

Provision of Palliative Care Bill

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TO

Require the provision of palliative care for persons suffering from a terminal illness; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duty to provide palliative care

- (1) It shall be the duty of the Secretary of State to provide palliative care to every person with a terminal illness, to such extent as is necessary to meet all reasonable requirements.
- (2) *The palliative care so provided shall be free of charge.* 5

2 Provision of services

The Secretary of State shall—

- (a) provide such services as he considers appropriate for the purpose of discharging the duty in section 1 of this Act; and
- (b) take any other reasonable steps that are intended to facilitate, or are conducive or incidental to, the discharge of that duty. 10

3 Regulations

- (1) The Secretary of State may by regulations make arrangements for the provision of palliative care in accordance with this Act.
- (2) Regulations under subsection (1) may, in particular, make provision for— 15
- (a) palliative care services to be regarded as primary medical services for the purposes of Part 2 of the National Health Service Act 2006 (c.41) and the National Health Service (Wales) Act 2006 (c. 42);
- (b) access to advice and care from a specialist in palliative medical services for persons with terminal illnesses; 20
- (c) the commissioning of specialists in palliative care;

- (d) appropriate palliative care services for any person with a terminal illness who expresses a choice to be cared for at home, if reasonably practicable;
 - (e) hospice or hospital accommodation for persons suffering from terminal illnesses; 5
 - (f) training and guidance on the provision of palliative care for all health and social care professionals who care for persons with terminal illnesses;
 - (g) the facilitation and promotion of research into all aspects of palliative care; 10
 - (h) the improvement of co-operation between the voluntary sector, the National Health Service and social services in the provision of palliative care and between different health and social care professionals working within the National Health Service;
 - (i) prompt provision of necessary equipment, medication staff and ancillary services for persons with terminal illnesses; and 15
 - (j) the monitoring and review of palliative care by the Commission for Healthcare Audit and Inspection.
- (3) A statutory instrument containing regulations made by the Secretary of State under subsection (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament. 20

4 Standards set by Secretary of State

- (1) The Secretary of State shall prepare and publish statements of standards in relation to the provision of palliative care by and for the NHS bodies referred to in section 5(1) in accordance with the provisions of section 46 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (standards set by Secretary of State). 25
- (2) Welsh Ministers shall prepare and publish statements of standards in relation to the provision of palliative care by and for Welsh NHS bodies in accordance with the provisions of section 47 of the Health and Social Care (Community Health and Standards) Act 2003 (standards set by Assembly). 30

5 Publication of palliative care strategies

- (1) It shall be the duty of each Strategic Health Authority, Primary Care Trust, NHS Trust, NHS Foundation Trust and Local Health Board to publish a strategy for the provision of palliative care in its area (“palliative care strategies”). 35
- (2) Palliative care strategies shall be published within nine months of the passing of this Act.
- (3) Palliative care strategies shall include information on the measures that are to be taken to improve the provision of palliative care over the following five year period. 40
- (4) A palliative care strategy may be revised by the body producing it at any time.

6 Reports on implementation of palliative care strategies

- (1) It shall be the duty of NHS bodies in England to report annually to the Secretary of State on progress on the implementation of their palliative care strategies.
- (2) It shall be the duty of Welsh NHS bodies to report annually to Welsh Ministers on progress on the implementation of their palliative care strategies 5

7 Interpretation

In this Act –

“palliative care” means care given with the intention of improving the quality of life of persons suffering with terminal illness by – 10

(a) treatment which controls and relieves pain, distress, discomfort or other symptoms caused by, related to or coincidental with terminal illness, and

(b) psychological, social and spiritual help and support;

“terminal illness” means an illness, disease or condition which – 15

(a) is inevitably progressive and fatal, and

(b) the progress of which cannot be reversed by treatment;

“specialist in palliative care” means a medical or nursing practitioner who is on the relevant specialist register for palliative care;

“Welsh NHS bodies” means – 20

(a) any Local Health Board, and

(b) any NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales.

8 Wales

In its application to Wales – 25

(a) sections 1, 2, 3 and 4 of this Act shall have effect as if for each reference to the Secretary of State there were substituted a reference to Welsh Ministers; and

(b) section 3 shall have effect as if for each reference to regulations there were substituted a reference to Assembly Measures. 30

9 Expenses

There shall be paid out of money provided by Parliament –

(a) *any sums to be paid by the Secretary of State for or in connection with the carrying out of his functions under this Act; and*

(b) *any increase attributable to this Act in the sums which are payable out of money so provided under any other Act.* 35

10 Short title, commencement and extent

- (1) This Act may be cited as the Provision of Palliative Care Act 2007.
- (2) This Act extends to England and Wales only.
- (3) This Act shall come into force on the day on which it is passed. 40

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To require the provision of palliative care for persons suffering from a terminal illness; and for connected purposes.

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