

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 812

(Senator Lenett)

Finance

Health and Government Operations

End of Life Health Care Disclosure Act

This bill requires each health care facility to disclose specified practices established for the facility regarding the implementation of advance directives and the use of cardiopulmonary resuscitation and “do not resuscitate” orders. In addition, facilities have to request a copy of any advance directive made by an individual. If an individual is not capable of making an informed decision, the facility has to inform a proxy decision maker authorized to make health care decisions on behalf of the individual of the right to make decisions concerning the individual’s health care and request a copy of the individual’s advance directive. A health care facility must disclose its policy on honoring advance directive provisions on its web site and the Maryland Health Care Commission’s web site.

The bill takes effect January 1, 2011.

Fiscal Summary

State Effect: The bill’s does not materially impact governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Upon admission to a health care facility, a facility has to provide each individual with information concerning the rights of the individual to make decisions

concerning health care, including the right to accept or refuse treatment, and the right to make an advance directive, including a living will.

Background: Chapter 265 of 2002 established the State Advisory Council on Quality Care at the End of Life. The council, staffed by the Office of the Attorney General, studies the impact of State statutes, regulations, and public policies on provision of care to the dying. The council also advises on matters related to the provision of care at the end of life. The council has published an “ethical framework” for facility policies.

Additional Information

Prior Introductions: SB 221 of 2009, a similar bill, was amended by the Senate but received an unfavorable report from the House Health and Government Operations Committee.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2010
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