
By: **Delegates Morhaim, Boutin, Goldwater, Hammen, Hubbard, Hurson,
Nathan-Pulliam, Oaks, Pendergrass, Redmer, and Rosenberg**

Introduced and read first time: January 29, 2003

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program - Eligibility Requirements - Advance**
3 **Directives**

4 FOR the purpose of requiring an applicant for benefits under the Maryland Medical
5 Assistance Program, as a condition of eligibility under the Program, to complete
6 and sign certain advance directives or to sign a form stating that the applicant
7 declines to complete and sign the advance directives; requiring the Department
8 of Health and Mental Hygiene to ensure that a copy of each advance directive
9 completed and signed by an applicant is given to the applicant, maintained in
10 the applicant's records, and made available to certain providers of services;
11 requiring the Department to adopt certain regulations on or before a certain
12 date; providing for the application of this Act; and generally relating to
13 eligibility requirements under the Maryland Medical Assistance Program.

14 BY adding to
15 Article - Health - General
16 Section 15-109(g)
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2002 Supplement)

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

21 **Article - Health - General**

22 15-109.

23 (G) (1) AS A CONDITION OF ELIGIBILITY UNDER THE PROGRAM, AN
24 APPLICANT FOR BENEFITS SHALL:

25 (I) COMPLETE AND SIGN EACH OF THE ADVANCE DIRECTIVES
26 DESCRIBED IN § 5-603 OF THIS ARTICLE, IN ACCORDANCE WITH THE PROVISIONS OF
27 TITLE 5, SUBTITLE 6 OF THIS ARTICLE; OR

1 (II) SIGN A FORM STATING THAT THE APPLICANT DECLINES TO
2 COMPLETE AND SIGN EACH OF THE ADVANCE DIRECTIVES.

3 (2) THE DEPARTMENT SHALL ENSURE THAT A COPY OF EACH ADVANCE
4 DIRECTIVE COMPLETED AND SIGNED BY AN APPLICANT UNDER PARAGRAPH (1)(I) OF
5 THIS SUBSECTION IS:

6 (I) GIVEN TO THE APPLICANT;

7 (II) MAINTAINED IN THE APPLICANT'S RECORDS; AND

8 (III) MADE AVAILABLE, ON REQUEST, TO ANY PROVIDER OF
9 SERVICES TO PROGRAM RECIPIENTS.

10 (3) (I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO
11 IMPLEMENT THIS SUBSECTION.

12 (II) THE REGULATIONS SHALL INCLUDE THE ADVANCE DIRECTIVE
13 AND DECLINATION FORMS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
15 Health and Mental Hygiene shall adopt any regulations required under § 15-109(g) of
16 the Health - General Article, as enacted by Section 1 of this Act, on or before January
17 1, 2004.

18 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
19 apply to individuals applying for benefits under the Maryland Medical Assistance
20 Program on or after January 1, 2004.

21 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2003.