

HB 2464 -- MISSOURI TERMINALLY ILL PATIENT DIGNITY AND CARE ACT

SPONSOR: Amato

This bill establishes the "Missouri Terminally Ill Patient Dignity and Care Act".

The bill requires hospitals to adopt and enforce care protocols for terminally ill patients that ensure pain and symptom management are initiated, responses to requests for assistance are promptly completed, no patient is left unattended without adequate supervision, and each patient is informed of the care protocols and is offered the opportunity to designate an advocate.

The bill requires hospitals to maintain documentation for each terminally ill patient of the following:

- (1) The certification of terminal illness;
- (2) The interventions for pain and symptom relief;
- (3) The time between a request for assistance and staff response; and
- (4) Any complaints of neglect or delay in care, as well as the investigation and resolution of such complaints.

Hospitals are required to designate a terminal care ombudsman with certain responsibilities specified in the bill. An existing employee may serve as the ombudsman and the ombudsman must have access to care records and response time logs and the authority to recommend internal corrective actions.

This bill allows the Department of Health and Senior Services to investigate verified complaints of neglect alleging violations of the provisions of this bill, and, upon finding a substantial violation by a hospital, to impose administrative sanctions.

The bill requires the Department to make publicly available reports submitted by each hospital on compliance statistics for terminally ill patient care.

A hospital is prohibited from retaliating against an employee of the hospital who, in good faith, reports neglect or a delay of care affecting a terminally ill patient. Violations of this provision render the hospital liable to the employee for

reinstatement of the employee's position, two times the amount of lost back pay, and interest on the back pay at the rate of 1% over the prime rate.

This bill provides that a terminally ill patient or his or her representative has the following rights:

- (1) To be informed of the patient's rights in a timely manner;
- (2) To make a complaint to the hospital's terminal care ombudsman and to the Department without fear of reprisal; and
- (3) To have a designated family member or advocate present to intervene on behalf of the patient's comfort and care.

A hospital is required to post in each inpatient unit a notice of the rights afforded to patients under the provisions of this bill, the contact information for the terminal care ombudsman, and a description of complaint procedures of the Department.

This bill has a delayed effective date of January 1, 2027.