

BY: Finance Committee

AMENDMENTS TO SENATE BILL 874
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “position;” insert “providing for the construction of certain provisions of this Act;”.

AMENDMENT NO. 2

On pages 3 and 4, strike beginning with line 26 on page 3 through line 2 on page 4, inclusive, and substitute:

“(8) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AND SUBJECT TO SUBSECTION (J) OF THIS SECTION, HAVE THE RIGHT TO AN ADVOCATE OF THE INDIVIDUAL’S CHOICE PARTICIPATE IN THE TREATMENT PLANNING AND DISCHARGE PLANNING PROCESS; AND”.

On page 4, in line 3, strike “**IF**” and substitute “**SUBJECT TO THE PROVISIONS OF § 10-708 OF THIS SUBTITLE, IF**”; in line 12, after “(D)” insert “**NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (C)(8) OF THIS SECTION, A FACILITY MAY PROHIBIT AN ADVOCATE FROM PARTICIPATING IN THE TREATMENT PLANNING OR DISCHARGE PLANNING PROCESS FOR AN INDIVIDUAL IF:**

(1) THE INDIVIDUAL IS A MINOR OR AN ADULT UNDER GUARDIANSHIP IN ACCORDANCE WITH § 13-705 OF THE ESTATES AND TRUSTS ARTICLE AND THE LEGAL GUARDIAN OF THE INDIVIDUAL HAS REQUESTED THAT THE ADVOCATE NOT PARTICIPATE; OR

(2) THE ADVOCATE HAS ENGAGED IN BEHAVIOR THAT:

(Over)

(I) IS DISRUPTIVE TO THE INDIVIDUAL, OTHER PATIENTS, OR STAFF AT THE FACILITY; OR

(II) POSES A THREAT TO THE SAFETY OF THE INDIVIDUAL, OTHER PATIENTS, OR STAFF AT THE FACILITY.

(E)”;

in lines 19 and 21, in each instance, strike the bracket; in line 19, strike “(E)”;

and in line 21, strike “(F)”.

On page 5, after line 20, insert:

“(J) THIS SECTION MAY NOT BE CONSTRUED TO:

(1) GRANT THE ADVOCATE OF AN INDIVIDUAL LEGAL AUTHORITY THAT THE ADVOCATE DOES NOT OTHERWISE HAVE UNDER LAW TO MAKE DECISIONS ON BEHALF OF THE INDIVIDUAL REGARDING TREATMENT OR DISCHARGE;

(2) GRANT THE ADVOCATE ACCESS TO THE MEDICAL RECORDS OF THE INDIVIDUAL OR OTHER CONFIDENTIAL INFORMATION THAT THE ADVOCATE DOES NOT OTHERWISE HAVE ACCESS TO UNDER LAW; OR

(3) LIMIT THE LEGAL AUTHORITY THAT AN ATTORNEY OR OTHER PERSON OTHERWISE HAS UNDER LAW TO PARTICIPATE IN THE TREATMENT PLANNING AND DISCHARGE PLANNING PROCESS OR TO OTHERWISE ACT ON BEHALF OF AN INDIVIDUAL IN A FACILITY.”.

AMENDMENT NO. 3

On page 5, in lines 12 and 18, in each instance, strike the brackets; in line 12, strike “**(G)**”; and in line 18, strike “**(H)**”.