

MedChi

The Maryland State Medical Society

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TO: The Honorable Peter A. Hammen, Chair
Members, House Health and Government Operations Committee
The Honorable Dan K. Morhaim

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

DATE: February 20, 2015

RE: **SUPPORT WITH AMENDMENT** – House Bill 293 – *Guardianship, Advance Directives, and Surrogates – Disabled Persons and Mental Health Services*

The Maryland State Medical Society (MedChi), which represents more than 8,000 Maryland physicians and their patients, support House Bill 293, with amendment.

This legislation addresses various issues relative to guardianship, advance directives and surrogates specifically with respect to disabled persons and those with mental illness. MedChi endorses the testimony provided by the Maryland Psychiatric Society and would specifically reiterate the objection to the current language that permits the revocation of an advanced directive for a person who has been determined to lack the capacity for informed consent after a 72 hour delay.

Presumably the language is intended to provide time for the individual to regain competency. However, it is MedChi's position that an application for revocation of an advanced directive should not be granted until such time as the applicant is determined to have regained the capacity for informed consent. If the declarant cannot incompetently revoke the advanced directive immediately, there is no reason to permit him or her to incompetently revoke the advanced directive 72 hours later. If the person regains the capacity to make an informed decision after 24 hours or 72 hours or 7 days, then that is when they should regain the ability to revoke their advanced directive.

MedChi requests that the bill be amended accordingly. With its amendment noted, MedChi urges a favorable report.

For more information call:

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