

## United States Senate

SPECIAL COMMITTEE ON AGING  
WASHINGTON, DC 20510-6400  
(202) 224-5364

September 1, 2016

The Honorable Gene Dodaro  
Comptroller General of the United States  
U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20548

Dear Mr. Dodaro:

We are writing to request that the Government Accountability Office (GAO) conduct a review of the use, portability and electronic storage of advance care planning documents, as well as identify potential barriers to adoption, use, and adherence to such documents in clinical settings.

Too often, Americans receive care that does not reflect their values, goals and preferences. As the population ages, it is critical that individuals engage in advance care planning to ensure that they receive the care they want should they experience a serious or life-limiting disease or condition, and that their families and friends also understand their preferences. In June, the Senate Special Committee on Aging held a hearing to discuss these important issues.

This year, the Centers for Medicare and Medicaid Services (CMS) began reimbursing physicians for end-of-life counseling. This is an important first step in improving the use of advance care plans. Individuals who participate in advance care planning are less likely to receive unwanted medical treatment; however, it is estimated that only one-third of Americans over the age of 65 have completed an advance directive. Moreover, even when individuals document their treatment preferences in an advance directive, these documents are sometimes unavailable at the time of critical treatment decisions. Making care planning documents, including advance directives and physician orders for life-sustaining treatment (POLST) forms, accessible electronically when and where care is being delivered is critical to ensuring that a person's wishes are known and honored.

Accordingly, we request a report that answers the following questions:

- 1) Prevalence of advanced health care directives and POLST forms in the United States:
  - a) What is the number of people who currently have an advance directive or other care planning document in each state?

- 2) State registries:
  - a) Which states have registries that allow for [electronic] storage and retrieval of advanced directive documents and/or POLST forms?
  - b) For each state, what percentage of completed forms are captured in the state registry?
- 3) State safeguards for directives:
  - a) Which states have developed safeguards to ensure that advance care planning documents are filled out voluntarily?
  - b) What specific safeguards are in place to ensure voluntary and informed signing of advance planning documents?
  - c) Which states require a meaningful conversation with a qualified clinician prior to the signing of an advance care planning document? Are such conversations required to be documented?
- 4) Best practices for ensuring access to advance care electronic health records:
  - a) What are the best practices for identifying and labeling advance care plans in an electronic health record (EHR)?
  - b) What are the best practices for alerting eligible providers to the presence of an advance care plan so that providers can locate them easily and in a timely manner?
  - c) Do these best practices include accessibility across providers and sites of care?
  - d) Do these best practices include providers and sites of care across state lines?
- 5) What other issues, if any, have been identified as needing to be addressed to ensure proper administration of state POLST programs or other care planning programs?
- 6) What issues, if any, related to adoption and use of advance care plans are not effectively addressed by the Stage 3 Meaningful Use final rule?

Thank you in advance for your immediate attention to this request. Should you have any questions or need additional information, please contact Hannah Berner on the Minority Staff at (202) 224-6939 or Amanda Lincoln on the Majority Staff at (202) 228-3141. I look forward to hearing from you on this important issue.

Sincerely,



U.S. Senator Claire McCaskill



U.S. Senator Susan M. Collins