

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 214 (Delegates Morhaim and Frush)
Health and Government Operations

Finance

Health Care Decisions Act – “Patient’s Plan of Care” Form - Renaming

This bill renames the “patient’s plan of care” form under the Health Care Decisions Act as the “instructions on current life-sustaining treatment options” form.

Fiscal Summary

State Effect: None. Altering the name of the form would not affect governmental finances.

Local Effect: None.

Small Business Effect: Minimal to none.

Analysis

Current Law: Upon admission to a health care facility, a facility must offer a resident an opportunity to prepare a “patient’s plan of care” form to reflect the individual’s preferences for treatment and care, including the use of life-sustaining procedures and the transfer to a hospital from a nonhospital setting. If a form is completed, it must stay in the front of a patient’s medical records. If an individual’s care is transferred from one health care provider to another, the transferring health care provider may prepare a “patient’s plan of care” form.

The voluntary form must be consistent with the decisions of: (1) the patient, if competent, or a patient’s health care agent or surrogate decision maker, if the patient cannot make an informed decision; and (2) any advance directive of the patient if the patient is incapable of making an informed decision. It may be completed by a health

care provider under the direction of an attending physician. The attending physician and the patient or the patient's health care agent or surrogate decision maker must sign the form. The form must be dated and include a statement that it may be reviewed, modified, or rescinded at any time. It must indicate under what conditions it must be reviewed or modified, and include a conspicuous statement that the original form accompanies the individual when the individual is transferred to another health care provider or is discharged. In complying with a completed form's requirements, a health care provider must review a form received from another provider.

Background: Chapter 506 of 2004 (HB 556) required the Office of the Attorney General to develop a "patient's plan of care" form. As originally introduced, HB 556 required the development of a "physician orders for life-sustaining treatment" form. The title of the form was amended to "patient's plan of care" form before final passage of Chapter 506.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, CareFirst Blue Cross/Blue Shield, Maryland Insurance Administration, Department of Legislative Services

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