

HEALTH-GENERAL

TITLE 19. HEALTH CARE FACILITIES

SUBTITLE 3. HOSPITALS AND RELATED INSTITUTIONS

PART IX. PATIENT CARE ADVISORY COMMITTEES

Md. HEALTH-GENERAL Code Ann. § 19-370 (2002)

§ 19-370. Definitions

- (a) In general. -- In this Part IX of this subtitle the following words have the meanings indicated.
- (b) Advice. -- "Advice" means the recommendations of the advisory committee.
- (c) Advisory committee. -- "Advisory committee" means a patient care advisory committee.
- (d) Petitioner. -- "Petitioner" means one of the following individuals who is responsible for making a decision with a medical consequence for a patient:
- (1) A patient;
 - (2) A physician;
 - (3) A registered nurse;
 - (4) A social worker;
 - (5) A family member;
 - (6) A guardian;
 - (7) An individual with a power of attorney to make a decision with a medical consequence for a patient; or
 - (8) Any other health care practitioner directly involved in the care of the patient.
- (e) Related institution. -- "Related institution" does not include a domiciliary care home that is operated independent of any other related institution.

§ 19-371. Establishment and manner of functioning

- (a) Establishment. -- Each hospital and each related institution shall establish:
- (1) An advisory committee as provided in this Part IX of this subtitle; and
 - (2) A written procedure by which the advisory committee shall be convened.
- (b) Manner of functioning. -- An advisory committee at a related institution may function:
- (1) Solely at that related institution;
 - (2) Jointly with a hospital advisory committee; or
 - (3) Jointly with an advisory committee representing no more than 30 other related institutions.

§ 19-372. Members; persons accompanying petitioner

(a) Members. --

(1) Each advisory committee shall consist of at least 4 members, including:

- (i) A physician not directly involved with the care of the patient in question;
- (ii) A registered nurse not directly involved with the care of the patient in question;
- (iii) A social worker; and

(iv) The chief executive officer or a designee from each hospital and each related institution represented on that advisory committee.

(2) The advisory committee may consist of as many other individuals as each represented hospital and related institution may choose, including:

- (i) Representatives of the community; and
- (ii) Ethical advisors or clergy.

(3) As part of the advisory committee's deliberations, the advisory committee, in appropriate cases, shall consult:

- (i) All members of the patient's treatment team;
- (ii) The patient;
- (iii) The patient's family; and

(iv) In a case involving the options for medical care and treatment of a child with a life-threatening condition, a medical professional familiar with pediatric end-of-life care, if a medical professional with this expertise is not already a member of the committee.

(b) Persons accompanying petitioner. -- The petitioner may be accompanied by any persons the petitioner desires.

§ 19-373. Additional duties and responsibilities of advisory committee

(a) Advice in cases involving life-threatening conditions. -- In addition to any other duties or responsibilities, and on the request of a petitioner, the advisory committee shall offer advice in cases involving individuals with life-threatening conditions.

(b) Medical decision-making; withholding of medical treatment. -- In addition to any other duties or responsibilities, the advisory committee may:

(1) Educate represented hospital and related institution personnel, patients, and patients' families concerning medical decision-making; and

(2) Review and recommend institutional policies and guidelines concerning the withholding of medical treatment.

§ 19-374. Advice as to options for individuals with life-threatening conditions; notification of individual's rights; liability for advice given; confidentiality

(a) Advice concerning options for medical care and treatment of individuals with life-threatening conditions. -- On the request of a petitioner, an advisory committee shall give advice concerning the options for medical care and treatment of an individual with a life-threatening condition.

(b) Notice of patient's rights. --

(1) The advisory committee shall make a good faith effort to notify a patient, a patient's immediate family members, a patient's guardians, and an individual with a power of attorney to make a decision with a medical consequence for a patient, of the individual's right:

- (i) To be a petitioner;
- (ii) To meet with the advisory committee concerning the options for medical care and treatment; and
- (iii) To receive an explanation of the basis of the advisory committee's advice.

(2) Any information or document that indicates the wishes of the patient shall take precedence in the deliberations of the advisory committee.

(c) Liability for advice -- Committee or member. -- An advisory committee or a member of an advisory committee who gives advice in good faith may not be held liable in court for the advice given.

(d) Same -- Person assisting in establishment of committee. -- A person that assists one or more hospitals or related institutions in the establishment of an advisory committee may not be held liable in court for any advice given in good faith by that person, the related institution, the advisory committee, or any member of the advisory committee and the committee and its members may not be held liable for any advice given in good faith.

(e) Confidentiality. --

(1) The proceedings and deliberations of an advisory committee are confidential as provided in § 1-401 of the Health Occupations Article.

(2) The advice of an advisory committee concerning a patient's medical care and treatment shall become part of the patient's medical record and is confidential under §§ 4-301 and 4-302 of this article.

(f) Liability for failure to carry out advice. -- A hospital or related institution may not be held liable in a civil action for failing to carry out the advice of an advisory committee concerning a patient's medical care if the advice given is inconsistent with the written policies of the hospital or related institution.