

To: Health & Government Operations Committee
From: Maryland State Advisory Council on Serious Illness Care

HB737: Request Unfavorable Report

Among its duties, the Maryland State Advisory Council on Serious Illness Care is charged with providing its perspective on proposed legislation. In that capacity the Council has reviewed and discussed HB737. Opposition from all members (which includes experts from across the spectrum of advanced illness, including physicians, nurses, pharmacists, and faith leaders) was unanimous, and we therefore request an Unfavorable Report.

While we appreciate any interest in advance directives and advanced care planning, HB 737 will provide no meaningful benefit to our citizens, will possibly be hurtful, and would complicate an already challenging process. There are several problems with the proposed legislation.

- 1) The bill creates a new type of advance directive which will only serve to confuse Marylanders. We've heard that there is a draft amendment being considered to adjust this, and it was also discussed. However, the conclusion was that such an amendment would not change our position.
- 2) The current Maryland Health Care Decisions Act allows a competent individual to direct withholding or withdrawing of any and all interventions, including opioids, through appointment of and directions to their Health Care Agent. There is no reason to put this particular circumstance into statute.
- 3) The Council has clinical concerns as well, and this is how this bill could be harmful and interfere with patient care. While everyone is aware of opioid issues, opioids are nonetheless useful medicines when properly supervised by appropriate clinicians. This is especially true during serious and advanced illness. Further if a patient has an advance care plan with this in their advance directive, they would not be given opioids for other clinical conditions, e.g. heart attack, kidney stone, major trauma, for which opioids properly administered would be appropriate.

The real challenge in our state is to have our citizens educated and encouraged to create an Advance Care Plan that meets their goals. We have a long way to go to achieve this. If we seek clinically relevant reform of our existing Health Care Decisions Act, the Uniform Law Commission has issued the Uniform Health Care Decisions Act 2024. This model statute outlines important improvements for all states to consider, and we can provide that to you.

For the above reasons, we request an Unfavorable Report on HB737.
Please contact me if further information is desired.

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