

HB0188/516286/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 188

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and K. Young” and substitute “K. Young, Krebs, Morgan, Pena-Melnyk, and Saab”; strike beginning with “altering” in line 4 down through “which” in line 6 and substitute “clarifying that certain guidelines, in accordance with which”; in line 7, strike “established” and substitute “authenticated”; in the same line, after “subscription” insert “apply as periodically updated”; in the same line, after the semicolon insert “requiring the Department of Health and Mental Hygiene to issue a request for proposals from electronic advance directives services for a certain purpose;”; in line 8, strike “of Health and Mental Hygiene”; in line 9, after “services;” insert “requiring an electronic advance directives service to use certain guidelines to authenticate a declarant’s identity for an electronic advance directive that is not witnessed; requiring the Maryland Health Care Commission and the Department to approve only electronic advance directives services that use certain guidelines to authenticate a declarant’s identity for an electronic advance directive that is not witnessed; requiring an individual to submit an electronic advance directive that is not witnessed to an electronic advance directives service recognized by the Commission;”; and in line 20, after “State;” insert “requiring, on or before a certain date each year, the Department to report to the Governor and certain committees of the General Assembly on the Advance Directive Program;”.

On page 2, in line 8, strike “and 5-622(a)(1)” and substitute “5-622(a), and 5-623(c)”; and in line 19, after “5-626” insert “and 5-627”.

AMENDMENT NO. 2

On page 3, in line 14, strike “ESTABLISHED” and substitute “AUTHENTICATED”; strike beginning with “REGULATIONS” in line 15 down through “SUBTITLE” in line 16 and substitute “THE GUIDELINES DESCRIBED IN § 5-602(C)(3) OF THIS SUBTITLE”;

(Over)

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in line 30, strike “(I)”; in line 31, strike the bracket; and in the same line, strike “established” and substitute “AUTHENTICATED”.

On page 4, strike beginning with the bracket in line 1 down through “PARAGRAPH” in line 2 and substitute “, AS PERIODICALLY UPDATED”; strike in their entirety lines 3 through 5, inclusive; in line 17, after “shall” insert “ISSUE A REQUEST FOR PROPOSALS FROM AND”; and after line 19, insert:

“(2) [The] AN electronic advance directives service shall:

(i) Be approved by the Maryland Health Care Commission and the Department; [and]

(ii) Meet the technology, security, and privacy standards set by the Maryland Health Care Commission; AND

(iii) USE THE GUIDELINES DESCRIBED IN § 5-602(C)(3) OF THIS SUBTITLE TO AUTHENTICATE A DECLARANT’S IDENTITY FOR AN ELECTRONIC ADVANCE DIRECTIVE THAT IS NOT WITNESSED.

(3) THE MARYLAND HEALTH CARE COMMISSION AND THE DEPARTMENT MAY APPROVE ONLY ADVANCE DIRECTIVES SERVICES THAT USE THE GUIDELINES DESCRIBED IN § 5-602(C)(3) OF THIS SUBTITLE TO AUTHENTICATE A DECLARANT’S IDENTITY FOR AN ELECTRONIC ADVANCE DIRECTIVE THAT IS NOT WITNESSED.

5-623.

(c) (1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN individual is not required to submit an advance directive to an

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electronic advance directives service recognized by the Maryland Health Care Commission.

(2) AN INDIVIDUAL SHALL SUBMIT AN ELECTRONIC ADVANCE DIRECTIVE THAT IS NOT WITNESSED TO AN ELECTRONIC ADVANCE DIRECTIVES SERVICE THAT IS RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION.”

AMENDMENT NO. 3

On page 5, after line 23, insert:

“5-627.

ON OR BEFORE JANUARY 15 EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, THE SENATE BUDGET AND TAXATION COMMITTEE, AND THE SENATE FINANCE COMMITTEE ON THE PROGRAM, INCLUDING, FOR THE PRIOR CALENDAR YEAR, THE COSTS TO ESTABLISH AND MAINTAIN THE PROGRAM AND THE FEES CHARGED TO REGISTRANTS UNDER THE PROGRAM.”