



The Maryland State Medical Society
1211 Cathedral Street
Baltimore, MD 21201-5516
410.539.0872
Fax: 410.547.0915
1.800.492.1056
www.medchi.org

American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™



Maryland Chapter

TO: The Honorable Thomas M. Middleton, Chair
Members, Senate Finance Committee
The Honorable William C. Smith, Jr.

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman

DATE: March 16, 2017

RE: **SUPPORT WITH AMENDMENT** – Senate Bill 935 – *Public Health – Delegation of Health Care Decisions – Temporary Health Care Agent for Minors*

The Maryland State Medical Society and the Maryland Chapter of the American Academy of Pediatrics **supports** Senate Bill 935, as amended by the sponsor.

Senate Bill 935 authorizes a parent or legal guardian of a minor to delegate, in writing, the authority to consent to, and make decisions regarding, medically necessary health care treatment for the minor to a temporary health care agent and provides immunity from criminal prosecution, civil liability and disciplinary action by the licensing board as a result of relying in good faith on consent given by a temporary health care agent when treating a minor. The legislation provides a framework for a parent or guardian to give someone else permission to consent to medical care for their child and to provide clarity and protection to a health care provider who finds themselves faced with the need to treat a minor when the minor presents for medically necessary treatment with someone other than the parent or guardian. Examples of such circumstances include a child travelling with another family or a parent or guardian travelling while someone else cares for their child.

As originally introduced, the prescriptive nature of the bill was concerning. However, as amended, the law provides appropriate clarity regarding the designation of authority for health care decisions related to a minor and protects the provider from liability when they meet the requirements of the law. As amended, a favorable report is requested.

For more information call:

Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
410-244-7000