

State Advisory Council on Quality Care at the End of Life Minutes from March 4, 2005 Meeting

Meeting time and place: March 4, 2005, 10:00 a.m., in the MAP Conference Room, 301 West Preston Street, 10th floor.

Council members present: Dr. Cynda Rushton, Chair; Ms. Ruth Eger; Ms. Murt Foos; Dr. Richard Fornadel; Ms. Marguerite Gilner; Ms. Karen Kauffman; Dr. Timothy Keay; Rev. John Daniel Mindling; Mr. Jack Schwartz (Attorney General's designee); Ms. Catherine Stavely.

Others present: Dr. Patricia Alt; Mr. Steve Buckingham; Mr. Jim DeBoy; Mr. Ted Myerson; Ms. Theresa Jeter-Cutting; Ms. Fran Stoner; Ms. Sue Vaeth; Dr. Gary Wilks.

Dr. Cynda Rushton convened the meeting at 10:00 and welcomed the Council members and guests. She invited all present to share recent activities with the group, and Ruth Eger reported that, after extensive delays, planning was underway for a new pediatric hospice building.

Dr. Rushton asked Jack Schwartz to provide an update on currently pending legislation. Mr. Schwartz focused on House Bill 609, which would mandate reporting of all deaths of long-term care residents to the medical examiner, and House Bill 1004, which would create a public registry of durable powers of attorney for health care, if they were notarized and submitted to the Secretary of Health and Mental Hygiene. Mr. Schwartz reported that House Bill 609 had already been heard and that the Attorney General had requested a sunset date on the bill and provision for an assessment of its impact on end-of-life care. Turning to House Bill 1004, Mr. Schwartz asked whether the Council wanted to take a position at the bill hearing on March 10. **Council action:** After discussion, the Council unanimously instructed Mr. Schwartz to prepare testimony on its behalf that would note the importance of the problem of timely access to advance directives, identify the problems with the bill, and state the Council's willingness to conduct a study of advance directive registries.

Mr. Schwartz then gave a status report on the Patient's Plan of Care Form (PPOC). He distributed a draft of an Explanatory Guide for Patients and Families and requested comments and suggestions. This draft will also be posted for comment on the Attorney General's website. Various Council members expressed a willingness to assist in preparation of training materials related to the PPOC and to help carry out a "train the trainer" model of professional education. The Council also discussed issues related to evaluation of the PPOC. Some useful information, it was agreed, would come from facilities that voluntarily decided to pilot the PPOC prior to its official launch.

Consideration was also given to the possibility of including a one-page evaluation questionnaire along with the PPOC. Council members suggested working with AARP, the Alzheimer's Association, and similar groups to look at ways of assessing the experience of patients and families in using the PPOC.

Mr. Schwartz then distributed the current draft of the advance directive information sheet and reported on the additional steps needed before the information sheet is ready for public dissemination.

The Council then discussed a matter raised by Delegate Elizabeth Bobo, who asked the Council to review an informed consent document from an endoscopy center in Howard County. The document contained the following item: "I understand that Advanced Directives are not honored at this facility." Council members discussed the likely intent underlying this poor choice of words and the relationship between a generally worded advance directive and the situation of informed consent to a procedure that necessarily involves the possible use of life-sustaining medical technology, albeit usually only temporarily. **Council action:** The Council unanimously instructed Mr. Schwartz to draft an analysis of the issues raised by Delegate Bobo's inquiry, which might take the form of a letter issued jointly by the Attorney General and the Council.

Mr. Schwartz concluded the discussion by distributing two articles, one published last year in the Hastings Center Report and the other that he has submitted for publication in the Maryland Bar Journal, on the conceptual and practical difficulties posed by living wills. The Council informally agreed to consider this issue further at its next meeting, especially the policy recommendations contained in Mr. Schwartz's article.

The Council set its next meeting for Friday, June 17, at 10:00 at the Department of Aging. No further items of business having been presented, Dr. Rushton adjourned the meeting at 11:55.