

CHAPTER 450

(House Bill 364)

AN ACT concerning

Guardians of the Person – Authorization of Medical Procedures – Adult Grandchildren

FOR the purpose of adding a guardian who is also the adult grandchild of a disabled person to the list of guardians whom a court may authorize to make a decision regarding certain medical procedures without further court authorization; and generally relating to the powers of a guardian of a disabled person.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 13-708(c)

Annotated Code of Maryland

(1991 Replacement Volume and 1995 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Estates and Trusts

13-708.

(c) (1) Notwithstanding the powers conferred to a guardian under subsection (b)(8) of this section, and except as provided in paragraph (2) of this subsection, where a medical procedure involves, or would involve, a substantial risk to the life of a disabled person, the court must authorize a guardian's consent or approval for:

(i) The medical procedure;

(ii) Withholding the medical procedure; or

(iii) Withdrawing the medical procedure that involves, or would involve, a substantial risk to the life of the disabled person.

(2) The court may, upon such conditions as the court considers appropriate, authorize a guardian to make a decision regarding medical procedures that involve a substantial risk to life without further court authorization, if:

(i) The disabled person has executed an advance directive in accordance with Title 5, Subtitle 6 of the Health – General Article that authorizes the guardian to consent to the provision, withholding or withdrawal of a medical procedure that involves a substantial risk to life but does not appoint a health care agent; or

(ii) The guardian is also the disabled person's spouse, adult child, parent, [or] adult brother or [sister] SISTER, OR ADULT GRANDCHILD.