

HARRY HUGHES, Governor

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"hospital and a related institution" from provisions authorizing unconsented treatment of the disabled individual and those according certain immunity. Also, House Bill 309 amends subsection (d) which House Bill 159 and Senate Bill 433 repeal in its entirety.

For these reasons, I have vetoed House Bill 309.

Sincerely,  
Harry Hughes  
Governor

May 23, 1984

Honorable Harry Hughes  
Governor of Maryland  
State House  
Annapolis, Maryland 21401

Re: House Bill 159 and  
House Bill 309

Dear Governor Hughes:

You have requested advice on whether the provisions of House Bill 159 and House Bill 309, both of which have been previously approved for constitutionality, are so inconsistent that only one of the bills should be signed.

Both bills amend § 20-107 of the Health General Article which presently provides that under certain circumstances a "physician or a health care facility" may treat a disabled individual without consent. In addition, in § 20-107(d), existing law confers certain immunity from civil suit or criminal prosecution on a "physician or an individual under the direction of a physician" who treats a disabled individual without consent. The revisor's note to this section states the following:

"The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that, while subsection (c) of this section permits a 'health care facility' or physician to provide treatment, subsection (d) of this section does not provide immunity to the health care facility."

Apparently responding to this omission in the law, House Bill 309 amends § 20-107(d), and confers immunity upon "a health care facility that renders treatment to a disabled individual." Although House Bill 309 is aimed at this narrow issue, House Bill 159 is a comprehensive rewrite of the entire section. In so doing, the latter bill confers immunity for treatment upon a "health care provider." The bill defines the term in the following fashion: