
By: **Senator Hollinger**

Introduced and read first time: February 6, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Health Care Advisory Committees - Appointment**

3 FOR the purpose of authorizing certain courts to appoint certain health care advisory
4 committees; providing for the composition of the committees; authorizing the
5 Court of Appeals of Maryland to provide by rule for the manner of appointment
6 and the term of service of the members of the health care advisory committees;
7 providing for the admission into evidence of certain written recommendations;
8 preserving certain authority of the courts; and generally relating to the creation
9 of health care advisory committees to assist the courts.

10 BY adding to

11 Article - Courts and Judicial Proceedings

12 Section 2-102.1

13 Annotated Code of Maryland

14 (1995 Replacement Volume and 1997 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Courts and Judicial Proceedings**

18 2-102.1.

19 (A) ANY COURT WITH THE JURISDICTION TO DECIDE HEALTH CARE ISSUES
20 FOR AN ADULT OR A CHILD MAY APPOINT A HEALTH CARE ADVISORY COMMITTEE
21 FOR THE PURPOSE OF PROVIDING THE COURT WITH RECOMMENDATIONS IN
22 PROCEEDINGS INVOLVING LIFE-SUSTAINING MEDICAL TREATMENT OR OTHER
23 MEDICAL ISSUES.

24 (B) A HEALTH CARE ADVISORY COMMITTEE MAY BE APPOINTED:

25 (1) IN A SPECIFIC PROCEEDING OR AS A STANDING COMMITTEE FOR A
26 CLASS OF PROCEEDINGS; AND

27 (2) TO ASSIST THE COURT IN ONE JURISDICTION OR COURTS IN MORE
28 THAN ONE JURISDICTION.

1 (C) THE MEMBERSHIP OF A HEALTH CARE ADVISORY COMMITTEE SHALL:

2 (1) REFLECT APPROPRIATE DIVERSITY AMONG HEALTH CARE AND
3 OTHER PROFESSIONALS AND LAY MEMBERS; AND

4 (2) INCLUDE INDIVIDUALS WITH SPECIAL EXPERTISE IN ISSUES
5 CONCERNING THE CARE OF CHILDREN WITH LIFE-THREATENING ILLNESSES IN
6 CASES PRESENTING THOSE ISSUES.

7 (D) THE COURT OF APPEALS MAY, BY RULE, PROVIDE FOR THE MANNER OF
8 APPOINTMENT AND TERM OF SERVICE OF MEMBERS OF A HEALTH CARE ADVISORY
9 COMMITTEE CREATED UNDER THIS SECTION.

10 (E) THE WRITTEN RECOMMENDATION OF A HEALTH CARE ADVISORY
11 COMMITTEE MAY BE ADMITTED INTO EVIDENCE IN ANY PROCEEDING IN WHICH:

12 (1) THE PROVISION OF HEALTH CARE IS AT ISSUE; AND

13 (2) THE COURT HAS SOUGHT THE COMMITTEE'S RECOMMENDATION
14 CONCERNING THE PROVISION OF HEALTH CARE.

15 (F) NOTHING IN THIS SECTION AFFECTS THE AUTHORITY OF A COURT TO
16 SEEK THE ADVICE OF A PATIENT CARE ADVISORY COMMITTEE ESTABLISHED UNDER
17 TITLE 19, SUBTITLE 3, PART IX OF THE HEALTH - GENERAL ARTICLE.

18 (G) THE WRITTEN RECOMMENDATION OF A PATIENT CARE ADVISORY
19 COMMITTEE MAY BE ADMITTED INTO EVIDENCE IN ANY PROCEEDING IN WHICH:

20 (1) THE PROVISION OF HEALTH CARE IS AT ISSUE; AND

21 (2) THE COURT HAS SOUGHT THE COMMITTEE'S RECOMMENDATION
22 CONCERNING THE PROVISION OF HEALTH CARE.

23 (H) THIS SECTION SUPPLEMENTS, AND MAY NOT BE CONSTRUED IN
24 DEROGATION OF, THE EXISTING AUTHORITY OF A COURT TO APPOINT PERSONNEL
25 TO ASSIST THE COURT.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 1998.