



## **HOSPICE AND PALLIATIVE CARE ASSOCIATION OF NEW YORK STATE**

### **MEMORANDUM IN SUPPORT**

#### **Family Health Care Decision Act S.3164 / A.7729**

The Hospice and Palliative Care Association of New York State (HPCANYS) strongly supports S.3164 with the understanding that it be clarified that the bill includes decisions regarding hospice and palliative care. The bill, when enacted, will establish procedures and standards to allow family members and others close to a patient to make medical treatment decisions on the patient's behalf when they are not able to make those decisions themselves.

Hospice care, which represents state-of-the-art care for those at the end of life, provides cost-effective pain and symptom management, emotional and spiritual support, social work, and bereavement services for patients and their families. Hospice is the recognized standard of care for people with end-stage cancer, HIV/AIDS, and other life-limiting conditions.

State law must protect the rights of all patients, ensuring that they can live with dignity and receive care consistent with their own wishes and beliefs. It is crucial that all New Yorkers—including those who have not executed a health care proxy—should be offered protection by the law and compassion by the courts.

Without the protections afforded by the Family Health Care Decision Act, many New Yorkers are denied access to the quality end-of-life care offered by hospice. If a person who lacks capacity does not have a health care proxy, family members do not have the legal right to elect the hospice benefit for their loved one, thus denying them access to the pain and symptom management and emotional and spiritual support they need. The median length-of-stay for hospice is 17-19 days, making it almost impossible for families of patients at the end of life to navigate the court system in time to intervene on behalf of the patient.

We strongly urge the legislature to pass the Family Health Care Decision Act in 2009.

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