

HB0415/396681/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 415
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and V. Turner” and substitute “V. Turner, Bromwell, Donoghue, Elliott, Hammen, Kach, Krebs, Morhaim, Pendergrass, Riley, and Weldon”; and 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 in their entirety the lines beginning with line 29 on page 3 through line 3 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 4, strike “**IF**” and substitute “**SUBJECT TO THE PROVISIONS OF § 10-708 OF THIS SUBTITLE, IF**”; in line 13, 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) (I) THE INDIVIDUAL IS A MINOR OR AN ADULT UNDER GUARDIANSHIP IN ACCORDANCE WITH § 13-705 OF THE ESTATES AND TRUSTS ARTICLE; AND

(Over)

(II) THE PARENT OF THE MINOR OR THE LEGAL GUARDIAN OF THE INDIVIDUAL HAS REQUESTED THAT THE ADVOCATE NOT PARTICIPATE; OR

(2) THE ADVOCATE HAS ENGAGED IN BEHAVIOR THAT:

(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 20 and 22, in each instance, strike the brackets; in line 20, strike “(E)”; and in line 22, strike “(F)”.

On page 5, after line 22, 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 14 and 20, in each instance, strike the brackets; in line 14, strike “(G)”; and in line 20, strike “(H)”.