



**2021 SESSION  
POSITION PAPER**

**BILL: SB 837 – Health – Advance Care Planning and Advance Directives**

**COMMITTEE: Senate Finance Committee**

**POSITION: Letter of Information with Amendment**

**BILL ANALYSIS: SB 837 would require the Maryland Health Care Commission to coordinate implementation of advance care planning programs in the state and address mechanisms of advance care coordination through healthcare providers, insurance plans, the Motor Vehicle Administration and the Maryland Department of Health to coordinate with local health departments to provide the information through their COVID-19 vaccine sites.**

**POSITION RATIONALE:** The Maryland Association of County Health Officers (MACHO) has supported in the past efforts and campaigns to increase awareness of and planning for how an individual’s care should be handled when they are not able to make decisions for themselves via advanced care planning and advance care directives.

While MACHO believes advance directives are important and necessary, the COVID-19 vaccination clinics are not the avenue to launch such a campaign, as it may send an alarming and conflicting message to those waiting to get vaccinated without the ability to have a meaningful conversation on this topic. COVID-19 vaccination is important to help prevent the spread of COVID-19 and MACHO does not want to deter people from getting those vaccines. Educating people that they need to put someone in charge of their health care decisions or certain actions are to be taken in case they are unable to make them themselves, is not the message local health departments (LHDs) want to mix with the message of the importance of getting a lifesaving, effective and safe COVID-19 vaccination when some of the public already has hesitation about the vaccine.

In addition, COVID-19 vaccine (and testing sites) are already busy locations focused on getting individuals in and out to reduce potential for transmission and move higher volumes of people in and out quickly, safely, and efficiently. Adding another task to this system will increase waiting times and decrease the number of people each location will be able to handle in each clinic in order to communicate about advance directives. As volume of vaccine increases, LHDs will continue to work around the clock to vaccinate each and every resident in their communities and will continue to be held accountable by the state for reaching targets of vaccinations. LHD clinics are highly organized sites involving many layers of safety, coordination, technology, and clinical services that already face technology and database system challenges that sometimes force the LHDs to resort to paper when technology issues arise. Adding another technology layer/system will further complicate these clinics in an unnecessary way.

Therefore, we respectfully ask that **the local health departments (Section 3) be amended (see page 2) from the bill.** For more information, please contact Ruth Maiorana, MACHO Executive Director at [rmaiora1@jhu.edu](mailto:rmaiora1@jhu.edu) or 410-937-1433. *This communication reflects the position of MACHO.*

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**MACHO Amendment**

~~21 SECTION 3. AND BE IT FURTHER ENACTED, That:~~

~~22 (a) (1) In this section the following words have the meanings indicated.~~

~~23 (2) “Advance care planning” means a process through which an individual 23  
24 considers and documents in a formal manner the individual’s preferences for the receipt of  
25 health care, including through the use of an advance directive. 25~~

~~26 (3) “Advance directive” has the meaning stated in § 5-601 of the Health 26  
27 General Article. 27~~

~~28 (4) “COVID-19” means, interchangeably and collectively, the coronavirus 28  
29 known as COVID-19 or 2019-nCoV and the SARS-CoV-2 virus. 29~~

~~30 (b) For calendar years 2021 and 2022, the Maryland Department of Health, in  
31 collaboration with local jurisdictions in the State, shall develop and implement a plan to 31  
1 provide to individuals receiving a COVID-19 vaccine at a location established by the State 1  
2 or a local jurisdiction for the administration of COVID-19 vaccines information about 2  
3 advance care planning and the State-designated electronic advance directive system, and 3  
4 the opportunity to: 4~~

~~5 (1) upload paper documents to the State-designated electronic advance 5  
6 directive system; or 6~~

~~7 (2) create a digital advance directive care plan that is stored in the 7 State-designated electronic  
8 advance directive system.~~