

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 752

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 6 and 7, in each instance, strike “developing” and substitute “making”; in line 9, strike “developing” and substitute “making”; in line 12, after “confidential;” insert “providing for the making of an advance directive to govern the provision of mental health services; specifying the procedures applicable to the making and revocation of an advance directive for mental health services; authorizing the inclusion of certain provisions in a certain advance directive; requiring the Department of Health and Mental Hygiene to provide certain training and information;”; and after line 13, insert:

“BY adding to

Article - Health - General

Section 5-602.1

Annotated Code of Maryland

(2000 Replacement Volume)”.

AMENDMENT NO. 2

On page 2, after line 14, insert:

“5-602.1.

(A) IN THIS SECTION, “MENTAL HEALTH SERVICES” HAS THE MEANING STATED IN § 4-301(I)(1) OF THIS ARTICLE.

(B) AN INDIVIDUAL WHO IS COMPETENT MAY MAKE AN ADVANCE DIRECTIVE TO OUTLINE THE MENTAL HEALTH SERVICES WHICH MAY BE PROVIDED TO THE INDIVIDUAL IF THE INDIVIDUAL BECOMES INCOMPETENT AND HAS A NEED FOR MENTAL HEALTH SERVICES EITHER DURING, OR AS A RESULT OF, THE

(Over)

INCOMPETENCY.

(C) (1) AN INDIVIDUAL MAKING AN ADVANCE DIRECTIVE FOR MENTAL HEALTH SERVICES SHALL FOLLOW THE PROCEDURES FOR MAKING AN ADVANCE DIRECTIVE PROVIDED UNDER § 5-602 OF THIS SUBTITLE.

(2) THE PROCEDURES PROVIDED UNDER § 5-604 OF THIS SUBTITLE FOR THE REVOCATION OF AN ADVANCE DIRECTIVE SHALL APPLY TO THE REVOCATION OF AN ADVANCE DIRECTIVE FOR MENTAL HEALTH SERVICES.

(D) AN ADVANCE DIRECTIVE FOR MENTAL HEALTH SERVICES MAY INCLUDE:

(1) THE DESIGNATION OF AN AGENT TO MAKE MENTAL HEALTH SERVICES DECISIONS FOR THE DECLARANT;

(2) THE IDENTIFICATION OF MENTAL HEALTH PROFESSIONALS, PROGRAMS, AND FACILITIES THAT THE DECLARANT WOULD PREFER TO PROVIDE MENTAL HEALTH SERVICES;

(3) A STATEMENT OF MEDICATIONS PREFERRED BY THE DECLARANT FOR PSYCHIATRIC TREATMENT; AND

(4) INSTRUCTION REGARDING THE NOTIFICATION OF THIRD PARTIES AND THE RELEASE OF INFORMATION TO THIRD PARTIES ABOUT MENTAL HEALTH SERVICES PROVIDED TO THE DECLARANT.”.

AMENDMENT NO. 3

On page 2, in lines 23, 24, and 25, in each instance, strike “DEVELOPING” and substitute “MAKING”; in line 23, after “SERVICES” insert “, AS PROVIDED UNDER § 5-602.1 OF THIS ARTICLE”; in line 25, after “DIRECTIVE” insert “FOR MENTAL HEALTH SERVICES”; in lines 27 and 35, in each instance, strike “DEVELOPING” and substitute “MAKING”; in line 27, strike “AN” and substitute “THE”; and in line 36, after “DIRECTIVE” insert “FOR MENTAL HEALTH SERVICES”.

AMENDMENT NO. 4

On page 2, after line 36, insert:

“(4) THE DEPARTMENT SHALL PROVIDE TRAINING, SAMPLE FORMS, AND INFORMATION ON ADVANCE DIRECTIVES FOR MENTAL HEALTH SERVICES TO ASSIST FACILITIES IN COMPLIANCE WITH THIS SECTION.”.