

SENATE BILL 589

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1999 Regular Session
9lr1975

By: Senator Hollinger

Introduced and read first time: February 5, 1999

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 1999

CHAPTER_____

1 AN ACT concerning

2 **Patient Care Advisory Committees - Consultation and Evidentiary Use of**
3 **Advice**

4 FOR the purpose of requiring a patient care advisory committee to consult with a
5 medical professional familiar with pediatric end-of-life care under certain
6 circumstances; authorizing the written advice of a patient care advisory
7 committee to be admitted into evidence in a certain guardianship or juvenile
8 proceeding; and generally relating to patient care advisory committees.

9 BY repealing and reenacting, with amendments,
10 Article - Health - General
11 Section 19-372 and 19-374
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1998 Supplement)

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

16 **Article - Health - General**

17 19-372.

18 (a) (1) Each advisory committee shall consist of at least 4 members,
19 including:

20 (i) A physician not directly involved with the care of the patient in
21 question;

(2) The advisory committee may consist of as many other individuals as each represented hospital and related institution may choose, including:

- 12 (i) All members of the patient's treatment team;
13 (ii) The patient; [and]
14 (iii) The patient's family; AND

15 (IV) IN A CASE INVOLVING THE OPTIONS FOR MEDICAL CARE AND
16 TREATMENT OF A CHILD WITH A LIFE-THREATENING CONDITION, A MEDICAL
17 PROFESSIONAL FAMILIAR WITH PEDIATRIC END-OF-LIFE CARE, IF A MEDICAL
18 PROFESSIONAL WITH THIS EXPERTISE IS NOT ALREADY A MEMBER OF THE
19 COMMITTEE.

20 (b) The petitioner may be accompanied by any persons the petitioner desires.
21 19-374.

22 (a) On the request of a petitioner, an advisory committee shall give advice
23 concerning the options for medical care and treatment of an individual with a
24 life-threatening condition.

25 (b) (1) The advisory committee shall make a good faith effort to notify a
26 patient, a patient's immediate family members, a patient's guardians, and an
27 individual with a power of attorney to make a decision with a medical consequence for
28 a patient, of the individual's right:

1 (2) Any information or document that indicates the wishes of the patient
2 shall take precedence in the deliberations of the advisory committee.

3 (c) An advisory committee or a member of an advisory committee who gives
4 advice in good faith may not be held liable in court for the advice given.

5 (d) A person that assists one or more hospitals or related institutions in the
6 establishment of an advisory committee may not be held liable in court for any advice
7 given in good faith by that person, the related institution, the advisory committee, or
8 any member of the advisory committee and the committee and its members may not
9 be held liable for any advice given in good faith.

10 (e) (1) The proceedings and deliberations of an advisory committee are
11 confidential as provided in § 14-501 of the Health Occupations Article.

12 (2) The advice of an advisory committee concerning a patient's medical
13 care and treatment shall become part of the patient's medical record and is
14 confidential under §§ 4-301 and 4-302 of this article.

15 (3) THE WRITTEN ADVICE OF A PATIENT CARE ADVISORY COMMITTEE
16 MAY BE ADMITTED INTO EVIDENCE IN A GUARDIANSHIP OR JUVENILE PROCEEDING
17 IN WHICH:

18 (I) THE PROVISION OF HEALTH CARE IS AT ISSUE; AND

19 (II) A GUARDIAN SEEKS THE RECOMMENDATION OF THE
20 COMMITTEE CONCERNING THE PROCESS OF DECISION MAKING ABOUT THE
21 PROVISION OF HEALTH CARE.

22 (f) A hospital or related institution may not be held liable in a civil action for
23 failing to carry out the advice of an advisory committee concerning a patient's medical
24 care if the advice given is inconsistent with the written policies of the hospital or
25 related institution.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 1999.