

# LEGISLATIVE UPDATE



Week of October 28, 2019

## Federal Issues

<p>U.S. House Passes Palliative Care Act</p>	<p>On Monday, October 28, the U.S. House of Representatives passed the Palliative Care and Hospice Education and Training Act (PCHETA). Introduced last January by a bipartisan group of House members, this bill (HR 647) has 294 bipartisan cosponsors and supports people living with serious illness and their families through expanded access to palliative care. The cosponsor support within the California delegation included 37 Democrats and 2 Republicans. If passed in the Senate (the Senate companion bill is S 2080), PCHETA would expand opportunities for interdisciplinary education and training in palliative care, including through new education centers and career incentive awards for physicians, nurses, physician assistants, social workers, and other health professionals. The bill would also implement an awareness campaign, to inform patients and health care providers about the benefits of palliative care and hospice and the services available to support individuals with serious illness, as well as direct funding toward palliative care research to strengthen clinical practice and health care delivery. This bill is an important step to addressing critical gaps in palliative care to ensure that all Americans living with serious illness can get the care they deserve.</p>
<p>Challenges to New Conscience Protection Rule</p>	<p>On Wednesday, a federal judge in San Francisco heard oral arguments in lawsuits filed by 1) the state of California, 2) the City and County of San Francisco, and 3) Santa Clara County, and several advocacy organizations, challenging the Trump Administration's rule that would expand health workers' ability to refuse to provide care on religious or moral grounds. This is one of several lawsuits filed against these rules. Earlier in October, a New York federal judge heard arguments in a similar challenge from 26 states, municipalities and providers. And arguments in another challenge from Washington state are scheduled on November 7.</p> <p>In early May 2019, the Office for Civil Rights (OCR) within the Department of Health and Human Services finalized a new rule to expand and consolidate its enforcement authority over 25 federal health care conscience laws. The rule was scheduled to go into effect on July 22, 2019 but was immediately challenged by the city and county of San Francisco. Other lawsuits soon followed. Then in July after a flurry of activity, the Department of Justice (DOJ), on behalf of OCR, and the plaintiffs reached an agreement to postpone the rule's effective date to November 22, 2019, allowing all parties more time for their judicial challenge over whether the rule should be set aside. Plaintiffs argue that the administration exceeded its authority, finalizing a policy that went far beyond conscience protections previously granted to health providers. They argue the change would discriminate against certain patients, particularly those in the LGBTQ community and women seeking abortion services and reproductive care.</p>

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