

BY: Senator Della

AMENDMENTS TO SENATE BILL NO. 702, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Finance Committee Amendments (SB0702/017638/1), in line 9 of Amendment No. 1, after “payors:” insert “prohibiting the Commission from collecting certain data from a patient unless the patient provides informed consent for the collection of the data;”.

AMENDMENT NO. 2

On page 2 of the Finance Committee Amendments, in line 2 of Amendment No. 3, strike “SUBSECTION (C)” and substitute “SUBSECTIONS (C) AND (D)”; and in line 2 of Amendment No. 4, after “(C)” insert:

“(1) DATA CONCERNING A PATIENT MAY NOT BE COLLECTED UNDER THIS SECTION UNLESS THE PATIENT PROVIDES INFORMED CONSENT FOR COLLECTION OF THE DATA.

“(2) IF, BY VIRTUE OF THE PHYSICAL OR MENTAL CONDITION OF THE PATIENT, THE PATIENT IS NOT ABLE TO PROVIDE INFORMED CONSENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, ANY OTHER PERSON THAT HAS AUTHORITY TO CONSENT TO MEDICAL CARE FOR THE PATIENT AS PROVIDED UNDER § 5-605 OF THIS ARTICLE OR AS OTHERWISE AUTHORIZED BY LAW MAY PROVIDE CONSENT FOR THE COLLECTION OF THE DATA.

“(3) THE INFORMED CONSENT OR SUBSTITUTE CONSENT PROVIDED UNDER THIS PARAGRAPH DOES NOT CONSTITUTE A WAIVER OF ANY PRIVILEGE THAT WOULD OTHERWISE APPLY TO THE DATA AND THE DENIAL OF CONSENT BY THE PATIENT TO THE COLLECTION OF THE DATA MAY NOT BE A BASIS

(Over)

FOR REFUSAL OF TREATMENT BY A HEALTH CARE PRACTITIONER OR DENIAL OF PAYMENT FOR THE TREATMENT PROVIDED BY A PAYOR.

(D)”.

AMENDMENT NO. 3

On page 2 of the bill, in line 35, strike “(D)” and substitute “(E)”; and in the same line, after “governing” insert “INFORMED CONSENT AND”.