

HOUSE BILL 108

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SB 589/99 - FIN

2000 Regular Session
0lr0604
CF 0lr0623

By: **Delegate Morhaim**

Introduced and read first time: January 14, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

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 1999 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;

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

24 (iii) A social worker; and

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

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

3 (i) Representatives of the community; and

4 (ii) Ethical advisors or clergy.

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

7 (i) All members of the patient's treatment team;

8 (ii) The patient; [and]

9 (iii) The patient's family; AND

10 (IV) IN A CASE INVOLVING THE OPTIONS FOR MEDICAL CARE AND
11 TREATMENT OF A CHILD WITH A LIFE-THREATENING CONDITION, A MEDICAL
12 PROFESSIONAL FAMILIAR WITH PEDIATRIC END-OF-LIFE CARE, IF A MEDICAL
13 PROFESSIONAL WITH THIS EXPERTISE IS NOT ALREADY A MEMBER OF THE
14 COMMITTEE.

15 (b) The petitioner may be accompanied by any persons the petitioner desires.
16 19-374.

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

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

24 (i) To be a petitioner;

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

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

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

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

33 (d) A person that assists one or more hospitals or related institutions in the
34 establishment of an advisory committee may not be held liable in court for any advice

1 given in good faith by that person, the related institution, the advisory committee, or
2 any member of the advisory committee and the committee and its members may not
3 be held liable for any advice given in good faith.

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

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

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

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

13 (II) A GUARDIAN SEEKS THE RECOMMENDATION OF THE
14 COMMITTEE CONCERNING THE PROCESS OF DECISION MAKING ABOUT THE
15 PROVISION OF HEALTH CARE.

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2000.