS Coalition Diverse Populations Subcommittee – Not reviewed

### Follow Up –

- **Kathy**
    - Email Pat @ [patricia.bomba@lifethc.com](mailto:patricia.bomba@lifethc.com) and Penny @ [penny.weller@excellus.com](mailto:penny.weller@excellus.com) details regarding the Palliative Care Collaborative in October to be posted on the [Events page](#) of CompassionAndSupport.org.
  - **Team**
    - Please email Penny at [penny.weller@excelluc.com](mailto:penny.weller@excelluc.com) if you'd like your event posted on CompassionAndSupport.org Events page.
    - Email Pat if you are aware of any resources that could be used for translating the ACP Booklet into languages other than Spanish (e.g. Chinese).
    - Please email Pat if you'd like to provide suggestions or additions to the [MOLST Brochures](#) and share if you have any suggested revisions given the brochure is in process of being revised.
    - Also, if you have an article you'd like posted on CompassionAndSupport.org, please email Pat and Penny.
    - Contact Kathy McMahon at "Kathy McMahon" [kmcmahon@hpcanys.org](mailto:kmcmahon@hpcanys.org) if you'd like a PC Information Act Resources Center on line or thumb drive or CD.
  - **Mary Beth**
    - Email Pat the link to the article on Advance Care Planning found in the Wall Street Journal.
    - Email Pat and Penny the program information on the PCIA to be posted on the Events page of CompassionAndSupport.org
- B. Social media update
- a) Not reviewed

- C. 2011 NHDD NYS Report
  - a) Not reviewed
- D. Provide updates on statewide implementation of Family Health Care Decisions Act and the MOLST Program.
  - a) Not reviewed

4. Open Forum

A. Legislative Update

- a) [A.7343 Surrogate Decision-Making Improvement Act](#)
  - Technical corrections bill did not pass; e.g. variation of capacity determination: if health care agent - two physicians do determination and concurring determination vs. if surrogate, physician does determination, health &/or social service practitioner can do concurring determination
  - This will be ready to go into session next year
- b) A.7343-A/S.5259-A Allows surrogates to make decisions re: hospice care
  - This is one modification of the FHCDCA that has passed and has been submitted to the Governor for his signature.

B. Update on allegations re feeding issues and follow-up with NYSDOH & CMS

- a) Per Dr. Bomba there is **NO** evidence in CMS regs/tags of patient safety trumping patient choice in terms of feeding or other patient issues.
- b) Pat has been in conversation with CMS. A small workgroup has been identified to further discuss the issue and identify how to roll out education on it.
- c) Allegations are happening in other states than New York State
- d) Pat thanked members of the group for raising issue and providing feedback.
- e) Pat asked group to send de-identified cases where feeding issue has been problematic.

C. [7650 and 5554 bill](#): MRT209 (Medicaid Review Team) proposing amendment to the public health law in relation to expanding the definition of terminal prognosis from 6 month to 12 months.

- a) The Medicaid Redesign Team's report included a recommendation to expand hospice (MRT #209), including changing the definition of terminal diagnosis from 6 months to 12 months. The proposed legislation would implement the Medicaid Redesign Team's recommendation, which has been accepted by the Governor and the Legislature.

D. A new Bill was proposed that when someone applies for medical assistance, each person will be **made aware of** Health Care Proxies. However, the request to **encourage consumer to complete** HCP when applying for assistance was not passed by the Assembly or Senate.

E. Conn Foley spoke to part of the emerging concern for hospitals is the avoidable or unnecessary readmission which is getting to the point of emergency room professionals having to question, "Did the patients really need to be readmitted, or.....is the patient being readmitted because they are at the end of their life and need education to be able to make a well informed decision."

F. Mary Beth mentioned a Social Work Workgroup is being established with respect to PCIA.

G. Team mentioned an Article in the NY Times on Hospice and healthcare costs. David Leven does not think it is truly balanced.

**Follow Up**

- **Team** - Please email Pat at [patricia.bomb@lifethc.com](mailto:patricia.bomb@lifethc.com) regarding any cases (a brief clinical scenario) that can be de-identified and used for the benefit of learning more about feeding tubes. Pat would like to highlight some the feeding tube issues your facilities are dealing with.
- **Mary Beth** - to email Pat regarding approval to post the article they wrote together
- **David** – email link of the NY Times article he spoke of, to Pat and Penny.

5. 2011 conference calls

- Future dates are: August 09, September 13, October 11, November 08, and December 13. All conference calls in 2011 will be held from 1:00 - 2:30 pm.
- All meeting minutes and additional information can be found on the [NHDD NYS Coalition Web page](#).

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Participant code: 2384514