

Department of Legislative Services  
Maryland General Assembly  
2000 Session

**FISCAL NOTE**  
**Revised**

Senate Bill 684 (Senator Harris)

Judicial Proceedings

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**Health - General - Advance Directives**

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This bill provides that an oral advance directive has the same effect as a written advance directive if made in the presence of the attending physician and one witness and if the substance of the oral advance directive is documented as part of the individual declarant's medical record. An attending physician who is notified of the existence of an oral advance directive must promptly make the substance of the advance directive a part of the declarant's medical record. The bill also provides that if a declarant revokes an advance directive by an oral statement to a health care practitioner, the practitioner and a witness to the oral revocation shall document the substance of the oral revocation in the declarant's medical record.

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**Fiscal Summary**

**State Effect:** The bill would not directly affect governmental operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** An oral advance directive has the same effect as a written advance directive if made in the presence of the attending physician and one witness and is documented as part of the individual's medical record. An attending physician who is notified of the existence of an oral advance directive must promptly make the fact of the advance directive a part of the declarant's medical record. An advance directive may be revoked at any time by a declarant through a signed and dated writing, by physical cancellation, by destruction, by an oral

statement to a health care practitioner, or by the execution of a subsequent advance directive.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene (Board of Physicians Quality Administration, Health Boards and Commissions, Office of Health Care Quality), Department of Legislative Services

**Fiscal Note History:** First Reader - March 9, 2000  
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