

# SENATE BILL 576

J2, N2, J1

0lr2978  
CF HB 691

---

By: **Senator Eckardt**

Introduced and read first time: January 31, 2020

Assigned to: Education, Health, and Environmental Affairs

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 2020

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Occupations – Nurse Practitioners – Certifications of Competency and**  
3 **Incapacity**

4 FOR the purpose of altering a requirement that a certain petition for guardianship of a  
5 disabled person include certain signed and verified certificates of competency by  
6 providing that the certificates may be signed and verified by a nurse practitioner and  
7 certain other health care practitioners; altering the requirements for the certification  
8 of a patient's incapacity to make an informed decision regarding treatment to allow  
9 the second individual making the certification to be ~~an advanced practice registered~~  
10 a nurse practitioner, rather than a second physician; altering the requirements for  
11 the certification of a patient's terminal or end-stage condition for certain purposes  
12 to allow the second individual making the certification to be a nurse practitioner,  
13 rather than a second physician; making conforming and stylistic changes; and  
14 generally relating to the authority of nurse practitioners to certify as to certain  
15 individuals' competency or incapacity.

16 BY repealing and reenacting, without amendments,  
17 Article – Estates and Trusts  
18 Section 13–705(a) and (b)  
19 Annotated Code of Maryland  
20 (2017 Replacement Volume and 2019 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Estates and Trusts  
23 Section 13–705(c)

---

### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland  
2 (2017 Replacement Volume and 2019 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article – Health – General  
5 Section 5–606  
6 Annotated Code of Maryland  
7 (2019 Replacement Volume)

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

10 **Article – Estates and Trusts**

11 13–705.

12 (a) On petition and after any notice or hearing prescribed by law or the Maryland  
13 Rules, a court may appoint a guardian of the person of a disabled person.

14 (b) A guardian of the person shall be appointed if the court determines from clear  
15 and convincing evidence that:

16 (1) A person lacks sufficient understanding or capacity to make or  
17 communicate responsible personal decisions, including provisions for health care, food,  
18 clothing, or shelter, because of any mental disability, disease, habitual drunkenness, or  
19 addiction to drugs; and

20 (2) No less restrictive form of intervention is available that is consistent  
21 with the person's welfare and safety.

22 (c) (1) Procedures and venue in these cases shall be as described by Title 10,  
23 Chapters 100 and 200 of the Maryland Rules.

24 (2) Notwithstanding the provisions of paragraph (1) of this subsection, a  
25 petition for guardianship of a disabled person shall include signed and verified certificates  
26 of competency from the following health care professionals **WHO HAVE EXAMINED OR**  
27 **EVALUATED THE DISABLED PERSON:**

28 (i) Two licensed physicians [who have examined the disabled  
29 person]; ~~for~~

30 ~~(ii) ONE LICENSED PHYSICIAN AND ONE NURSE PRACTITIONER;~~  
31 ~~OR~~

32 ~~[(ii)] ~~(iii)~~~~ 1. One licensed physician [who has examined the  
33 disabled person] ~~OR NURSE PRACTITIONER;~~ and



1 functioning, ~~AND A SECOND PHYSICIAN OR A NURSE PRACTITIONER,~~ certify that the  
2 patient is in a persistent vegetative state.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2020.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.