

HOUSE BILL 1141

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2002 Regular Session
(21r2381)

ENROLLED BILL

-- *Environmental Matters/Education, Health, and Environmental Affairs* --

Introduced by ~~Delegate Frush~~ **Delegates Frush, Pitkin, and Stern**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **State Advisory Council on Quality Care at the End of Life**

3 FOR the purpose of establishing the State Advisory Council on Quality Care at the
4 End of Life; providing for the membership of the Advisory Council; providing for
5 the terms of members; requiring the Governor to appoint a successor if a
6 vacancy occurs; requiring the Governor to appoint the chair; providing for a
7 quorum; requiring the Advisory Council to meet a certain number of times each
8 year; prohibiting members from receiving compensation but allowing members
9 to receive reimbursement for certain expenses; requiring the Department of
10 ~~Health and Mental Hygiene~~ *Aging and the Office of the Attorney General* to
11 provide certain support to the Advisory Council; requiring the Advisory Council
12 to monitor certain trends, study certain information, provide recommendations
13 to certain agencies regarding certain agency activities, advise the General
14 Assembly on certain legislation, and participate in certain activities; and
15 generally relating to the State Advisory Council on Quality Care at the End of
16 Life.

17 BY adding to

1 Article - Health - General
2 Section 13-1601 through 13-1604, inclusive, to be under the new subtitle
3 "Subtitle 16. State Advisory Council on Quality Care at the End of Life"
4 Annotated Code of Maryland
5 (2000 Replacement Volume and 2001 Supplement)

6 Preamble

7 WHEREAS, Every Marylander is entitled to and should expect competent,
8 compassionate, and respectful care when facing a life-limiting illness; and

9 WHEREAS, Many health care providers in Maryland are striving to improve the
10 delivery of care to dying patients, including meticulous attention to pain and the
11 management of other symptoms; and

12 WHEREAS, Public policy can have a significant effect on the environment in
13 which end-of-life care is delivered; and

14 WHEREAS, A broadly diverse panel can play a key role in monitoring
15 developments affecting end-of-life care in Maryland and providing advice to
16 policymakers; now, therefore,

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Health - General**

20 SUBTITLE 16. STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE.

21 13-1601.

22 THERE IS A STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE.

23 13-1602.

24 (A) THE ADVISORY COUNCIL CONSISTS OF THE FOLLOWING ~~49~~ 20 MEMBERS:

25 (1) THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE;

26 (2) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE
27 PRESIDENT OF THE SENATE OF MARYLAND;

28 (3) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE
29 SPEAKER OF THE HOUSE;

30 (4) THE SECRETARY OF AGING OR THE SECRETARY'S DESIGNEE;

31 (5) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE
32 SECRETARY'S DESIGNEE; AND

- 1 (6) ~~14~~ 15 MEMBERS APPOINTED BY THE GOVERNOR:
- 2 (I) ONE PHYSICIAN WITH EXPERIENCE IN END-OF-LIFE CARE;
- 3 (II) ONE NURSE WITH EXPERIENCE IN END-OF-LIFE CARE;
- 4 ~~(III)~~ (III) ONE PHARMACIST WITH EXPERIENCE IN END-OF-LIFE CARE;
- 5 ~~(IV)~~ (IV) ONE PHYSICIAN WITH EXPERIENCE MANAGING
- 6 LONG-TERM CARE;
- 7 ~~(V)~~ (V) ONE NURSE WITH EXPERIENCE MANAGING LONG-TERM
- 8 CARE;
- 9 ~~(VI)~~ (VI) ONE REPRESENTATIVE OF THE HEALTH INSURANCE
- 10 INDUSTRY;
- 11 ~~(VII)~~ (VII) ONE REPRESENTATIVE FROM A MANAGED CARE
- 12 ORGANIZATION;
- 13 ~~(VIII)~~ (VIII) ONE REPRESENTATIVE OF THE LEGAL COMMUNITY;
- 14 ~~(IX)~~ (IX) ONE REPRESENTATIVE FROM THE HOSPICE CARE
- 15 COMMUNITY;
- 16 ~~(X)~~ (X) TWO REPRESENTATIVES FROM ADVOCACY GROUPS FOR
- 17 END-OF-LIFE CARE;
- 18 ~~(XI)~~ (XI) TWO REPRESENTATIVES FROM RELIGIOUS GROUPS; AND
- 19 ~~(XII)~~ (XII) TWO REPRESENTATIVES OF THE GENERAL PUBLIC WITH
- 20 EXPERIENCE WITH END-OF-LIFE OR LONG-TERM CARE ISSUES.
- 21 (B) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4 YEARS.
- 22 (2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
- 23 SUCCESSOR IS APPOINTED AND QUALIFIES.
- 24 (3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
- 25 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
- 26 QUALIFIES.
- 27 (4) A MEMBER WHO SERVES TWO CONSECUTIVE 4-YEAR TERMS MAY
- 28 NOT BE REAPPOINTED FOR FOUR YEARS AFTER THE COMPLETION OF THOSE TERMS.
- 29 (5) IF A VACANCY OCCURS AMONG THE MEMBERS APPOINTED BY THE
- 30 GOVERNOR, THE GOVERNOR SHALL PROMPTLY APPOINT A SUCCESSOR.
- 31 13-1603.
- 32 (A) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE ADVISORY COUNCIL.

1 (B) THE MEMBERS PRESENT AT A MEETING ARE A QUORUM TO DO BUSINESS.

2 (C) THE ADVISORY COUNCIL SHALL MEET AT LEAST TWICE A YEAR, AT THE
3 TIMES AND PLACES THAT IT DETERMINES.

4 (D) A MEMBER OF THE ADVISORY COUNCIL MAY NOT RECEIVE
5 COMPENSATION BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
6 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

7 (E) THE DEPARTMENT OF ~~HEALTH AND MENTAL HYGIENE~~ AGING AND THE
8 OFFICE OF THE ATTORNEY GENERAL SHALL JOINTLY PROVIDE STAFF SUPPORT AND
9 TECHNICAL ASSISTANCE FOR THE ADVISORY COUNCIL.

10 13-1604.

11 THE ADVISORY COUNCIL SHALL:

12 (1) MONITOR TRENDS IN THE PROVISION OF CARE TO MARYLANDERS
13 WITH LIFE-LIMITING ILLNESSES;

14 (2) STUDY THE IMPACT OF STATE STATUTES, REGULATIONS, POLICIES,
15 AND OTHER ASPECTS OF PUBLIC POLICY ON THE PROVISION OF CARE AT THE END OF
16 LIFE;

17 (3) PROVIDE RECOMMENDATIONS TO THE OFFICE OF THE ATTORNEY
18 GENERAL, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE DEPARTMENT
19 OF AGING, AND OTHER AGENCIES OF STATE GOVERNMENT WITH RESPECT TO THEIR
20 ACTIVITIES AFFECTING THE PROVISION OF CARE AT THE END OF LIFE;

21 (4) ADVISE THE MARYLAND GENERAL ASSEMBLY ON LEGISLATIVE
22 PROPOSALS AFFECTING THE PROVISION OF CARE AT THE END OF LIFE;

23 (5) PARTICIPATE IN OR OTHERWISE PROMOTE PUBLIC AND
24 PROFESSIONAL EDUCATIONAL EFFORTS CONCERNING CARE AT THE END OF LIFE;
25 AND

26 (6) CARRY OUT OTHER DUTIES AS MAY BE REQUESTED BY THE
27 GOVERNOR OR THE MARYLAND GENERAL ASSEMBLY.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
29 members of the Advisory Council appointed by the Governor shall expire as follows:

30 (1) Three members in 2003;

31 (2) Three members in 2004;

32 (3) Four members in 2005; and

33 (4) Four members in 2006.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2002.