
By: **Delegate Frush**

Introduced and read first time: February 8, 2002

Assigned to: Environmental Matters

A BILL ENTITLED

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 to provide certain support to the Advisory Council;
11 requiring the Advisory Council to monitor certain trends, study certain
12 information, provide recommendations to certain agencies regarding certain
13 agency activities, advise the General Assembly on certain legislation, and
14 participate in certain activities; and generally relating to the State Advisory
15 Council on Quality Care at the End of Life.

16 BY adding to
17 Article - Health - General
18 Section 13-1601 through 13-1604, inclusive, to be under the new subtitle
19 "Subtitle 16. State Advisory Council on Quality Care at the End of Life"
20 Annotated Code of Maryland
21 (2000 Replacement Volume and 2001 Supplement)

22 Preamble

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

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

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

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

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

6 **Article - Health - General**

7 SUBTITLE 16. STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE.
8 13-1601.

9 THERE IS A STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE.
10 13-1602.

11 (A) THE ADVISORY COUNCIL CONSISTS OF THE FOLLOWING 19 MEMBERS:

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

13 (2) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE
14 PRESIDENT OF THE SENATE OF MARYLAND;

15 (3) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE
16 SPEAKER OF THE HOUSE;

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

18 (5) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE
19 SECRETARY'S DESIGNEE; AND

20 (6) 14 MEMBERS APPOINTED BY THE GOVERNOR:

21 (I) ONE PHYSICIAN WITH EXPERIENCE IN END-OF-LIFE CARE;

22 (II) ONE NURSE WITH EXPERIENCE IN END-OF-LIFE CARE;

23 (III) ONE PHYSICIAN WITH EXPERIENCE MANAGING LONG-TERM
24 CARE;

25 (IV) ONE NURSE WITH EXPERIENCE MANAGING LONG-TERM CARE;

26 (V) ONE REPRESENTATIVE OF THE HEALTH INSURANCE
27 INDUSTRY;

28 (VI) ONE REPRESENTATIVE FROM A MANAGED CARE
29 ORGANIZATION;

30 (VII) ONE REPRESENTATIVE OF THE LEGAL COMMUNITY;

1 (VIII) ONE REPRESENTATIVE FROM THE HOSPICE CARE COMMUNITY;

2 (IX) TWO REPRESENTATIVES FROM ADVOCACY GROUPS FOR
3 END-OF-LIFE CARE;

4 (X) TWO REPRESENTATIVES FROM RELIGIOUS GROUPS; AND

5 (XI) TWO REPRESENTATIVES OF THE GENERAL PUBLIC WITH
6 EXPERIENCE WITH END-OF-LIFE OR LONG-TERM CARE ISSUES.

7 (B) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4 YEARS.

8 (2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
9 SUCCESSOR IS APPOINTED AND QUALIFIES.

10 (3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
11 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
12 QUALIFIES.

13 (4) A MEMBER WHO SERVES TWO CONSECUTIVE 4-YEAR TERMS MAY
14 NOT BE REAPPOINTED FOR FOUR YEARS AFTER THE COMPLETION OF THOSE TERMS.

15 (5) IF A VACANCY OCCURS AMONG THE MEMBERS APPOINTED BY THE
16 GOVERNOR, THE GOVERNOR SHALL PROMPTLY APPOINT A SUCCESSOR.

17 13-1603.

18 (A) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE ADVISORY COUNCIL.

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

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

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

25 (E) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE
26 STAFF SUPPORT AND TECHNICAL ASSISTANCE FOR THE ADVISORY COUNCIL.

27 13-1604.

28 THE ADVISORY COUNCIL SHALL:

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

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

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

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

7 (5) PARTICIPATE IN OR OTHERWISE PROMOTE PUBLIC AND
8 PROFESSIONAL EDUCATIONAL EFFORTS CONCERNING CARE AT THE END OF LIFE;
9 AND

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

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

14 (1) Three members in 2003;

15 (2) Three members in 2004;

16 (3) Four members in 2005; and

17 (4) Four members in 2006.

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