

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Office of the Attorney General
(DLS Control No. 15-069)**

Overview and Legal and Fiscal Impact

In accordance with Chapter 434 of 2011, the proposal repeals the “Instructions on Current Life-Sustaining Treatment Options” Form regulations.

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Office of the Attorney General:

General Regulations: “Instructions on Current Life-Sustaining Treatment Options”
Form: COMAR 02.06.03.01-.10

Legal Analysis

Background

Chapter 434 of 2011 repealed provisions of law relating to the “Instructions on Current Life-Sustaining Treatment Options” form and required the Department of Health and Mental Hygiene, in conjunction with the Maryland Institute for Emergency Medical Services Systems and the State Board of Physicians, to develop and periodically revise a “Medical Orders for Life-Sustaining Treatment” form and instructions for its use. The form must be suitable for containing a physician’s or nurse practitioner’s written medical orders relating to a patient’s medical condition, including orders regarding the use of life-sustaining procedures. Health care facilities – which include assisted living programs, home health agencies, hospices, hospitals, kidney dialysis centers, and nursing homes – are required to accept and update or complete the form as specified by Chapter 434; other health care providers are authorized, but not required, to accept and update or complete the form.

Before enactment of Chapter 434, a health care facility was required to give patients the opportunity to prepare an “Instructions on Current Life-Sustaining Treatment Options” form to reflect the individual’s preferences for treatment and care, including preferences regarding the use of life-sustaining procedures and the transfer to a hospital from a nonhospital setting.

Summary of Regulations

In accordance with Chapter 434 of 2011, the proposal repeals the “Instructions on Current Life-Sustaining Treatment Options” Form regulations.

Legal Issue

The regulations present no legal issue of concern.

Statutory Authority and Legislative Intent

The Office of the Attorney General cites § 5-608.1 of the Health – General Article as authority for the regulations. As indicated above under “Background”, that section replaced the “Instructions on Current Life-Sustaining Treatment Options” form with the “Medical Orders for Life-Sustaining Treatment” form.

The statutory authority is correct and complete. The regulations comply with legislative intent.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

In accordance with Chapters 433 and 434 of 2011, the proposal repeals regulations regarding the “Instructions on Current Life-Sustaining Treatment Options” form as the form has been replaced with the “Medical Orders for Life-Sustaining Treatment” form under *Code of Maryland Regulations* 10.01.21. The Office of the Attorney General advises that the proposed action has no fiscal impact. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The Office of the Attorney General advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Linda L. Stahr – (410) 946/(301) 970-5350

Fiscal Analysis: Nathan W. McCurdy – (410) 946/(301) 970-5510