

Dr. Paul Matherne (Biloxi) Testimony before MSBML Hospice Hearing  
September 18, 2019

Part 2635 Chapter 15: Hospice Practice

Rule 15.1 In-Home Hospice Good Faith

To the committee I say good afternoon to you all

I would like to thank all of you for giving me this opportunity to speak. I'm here to discuss and express my concerns regarding the proposed statement in rule 15.1 that states "it shall be considered unprofessional conduct for a medical director to participate in active recruitment for patient admission to hospice"

First a little bit about myself: I am a family physician practicing in Biloxi since 1981. I am board-certified. I continue to have an independent solo family practice with two nurse practitioners. My patient population ranges from children thru adults to even one patient who is 104 years old. I consider all my patients my family.

Presently I am the medical director for Notre Dame hospice on the Gulf Coast. I previously worked as an independent physician for about three years with another hospice program while continuing my full time medical practice.

When my patients reach a time in their life when hospice may be a good option for them and their family, just like I would discuss any other illness, I lay out in front of them their options. I feel it is the patient and the family's choice when they desire hospice, to decide which hospice they want, not the doctor's choice. Yes I do mention to them that I am a director of a hospice program and that I am able to more closely follow the patient as the director then I could if they were

in another hospice. I ask the committee, would not any other caring physician offer the same?

So I do not feel the statement “it shall be considered unprofessional conduct for a medical director to participate in active recruitment for patient admission to hospice” should be included under Rule 15.1 because it would allow many uninformed individuals to make false accusations about many family doctors performing their usual loving medical care. I am here to represent the hard working family physicians of this state.

I ask you the committee : is it considered unprofessional for me as a doctor to direct my patients to a certain hospital that I use so I can care for them there? I have been doing this for years. Is it considered unprofessional for me to mention to my own family practice patients that I am a medical director for a hospice program, when the time comes that they need hospice? Was it unprofessional two years ago for me to recommend my mother-in-law dying of metastatic renal cell carcinoma who was living with my wife and myself, was it unprofessional of me to ask Notre Dame hospice to care for her?

With the proposal of this most broad statement in Rule 15.1 I would also like to ask the committee if other situations involving hospice, that I now see occurring today, are these situations unprofessional and if so how will you the committee address them?

These situations that I see today are 1) when I worked as an independent physician of a certain hospice program, I was let go and replaced by an employed hospitalist of the county hospital because that particular hospice program hoped to get referrals from that hospitalist and his county hospital. I ask the committee Is this professional conduct?

2) When my own patients are in a home health program that also has a hospice program, is it unprofessional that I as their family physician am not contacted and discussed with about what hospice program I would like them to be in. In other words is it professional conduct for a home health program to place a patient in the hospice program of their own?

3) When my own patients are in the hospital cared for by a hospitalist and when in their discharge planning it comes time to discuss hospice options, is it professional conduct for me not to be notified, and instead, my patient is directed to a hospice program of the hospital's choice?

And lastly,

4) My county hospital has enough money to now purchase nursing homes. One of these nursing homes, presently my hospice program uses for respite care and also some hospice care. I ask the committee' will it be professional conduct for my county hospital to kick out my hospice program in favor of the hospice program of its own choice?

To you the committee these are my concerns today. Again I am just a solo family physician who is trying to look out for the best interests of his patients and I believe other family physicians of this state would agree with my concerns. I ask of you please, if you place the statement "it shall be considered unprofessional conduct for a medical director to participate in active recruitment for patient admission to hospice" please address these four concerns I have just mentioned and place them in rule 15.1 Don't you think this would be the fair thing to do ?

Again I appreciate you the committee giving me a chance to voice my concerns this afternoon. Thank you very much.