

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;

1 (ii) A registered nurse not directly involved with the care of the  
2 patient in question;

3 (iii) A social worker; and

4 (iv) The chief executive officer or a designee from each hospital and  
5 each related institution represented on that advisory committee.

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

8 (i) Representatives of the community; and

9 (ii) Ethical advisors or clergy.

10 (3) As part of the advisory committee's deliberations, the advisory  
11 committee, in appropriate cases, shall consult:

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:

29 (i) To be a petitioner;

30 (ii) To meet with the advisory committee concerning the options for  
31 medical care and treatment; and

32 (iii) To receive an explanation of the basis of the advisory  
33 committee's advice.

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.**