

SENATE BILL 221

J1, J3
SB 355/08 – FIN

9lr1798

By: **Senator Lenett**
Introduced and read first time: January 23, 2009
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Facilities – Disclosures – Use of Life–Sustaining Procedures**

3 FOR the purpose of requiring certain health care facilities to provide certain
4 information concerning the right to make certain decisions about health care,
5 request a copy of existing advance directives under specified circumstances, and
6 inform certain individuals or proxy decision makers about certain facility
7 procedures; requiring the State Advisory Council on Quality Care at the End of
8 Life to consult with certain groups before developing and making publicly
9 available certain resources; defining certain terms; providing for a delayed
10 effective date for certain provisions of this Act; and generally relating to the
11 provision of information by health care facilities on an individual's admission to
12 a facility.

13 BY renumbering

14 Article – Health – General
15 Section 5–615(c)
16 to be Section 5–615(d)
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2008 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Health – General
21 Section 5–615(a)
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2008 Supplement)

24 BY repealing

25 Article – Health – General
26 Section 5–615(b)
27 Annotated Code of Maryland
28 (2005 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
 2 Article – Health – General
 3 Section 5–615(b) and (c)
 4 Annotated Code of Maryland
 5 (2005 Replacement Volume and 2008 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 7 MARYLAND, That Section(s) 5–615(c) of Article – Health – General of the Annotated
 8 Code of Maryland be renumbered to Section(s) 5–615(d).

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 10 read as follows:

11 **Article – Health – General**

12 5–615.

13 (a) (1) In this section[, “health care facility” has the meaning stated in §
 14 19–114 of this article] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

15 (2) **“HEALTH CARE FACILITY” HAS THE MEANING STATED IN §**
 16 **19–114 OF THIS ARTICLE.**

17 (3) **“PROXY DECISION MAKER” MEANS A HEALTH CARE AGENT OR**
 18 **SURROGATE DECISION MAKER AUTHORIZED TO MAKE HEALTH CARE DECISIONS**
 19 **ON BEHALF OF AN INDIVIDUAL UNDER THIS SUBTITLE.**

20 [(b) Each health care facility shall provide each individual on admittance to
 21 the facility information concerning the rights of the individual to make decisions
 22 concerning health care, including the right to accept or refuse treatment, and the right
 23 to make an advance directive, including a living will.]

24 (B) **IF AN INDIVIDUAL WHO IS CAPABLE OF MAKING AN INFORMED**
 25 **DECISION IS ADMITTED TO A HEALTH CARE FACILITY, THE FACILITY SHALL:**

26 (1) **PROVIDE THE INDIVIDUAL WITH INFORMATION ON THE RIGHT**
 27 **OF THE INDIVIDUAL TO MAKE DECISIONS CONCERNING HEALTH CARE,**
 28 **INCLUDING THE RIGHT TO ACCEPT OR REFUSE TREATMENT;**

29 (2) **REQUEST FROM THE INDIVIDUAL A COPY OF ANY EXISTING**
 30 **ADVANCE DIRECTIVE MADE BY THE INDIVIDUAL;**

31 (3) **IF THE INDIVIDUAL DOES NOT HAVE AN ADVANCE DIRECTIVE,**
 32 **INFORM THE INDIVIDUAL OF THE RIGHT TO MAKE AN ADVANCE DIRECTIVE; AND**

1 **(4) INFORM THE INDIVIDUAL OF THE FACILITY’S POLICIES AND**
2 **PROCEDURES CONCERNING:**

3 **(I) IMPLEMENTATION OF AN ADVANCE DIRECTIVE; AND**

4 **(II) THE USE OF CARDIOPULMONARY RESUSCITATION AND**
5 **“DO NOT RESUSCITATE” ORDERS.**

6 **(C) IF AN INDIVIDUAL WHO IS INCAPABLE OF MAKING AN INFORMED**
7 **DECISION IS ADMITTED TO A HEALTH CARE FACILITY, THE FACILITY SHALL:**

8 **(1) PROVIDE THE PROXY DECISION MAKER WITH INFORMATION**
9 **ON THE RIGHT OF THE PROXY DECISION MAKER TO MAKE DECISIONS**
10 **CONCERNING HEALTH CARE FOR THE INDIVIDUAL, INCLUDING THE RIGHT TO**
11 **ACCEPT OR REFUSE TREATMENT;**

12 **(2) REQUEST FROM THE PROXY DECISION MAKER A COPY OF ANY**
13 **EXISTING ADVANCE DIRECTIVE MADE BY THE INDIVIDUAL OR ON BEHALF OF**
14 **THE INDIVIDUAL; AND**

15 **(3) INFORM THE PROXY DECISION MAKER OF THE FACILITY’S**
16 **POLICIES AND PROCEDURES CONCERNING:**

17 **(I) IMPLEMENTATION OF AN ADVANCE DIRECTIVE; AND**

18 **(II) THE USE OF CARDIOPULMONARY RESUSCITATION AND**
19 **“DO NOT RESUSCITATE” ORDERS.**

20 SECTION 3. AND BE IT FURTHER ENACTED, That the State Advisory
21 Council on Quality Care at the End of Life, after consultation with the Health
22 Facilities Association of Maryland, the Hospice and Palliative Care Network of
23 Maryland, the Maryland Hospital Association, Mid-Atlantic LifeSpan, and other
24 appropriate groups, shall review the information sheet under § 5-615(c) of the
25 Health – General Article to determine whether changes should be recommended to the
26 Department of Health and Mental Hygiene. In conducting this review, the State
27 Advisory Council shall also consider the development of model language, checklists,
28 points to consider, references to published materials, or other information that
29 the State Advisory Council considers helpful to facilitate
30 patient-centered decision making about life-sustaining procedures. To the extent
31 feasible, these resources shall take account of relevant differences among types of
32 health care facilities or time constraints on decision making.

33 SECTION 4. AND BE IT FURTHER ENACTED, That Sections 1 and 2 of this
34 Act shall take effect January 1, 2010.

1 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
2 Section 4 of this Act, this Act shall take effect June 1, 2009.