



New Massachusetts Regulations:

Adults with serious advancing illness must be given information about a full range end of life care options to make informed decisions.

What are the new state regulations regarding adults with serious advancing illness?

On December 19, 2014 new statewide regulations went into effect which requires all licensed hospitals, clinics, and long-term care facilities to distribute information regarding advanced care planning, palliative care, hospice care, and end of life care options to adults with serious advancing illness. The purpose of distributing information and starting discussions is to enable patients to make informed decisions about their care, and for care providers to honor their patient's choices.

How will this work for adults in a hospital, clinic, or long-term care facility setting?

The language in the new regulations specify that all licensed hospitals, clinics, and long term care facilities first must identify "appropriate patients" defined as adults diagnosed with a terminal illness or condition which can reasonably be expected to cause death within six months, or where it's determined a patient may benefit from palliative and hospice care services. The "attending health care practitioners" will offer appropriate patients timely information about end of life care options which is culturally and linguistically suitable to ensure patients can understand the information and make informed decisions.

How does the law support every adult's right to information: adults with full capacity, adults with limited capacity, and incapacitated adults?

For adults with the capacity to make effective health care decisions, these new regulations require that their attending or treating care provider offer adults information about their illness, the prognosis, the benefits and burdens of each treatment or care option including life-sustaining treatment options, and palliative and hospice care if appropriate. If an adult lacks the ability to make or communicate effective decisions, their treating care provider must offer this same information to whoever has the authority to make decisions on the adult's behalf, the Health Care Agent or Guardian.



What can an adult, or a Health Care Agent or Guardian, expect to talk about?

In addition to talking about a patient's specific medical condition and treatment options, the doctor or care provider would typically offer information about advance care planning documents including a Health Care Proxy and Medical Orders for Life-Sustaining Treatment (MOLST). If appropriate given the patient's medical condition, the care provider might explain that Palliative Care is available as an option for pain and symptom management, and that Hospice care is an option focused on comfort and dignity available as a 6 month benefit rather than merely in the final days of life. The timely information will not only help patients know their choices, but enable patients to prepare questions for their care providers, and let them know what kind of care fits with their goals, values and beliefs. Talking together can help care providers match the best possible care to a patient's choices.

Where can I find more information about patient rights and the new regulations?

The Department of Public Health has published a new informational brochure called, [*Know Your Choices: A Guide for Patients with Serious Advancing Illness*](#). It clearly states that, "In Massachusetts, all patients with serious advancing illness have the legal right to receive information about their medical condition, their likely outcome (prognosis), and their full range of options for care." The brochure is an excellent source of information regarding Advance Care Planning, Palliative Care, Hospice Care, and Medical Orders for Life Sustaining Treatment. Free to all, it's available in: English, Arabic, Cape Verdean, Chinese, Haitian Creole, Khmer, Portuguese, Russian, Spanish and Vietnamese.

Here are links for the brochure and other resources:

- [Know Your Choices: A Guide for Patients with Serious Advancing Illness Brochures](#)
- [Circular Letter Regarding 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.](#)
- [Definition of Terms that apply to 105 CMR 130.000: Hospital Licensure, 105 CMR 140.000: Licensure of Clinics and 150.000: Licensing of Long-Term Care Facilities](#)
- [Things to Know about Palliative Care](#)
- [Things to Know About Hospice Care](#)
- [Hospice and Palliative Care Federation of Massachusetts](#)
- [Things to Know About Life-Sustaining Treatments](#)
- [Things to Know About MOLST \(Medical Orders for Life Sustaining treatment\) and CC/DNR \(Comfort Care/Do Not Resuscitate orders\)](#)
- [Massachusetts MOLST](#)