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**HB 1323 - Health Care Decisions Act - Surrogate Decision Making –
Hospital Surrogate Committee
House Health Committee
March 11, 2026
FAVORABLE**

Good afternoon, Chair Bagnall and members of the House Health Committee. Thank you for the opportunity to submit testimony in support of House Bill 1323. My name is Sara Westrick, Advocacy Director for AARP Maryland, one of the largest membership-based organizations in the state, with approximately 850,000 members. We represent the interests of Maryland's over 50 population.

House Bill 1323 is the product of a year-long working group process to create a standardized, ethical, and transparent process for making medical decisions on behalf of unrepresented patients. This bill is necessary because, at times, individuals lack the capacity to act on their own, have no advance directive, and have no available surrogate to speak for them.

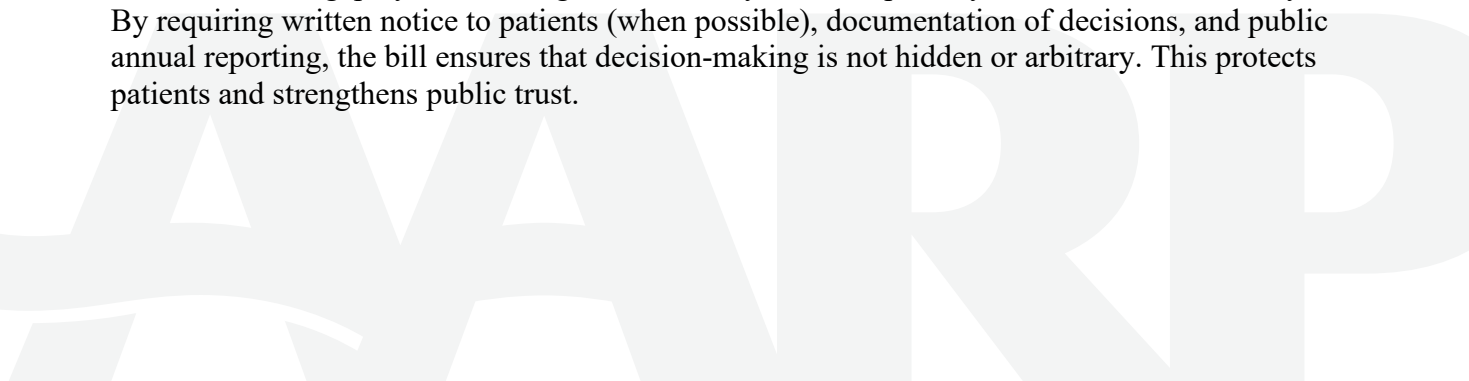
Today, nearly every hospital in Maryland encounters patients who arrive in crisis. They may be unconscious, confused, isolated, or severely ill, and they have no family at their side or documents expressing their wishes. Without clear guidance in statute, the decision-making process is inconsistent across hospitals. HB 1323 provides the clarity and safeguards urgently needed by both the hospitals and the unrepresented patients.

Why HB 1323 Is Necessary

Unrepresented patients are among the most vulnerable people in our health care system. They may be individuals experiencing homelessness, older adults living alone, people with disabilities, or those estranged from family. They deserve a process that ensures decisions about their care are made thoughtfully, ethically, and free from conflicts of interest.

Current law does not clearly outline how treatment decisions should be made when no surrogate exists. Hospitals often rely on ad-hoc approaches. One hospital may rely solely on the attending physician, another might convene an ethics committee, and in some cases treatment decisions are delayed because no decision-maker is clearly authorized.

The bill fills the gap by establishing accountability and transparency where none exists today. By requiring written notice to patients (when possible), documentation of decisions, and public annual reporting, the bill ensures that decision-making is not hidden or arbitrary. This protects patients and strengthens public trust.



What HB 1323 Does

HB 1323 creates a Surrogate Committee in every hospital. These committees are interdisciplinary and comprised of a well-trained group of clinicians, patient advocates, and community representatives. They will make treatment decisions only in specific circumstances, that is, when the patient lacks decision-making capacity, no surrogate is available, and no reliable evidence exists about what the patient would want. This structure ensures that decisions reflect both clinical expertise and the patient's interests and values.

The bill also includes important provisions, such as prohibiting the committee from authorizing sterilization, mental health treatment, or patient discharge. This preserves the patient's rights and ensures major decisions are not taken without due process. The bill also requires training for all members of these committees and annual reporting to the Office of Health Care Quality.

Conclusion

House Bill 1323 advances Maryland's commitment to protecting the rights and well-being of individuals who cannot speak for themselves. It offers a workable solution for hospitals and ensures that the most vulnerable patients receive thoughtful care. House Bill 1323 also avoids unilateral decision-making by a treating clinician and prevents court involvement in routine clinical decisions.

For these reasons, we respectfully urge a favorable report on HB 1323.

If you have any questions, please contact Sara Westrick at swestrick@aarp.org or by calling 410-310-0374.