

MedChi

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TO: The Honorable Peter A. Hammen, Chairman
Members, House Health & Government Operations Committee
The Honorable Dan Morhaim

FROM: Joseph A. Schwartz, III
Pamela Metz Kasemeyer
J. Steven Wise

DATE: February 21, 2012

RE: **SUPPORTS WITH AMENDMENT**– House Bill 449 – *Health Care Decisions by Surrogates – Donations of Nonvital Organs*

The Maryland State Medical Society (MedChi), which represents over 7,600 Maryland physicians and their patients, supports with amendment, House Bill 449.

House Bill 449 would allow appropriate individuals to donate a “nonvital organ” from a person who has been certified to be in a persistent vegetative state. MedChi believes, with proper protections, such a decision concerning the harvesting or nonvital organs is appropriate.

Under existing law, health care decisions are made by authorized health care agents or “surrogate decision makers.” These qualifications are outlined in the existing law. In discussing House Bill 449, several MedChi primary care physicians indicated that they were regularly perplexed by the failure of hospitals to advise them when their patients were in intensive care or hospitalized for extended stays. In many cases the hospital doctors were trying to arrange for decisions to be made but did not know who the health care agent was or have contact information for a surrogate decision maker. One MedChi internist indicated, that in most cases, that information was in her medical file but that she was rarely, if ever, asked or told that the information was necessary.

MedChi’s amendment, therefore, would be to include a requirement of contacting the patient’s primary care doctor in carrying out the objectives of House Bill 449. In this way, the decision about donation of a nonvital organ could be made by the most appropriate

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person under the law.

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