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Circular Letter: DHCQ 14-12-623

TO: Acute Hospital CEOs; Licensed Clinics; Long Term Care Facilities; CEO's of Public Health Hospitals

FROM: Madeleine Biondolillo, M.D. ^{MB}
Associate Commissioner

Deborah Allwes, BS, BSN, RN, MPH ^{DA}
Director, Bureau of Health Care Safety and Quality

DATE: December 10, 2014

RE: Amendments to 105 CMR 130.000: *Hospital Licensure*, 105 CMR 140.000: *Licensure of Clinics* and 150.000: *Licensing of Long-Term Care Facilities*--New Regulations requiring distribution of information regarding patients with Serious Advancing Illness.

The Department of Public Health is committed to ensuring that patients with serious advancing illness receive information about the full range of options for their care, so that they and/or their advocates may make informed decisions about their healthcare choices. In concert with numerous Massachusetts experts in hospice and palliative care services, the Department has created an informational brochure regarding the availability of care options. To support cultural and linguistic sensitivity, this information has been translated into nine languages (Arabic, Cape Verdean, Chinese, Haitian Creole, Khmer, Portuguese, Russian, Spanish, and Vietnamese) and all versions are available on the DPH website for download as a PDF at: www.mass.gov/dph/eol.

In addition, this Circular Letter serves to notify you of regulatory amendments to 105 CMR 130.000: *Hospital Licensure*, 105 CMR 140.000: *Licensure of Clinics* and 105 CMR 150.000: *Licensing of Long-Term Care Facilities* that implement the provisions of Section 103 of Chapter 224 of the Acts of 2012, which added M.G.L. c. 111, §227. These amendments require all licensed hospitals, clinics and long-term care facilities to distribute to appropriate patients in their care information regarding the availability of palliative care and end-of-life options. This requirement can be met by providing the DPH-issued brochure (www.mass.gov/dph/eol), to “appropriate patients”--a term defined in the regulations. Alternatively, this requirement can be met by providing such patients with facility-created materials that contain information similar to the DPH-issued brochure. Facilities will be required to develop a policy for the identification of appropriate patients who should receive the information.

Please visit www.mass.gov/dph/eol for final regulations, which will be available at this site after December 19, 2014.

For questions about information in this letter please contact Darrell Villaruz at 617-624-5245, or email Darrell.Villaruz@state.ma.us.