

**State Advisory Council on Quality Care at the End of Life
Minutes from January 23, 2009 Meeting**

Meeting time and place: January 23, 2009, 10:00 a.m., in the Department of Aging's Conference Room, 301 West Preston Street, Room 1007.

Council members present: Catherine Boyne, Chair; Timothy Keay; Wendy Kronmiller (Secretary of Health and Mental Hygiene's designee); Mike LaChance (Secretary of Aging's designee); Steven Levenson; Ted Meyerson, Paul Ballard (Attorney General's designee); Karen Kauffman; Cari Watrous (Secretary of Disabilities' designee); Rev. Dan Mindling; Gloria Ramsey (via speakerphone).

Others present: Fran Stoner; Cynda Rushton; Amjad Riar; Kristin Cilento.

Catherine Boyne convened the meeting at 10:00 AM and welcomed Council members and guests.

Ms. Boyne asked Council members who need to be reappointed to complete the appropriate paperwork and submit it to Paul Ballard. She noted that Mr. Ballard has received some recommendations for new appointments. She asked people who are interested in serving on the Board to contact Mr. Ballard. At the next meeting the Council will get a list of vacancies.

Paul Ballard discussed the Council process for discussing legislative issues as they arise during the session. Mr. Ballard verified with the Council that it would use the following process: Mr. Ballard would send an email to Council members and if there was insufficient feedback he would ask the Council members to participate in a conference call at a pre-set time. The Council members then agreed to dates for conference calls if needed during the 2009 legislative session.

Mr. Ballard mentioned Senator Lennett's reintroduction of a revised version of his bill introduced in the 2008 legislative session as then Senate Bill 355 which required health care facilities to disclose to patients their policies and procedures regarding life-sustaining treatments. Mike LaChance gave the Council copies of the new bill to review.

Mr. Ballard also discussed House Bill 30 regarding terminal condition care counseling. After receiving feedback from some of the Council members, Mr. Ballard submitted amendments to the same legislation proposed by Senator Jennie Forehand and Senator Forehand then adopted all of those suggestions in her version of the bill. Delegates Elizabeth Bobo and Roger Manno introduced House Bill 30 before getting comments from Mr. Ballard but were in agreement with the amendments proposed in his letter to Senator Forehand.

Wendy Kronmiller raised the issue regarding how House Bill 30 would be enforced given that no enforcement remedy was mentioned in the bill. Steven Levenson noted a

concern about the potential confusion of equating the terms “end-stage,” “persistent vegetative state,” and “terminal.” Dr. Levenson was concerned that the manner in which these terms were consolidated into one definition of “end-of-life condition” could give the misleading impression that all these terms necessarily relate to the end of life. Dan Mindling echoed that concern and also raised a concern regarding the lack of required qualifications for the person providing the counseling and that some groups advocating assisted suicide would qualify as counselors. Rev. Mindling suggested that counselors be limited to licensed health care providers. Cari Watrous also recommended that the bill be amended to emphasize that assisted suicide may not be endorsed by counselors.

Council members expressed their support for the general goals of the HB 30, although some members had suggestions for particular changes to the bill’s language. The Council endorsed the amendments suggested by Mr. Ballard to the legislators and agreed to further possible amendments to ensure that the counseling is done consistent with the Health Care Decisions Act. The Council also suggested adding an amendment to the end of proposed Health-General Article, § 5-902(a) so that it would read: “When a patient is diagnosed with an end-of-life condition, the physician or surgeon making the diagnosis shall inform the patient or proxy that the patient or proxy may receive counseling regarding legal end-of-life care options **consistent with the goals of care for the patient and appropriate for the patient's medical condition.**”

Ms. Boyne began a discussion regarding the Council’s various workgroups. Ms. Boyne stated that Gloria Ramsay would chair the workgroup examining the issue of racial disparities. Dr. Ramsay will work with Ms. Kronmiller and Rev. Mindling on the issue.

Regarding the pediatric palliative care workgroup, the Council authorized Ms. Boyne to appoint the workgroup members. Cynda Rushton and Sue Hough would co-chair the workgroup.

Dr. Levenson is heading the life-sustaining treatments options form workgroup, looking at the issue of whether POLST form is needed or whether the LST option form is good or it is an issue of implementation of the LST Options form. Dr. Keay, Ted Meyerson, and Fran Stoner are all members of the workgroup and Karen Kaufman volunteered to join the workgroup. The workgroup believes there is a need for better data regarding the implementation of these forms.

No further items of business having been presented, Ms. Boyne adjourned the meeting at noon.