

State Advisory Council on Quality Care at the End of Life Minutes from May 15, 2008 Meeting

Meeting time and place: May 15, 2008, 10:00 a.m., in the Department of Aging's Conference Room, 301 West Preston Street, Room 1007.

Council members present: Cynda Rushton, Chair; Catherine Boyne; Timothy Keay; Wendy Kronmiller (Secretary of Health and Mental Hygiene's designee); Mike Lachance (Secretary of Aging's designee); Steve Levenson; Ted Meyerson; Rev. Dan Mindling; Jack Schwartz (Attorney General's designee); Catherine Stavely.

Others present: Pat Alt; Harold Bob; Jim DeBoy; Darlene Fleishman; Teresa Jeter-Cutting; Ethan Moore; Fran Stoner; Gary Wilks.

Dr. Rushton convened the meeting at 10:00 and welcomed Council members and guests.

The Council reviewed pertinent bills passed during the 2008 Session of the General Assembly and signed by the Governor. Council members were concerned that health care facilities and professionals have a source for accurate information about the new legislation, which becomes effective on October 1. By informal consensus, the Council requested that the Attorney General's Office develop short briefing papers about House Bill 510, on electronic signatures and advance directives, and House Bill 1140, on certifications by nurse practitioners. In addition, to the extent that House Bill 1140 brings to light scope of practice questions about DNR orders, appropriate clarification should be sought from the Board of Nursing.

With respect to Senate Bill 566, on domestic partners, Mr. Schwartz stated that the Governor had not yet signed the bill but was expected to. The bill will become effective on July 1. Mr. Schwartz indicated that he would be preparing a letter on implementation of the surrogate decision making portion of the bill. Council members discussed a variety of complicated scenarios that might arise and suggested that increased involvement of facility ethics committees might result.

Council members then considered the Council's process for deciding legislative positions outside of regularly scheduled meetings. Council members acknowledged both the value of interactive discussion and the severe time constraints that sometimes arise during the legislative session. Some members were inclined to favor the existing practice of formulating Council positions via e-mail circulation when time is short. Others thought that no position is preferable to one arrived at with insufficient opportunity for collegial reflection. Ideas to ameliorate the problem included advance scheduling of conference call times at critical junctures, e-mail circulation of a synopsis of members' views, and

fuller disclosure of the process underlying a Council position. The Council requested that the Attorney General's Office develop a draft procedure document, incorporating many of these ideas, for review at the next meeting.

With regard to the pediatric palliative care report, Mr. Schwartz reminded members of the report's recommendations and requested suggestions for participants in a meeting aimed at implementing the recommendations.

The final topic of discussion was Mr. Schwartz's brief report about POLST, especially its increasing use in other states. Mr. Schwartz asked whether the Council wished to revisit the possibility of a POLST initiative in Maryland, which would in essence entail transforming the LST Options form into an actionable physician's order. Some Council members and guests pointed out that hospital credentialing issues were a serious concern, the Oregon data showing the efficacy of the POLST intervention were now rather dated, and too much emphasis on the POLST form might detract from a more open and robust decision making process. The Council requested that the Attorney General's Office develop a briefing paper comparing POLST and the LST Options form, identifying issues, and summarizing available data.

Noting that this was Mr. Schwartz's last meeting, Council members and guests thanked him for his work on behalf of the Council and presented him with gifts in recognition of his service.

The Council set the next meeting for Friday, October 10, 2008, at 10:00 at the Department of Aging.

No further items of business having been presented, Dr. Rushton adjourned the meeting at noon.