

HOUSE BILL 416

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By: **Delegates Hill, Atterbeary, Barron, Carr, Ebersole, Hayes, Kelly, Krimm, Lam, Morales, Morhaim, Turner, and West**

Introduced and read first time: January 29, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Decisions Act – End-of-Life Decision-Making Informational**
3 **Booklet**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene, in
5 consultation with a certain council, to develop an end-of-life decision-making
6 informational booklet; requiring the booklet to contain certain information; requiring
7 the Department to distribute the booklet to certain health care providers, make the
8 booklet available to the public on the Department's Web site, and annually review
9 and update the booklet as necessary; requiring health care providers to provide the
10 booklet to certain patients under certain circumstances; requiring the Department
11 to distribute and make the booklet available on or before a certain date; defining a
12 certain term; and generally relating to an end-of-life decision-making informational
13 booklet.

14 BY adding to

15 Article – Health – General

16 Section 5-629 to be under the new part "Part III. End-of-Life Decision-Making
17 Informational Booklet"

18 Annotated Code of Maryland

19 (2015 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Health – General**

23 **5-627. RESERVED.**

24 **5-628. RESERVED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **PART III. END-OF-LIFE DECISION-MAKING INFORMATIONAL BOOKLET.**

2 **5-629.**

3 **(A) IN THIS SECTION, "HEALTH CARE PROVIDER" MEANS A PERSON WHO IS**
4 **LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED UNDER THE HEALTH**
5 **OCCUPATIONS ARTICLE TO PROVIDE HEALTH OR MEDICAL CARE IN THE ORDINARY**
6 **COURSE OF BUSINESS OR PRACTICE OF A PROFESSION.**

7 **(B) THE DEPARTMENT, IN CONSULTATION WITH THE STATE ADVISORY**
8 **COUNCIL ON QUALITY CARE AT THE END OF LIFE, SHALL DEVELOP AN**
9 **END-OF-LIFE DECISION-MAKING INFORMATIONAL BOOKLET.**

10 **(C) THE BOOKLET SHALL CONTAIN INFORMATION ON HEALTH CARE**
11 **OPTIONS AVAILABLE TO INDIVIDUALS WHO HAVE BEEN DIAGNOSED AS HAVING A**
12 **TERMINAL ILLNESS, INCLUDING INFORMATION ON:**

13 **(1) PALLIATIVE CARE, INCLUDING PAIN MANAGEMENT AND**
14 **TERMINAL SEDATION;**

15 **(2) HOSPICE CARE;**

16 **(3) THE USE, WITHHOLDING, AND WITHDRAWAL OF**
17 **LIFE-SUSTAINING TREATMENT; AND**

18 **(4) TO THE EXTENT AUTHORIZED BY LAW, RECEIVING AID IN DYING,**
19 **INCLUDING THE MEDICAL PRACTICE OF A PHYSICIAN PRESCRIBING MEDICATION TO**
20 **AN INDIVIDUAL THAT THE INDIVIDUAL MAY SELF-ADMINISTER TO BRING ABOUT**
21 **THE INDIVIDUAL'S DEATH.**

22 **(D) THE DEPARTMENT SHALL:**

23 **(1) DISTRIBUTE THE BOOKLET TO HEALTH CARE PROVIDERS WHO**
24 **TREAT PATIENTS WITH TERMINAL ILLNESSES;**

25 **(2) MAKE THE BOOKLET AVAILABLE TO THE PUBLIC ON THE**
26 **DEPARTMENT'S WEB SITE; AND**

27 **(3) ANNUALLY REVIEW AND UPDATE THE BOOKLET AS NECESSARY.**

28 **(E) A HEALTH CARE PROVIDER SHALL PROVIDE THE BOOKLET TO A**
29 **PATIENT WHO HAS BEEN DIAGNOSED AS HAVING A TERMINAL ILLNESS IF:**

1 **(1) THE PATIENT INQUIRES ABOUT RECEIVING AID IN DYING FROM A**
2 **PHYSICIAN AS A HEALTH CARE OPTION; AND**

3 **(2) RECEIVING AID IN DYING FROM A PHYSICIAN IS A HEALTH CARE**
4 **OPTION AUTHORIZED BY LAW.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2017,
6 the Department of Health and Mental Hygiene shall distribute and make available the
7 booklet required under § 5-629 of the Health – General Article, as enacted by Section 1 of
8 this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2016.