

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

House Bill 1278

(Delegate Walkup)

Environmental Matters

Health Care - Advance Medical Directives

This bill combines the Living Will and Advance Medical Directive health care decision-making forms, renamed the Advance Medical Directive, and makes modifications to the advance directive portion of the form.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The Advance Medical Directive form allows individuals to name agents who will have the authority to make all health care decisions for that individual and to take any related actions.

The new form allows individuals to direct that they be given all available medical treatment in accordance with accepted health care standards if: (1) death from a terminal condition is imminent; (2) a person is in a persistent vegetative state; or (3) the person has an end-stage condition which is irreversible and treatment would be medically ineffective. It removes the statement later in the form that no matter what a person's condition is, the person is given all available medical treatment in accordance with accepted health standards.

The bill also removes the statement in the form that medication may not be given to a person to relieve pain or suffering if the medication would shorten the person's life. Instead, it adds to the form that medication is given to an individual to relieve pain and suffering even if that medication would shorten the person's life.

Current Law: The health care decision-making forms allow a person to make decisions about life-sustaining procedures if, in the future, the person's death from a terminal condition is imminent despite life-sustaining procedures or the person is in a persistent vegetative state. Both forms must be signed by the individual they apply to and by two witnesses.

The Living Will allows individuals to indicate what actions should or should not be taken if: (1) a person's death from a terminal condition is imminent and there is no reasonable expectation of recovery; (2) a person is in a vegetative state and there is no reasonable expectation of recovery within a medically appropriate period; (3) any actions that should be taken if the person is pregnant; and (4) whether the person wants to donate any or all body parts upon death and how those body parts may be used.

The Advance Medical Directive allows a person to select a health care agent, give health care instructions, or both. In this document, individuals can make decisions about life-sustaining procedures in the event of a terminal condition, persistent vegetative state, or end-stage condition. Other health care decisions can also be made with this document. Anyone 18 or older may be a designated health care agent except generally an owner, operator, or employee of a health care facility where the patient is receiving care.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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