

Department of Legislative Services  
Maryland General Assembly  
2001 Session

FISCAL NOTE

House Bill 127 (Delegate Dembrow)

Judiciary

Judicial Proceedings

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Estates and Trusts - Guardian - Medical Procedures

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This bill expands the current list of authorized guardians who may make health care decisions for disabled persons by specifying that a disabled person's guardian must, for the sole purpose of making health care decisions, fall into one of several enumerated classes of individuals and be familiar with the personal beliefs, values, and medical situation of the disabled person, as determined by the courts. The bill provides that an individual authorized by the court to make health care decisions must be: (1) a guardian for the patient; (2) the patient's spouse; (3) the patient's adult child; (4) the patient's parent; (5) the patient's adult sibling; or (6) a friend or relative who meets other specified criteria.

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Fiscal Summary

**State Effect:** The bill's requirements would not directly affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** The circuit courts have exclusive jurisdiction over protective proceedings for disabled persons. The court may authorize a disabled person's guardian to make decisions regarding medical procedures that involve a substantial risk to life without further court authorization if: (1) the disabled person has executed an advance health care

directive but did not appoint a health care agent; or (2) the guardian is the disabled person's spouse, adult child, parent, adult sibling, or adult grandchild.

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### **Additional Information**

**Prior Introductions:** Chapter 450 of 1996 (HB 364) added "adult grandchild" to the list of guardians who may make health care decisions for disabled persons.

**Cross File:** None.

**Information Source(s):** Register of Wills, Office of the Attorney General, Department of Health and Mental Hygiene (Medicaid), Department of Legislative Services

**Fiscal Note History:** First Reader – January 29, 2001  
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