

"'HEALTH CARE PROVIDER' MEANS ANY OF THE FOLLOWING PERSONS LICENSED OR AUTHORIZED TO PROVIDE ONE OR MORE HEALTH CARE SERVICES IN THE STATE:

- (I) A CHIROPRACTOR.
- (II) A DENTIST.
- (III) A LICENSED PRACTICAL NURSE.
- (IV) AN OPTOMETRIST.
- (V) AN OSTEOPATH.
- (VI) A PHYSICAL THERAPIST.
- (VII) A PHYSICIAN.
- (VIII) A PODIATRIST.
- (IX) A REGISTERED NURSE.
- (X) A-HOSPITAL.
- (XI) A-RELATED-INSTITUTION.
- (X) A HOSPITAL ADMINISTRATOR OR
THE ADMINISTRATOR'S DESIGNEE.

20-107(a)(3).

As shown above, House Bill 159 was specifically amended to delete a "hospital and a related institution" from provisions authorizing unconsented treatment of the disabled individual (§ 20-107(c)) and those according certain immunity (§ 20-107(d)).

Under these circumstances, we see no way the two bills, if both are signed, could be reconciled. Each bill is clearly intending the opposite result and for this reason, we recommend that only one bill be signed.

Very truly yours,
Stephen H. Sachs
Attorney General

House Bill No. 309

AN ACT concerning

Informed Consent - Treating Disabled Individuals -
Nonliability of Health Care Facility

FOR the purpose of providing for the nonliability of a health care facility that renders treatment to a disabled individual who did not have the capacity to give certain informed consent.

BY repealing and reenacting, with amendments,

Article - Health - General
Section 20-107
Annotated Code of Maryland