

**THE MARYLAND HEALTH CARE DECISIONS ACT AND  
ADVANCE DIRECTIVES: WHO REALLY GETS TO  
MAKE THE HEALTH CARE DECISIONS?  
Wednesday, December 14, 2005  
Columbia, Maryland**

www.micpel.edu

The Maryland Institute for Continuing  
Professional Education of Lawyers, Inc.  
Maryland Bar Center  
520 West Fayette Street, Suite 300  
Baltimore, MD 21201-1756



Non-Profit  
Organization  
U.S. Postage  
PAID  
MICPEL

Course No. **THE MARYLAND HEALTH CARE DECISIONS  
ACT AND ADVANCE DIRECTIVES**  
06-3034

**Registration Form: 4 Easy Ways to Register**

- I have already pre-registered by FAX, this is my original.  
(for check payments only)



**Live Program:**

- Wednesday, December 14, 2005  
Columbia, MD, 9:00 a.m. - 1:15 p.m.

**Video Replays:**

- January 5, 2006 - Baltimore - MICPEL Offices
- January 19, 2006 - Rockville - Circuit Court Law Library, Rm. 326
- February 2, 2006 - Baltimore - MICPEL Offices
- February 16, 2006 - Rockville - Circuit Court Law Library, Rm. 326

**Fees:**

- MSBA Young Lawyer Section Members  \$149
- MSBA Elder Law Section Members  \$149
- MSBA Estate & Trust Law Section Members  \$149
- MSBA Health Law Section Members  \$149
- MSBA Members  \$169
- National Academy of Elder Law Attorneys  \$149
- All Others  \$199
- MICPEL Flex or Select Pass Holders  \$0
- Video Replay  \$149
- PA MCLE Credit Fee (\$2/hour)  \$8
- PA Bar. ID # \_\_\_\_\_

**Too Busy to Attend?**

Materials, Audio Tapes and CDs are available ten (10) days after course date.  
DVDs are available sixty (60) days after the course date.  
\*Price includes tax and shipping

- Materials \$69.45\* (Inv. #2452-05)
- Audio Tapes and Materials \$132.45\* (Inv. #2453-05)
- CDs and Materials \$132.45\* (Inv. #2787-05)
- DVDs and Materials \$174.45\* (Inv. #2788-05)

1. **FAX** your credit card registration to: (410) 659-0647
2. **Mail** your registration form with check or credit card info to:  
520 West Fayette Street, Suite 300, Baltimore, MD 21201
3. **Call** in your credit card registration to: (410) 659-6730,  
Monday-Friday, 8:00 am to 5:00 pm
4. **Register at the door.** Please call ahead to confirm date, time,  
location and space availability.

**Src. Code  
D6C027**

- This is a new address.

Customer ID Number (from right corner of mailing label):  
\_\_\_\_\_

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_ Suite: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Area of Practice: \_\_\_\_\_

Are you taking this course for credit?  Yes  No

**Payment Method:** \*Credit Card Required for Fax Registration

Flex/Select Pass No. \_\_\_\_\_

Check No. \_\_\_\_\_

Charge to:  Visa  MC  AMEX Exp. Date: \_\_\_\_\_

Card Number: \_\_\_\_\_

CVV #: \_\_\_\_\_ (VISA & MC last 3 digits on back of card, AMEX 4 digits on front)

Cardholder's Name: \_\_\_\_\_

Signature: \_\_\_\_\_

**Payment:** Amount Enclosed/Charged  
Please make checks payable to MICPEL.

\$

**MICPEL**

Maryland Bar Center,  
520 West Fayette Street, Suite 300  
Baltimore, MD 21201-1756  
CALL: (410) 659-6730 or FAX: (410) 659-0647  
EMAIL: info@micpel.edu WEB: www.micpel.edu

MICPEL, The Maryland State Bar Association Sections of Elder Law,  
Estate & Trust Law, and Health Law & The Maryland/Washington D.C.  
Chapter of the National Academy of Elder Law Attorneys, Inc.  
*In cooperation with* The University of Baltimore School of Law and  
The University of Maryland School of Law  
Present:

4 HRS  
CLE

# THE MARYLAND HEALTH CARE DECISIONS ACT AND ADVANCE DIRECTIVES:

## WHO REALLY GETS TO MAKE THE HEALTH CARE DECISIONS?

Wednesday, December 14, 2005  
9:00 a.m. - 1:15 p.m.



Ecker Business Training Center  
6751 Columbia Gateway Drive  
Columbia, Maryland



**MICPEL**

# THE MARYLAND HEALTH CARE DECISIONS ACT AND ADVANCE DIRECTIVES: WHO REALLY GETS TO MAKE THE HEALTH CARE DECISIONS?

*What you will learn & why you should attend...*

During the past thirty years, there have been enormous steps taken to allow one to control one's own health care decisions. Each of these steps involved a difficult debate about diverse legal, moral, ethical, and political questions. Now, however, new questions are being raised about how the patient's wishes can be ascertained, and once ascertained, how can they be enforced. The roles of health care agents, physicians, health care facilities and courts are all coming back into focus.

The Maryland Health Care Decisions Act and Advance Directives program will discuss the purpose, drafting and other considerations in preparing advance directives under the Health Care Decisions Act as well as the issues arising from the use of advance directives, all from the perspectives of the various parties. Our outstanding faculty will also discuss some of the hot topics associated with each perspective, and they will present a panel discussion based on a hypothetical that will develop practical responses to the questions raised. This program is geared toward anyone who deals with patients or their families in the legal or health care environments.

## *Agenda ...*

9:00 a.m. – 9:30 a.m.

### **The Health Care Decisions Act**

- Overview
- History of the Act
- Amendments to the Act

*Jack Schwartz*

9:30 a.m. – 10:00 a.m.

### **The Client's Perspective**

- Drafting the Advance Directive
  - Reflections of Patient Wishes
  - Drafting to Minimize Court Intervention
- Implementing an Advance Directive

*Richard F. Lindstrom*

10:00 a.m. – 10:30 a.m.

### **The Health Care Facility's Perspective**

- Patient Self-Determination Act of 1992
- Relevant Policies and Procedures
- Impact of HIPAA on the HCDA
- Hot Issues

*Elizabeth A. Simpson*

10:30 a.m. – 10:45 a.m. **Break**

10:45 a.m. – 11:15 a.m.

### **The Physician's Perspective**

- Defining the Medical Terms in the Health Care Decisions Act
- Application of the HCDA to Real Life Situations
- Medical Ethics and the HCDA

*Marsden McGuire*

11:15 a.m. – 11:45 a.m.

### **The Health Care Agent's Perspective**

- Defining the Health Care Agent's Role under the Health Care Decisions Act
- Implementing Patient Wishes and Defining Best Interests
- Interpreting Relevant Presumptions
- Identifying Risks

*Michael W. Davis*

11:45 a.m. – 12:15 p.m.

### **The Court's Perspective**

- Viability of HCDA in Light of Relevant Guardianship Considerations
- Hot Issues

*The Honorable John F. Fader, II*

12:15 p.m. – 1:15 p.m.

**Panel Discussion Incorporating a Hypothetical and Question and Answer Session**

# OUR OUTSTANDING FACULTY

**Michael W. Davis, Esq.**

Davis, Agnor, Rapaport & Skalny, LLC  
*Program Co-Chair*

**Richard F. Lindstrom, Esq.**

Gordon, Feinblatt, Rothman, Hoffberger  
& Hollander, LLC  
*Program Co-Chair*

**The Honorable John F. Fader, II**

Circuit Court of Maryland for Baltimore County  
(Retired)

**Marsden McGuire, M.D.**

Medical Director, Geriatric Services,  
Sheppard Pratt Health System

**Jack Schwartz, Esq.**

Director, Health Policy Development,  
Office of the Attorney General of Maryland

**Elizabeth A. Simpson, Esq.**

Vice-President and Deputy General Counsel,  
MedStar Health

## *Other Important Information...*

### **REFUND AND CANCELLATION POLICY**

Telephone, fax and e-mail registrations, accompanied by a credit card authorization, and regular mail registrations, accompanied by a check or credit card authorization, will be accepted until 5:00 p.m. two (2) days before all regular full-day and half-day programs. Registrations at the door will be accepted for regular full-day and half-day programs, but please call to verify availability, date, time, and location. MICPEL reserves the right to cancel or reschedule any program and will notify registrants at least 24 hours in advance of such cancellation or rescheduling. Full refunds, less \$20 for administrative expense, will be made for cancellations received by 5:00 p.m. the day before regular full-day and half-day programs. If you register for regular full-day and half-day programs, but do not attend or cancel, you will receive the course materials following the program in full consideration of tuition paid.

### **ACCREDITATION**

**For Live Programs:** MICPEL is an accredited sponsor in Pennsylvania, Delaware, and Virginia. MICPEL courses are also routinely approved for credit in every other MCLE jurisdiction in the United States. If you need credit from other states or organizations, you will be given a certificate of attendance for filing. Certificates of attendance will be issued at the end of the live program.

**For Video Replays:** Virginia MCLE guidelines require another attorney must be present to view the video and sign the certificate of attendance. MICPEL cannot guarantee more than one attorney will be present at a replay. Certificates of attendance will be issued at the end of the video replay.

### **SCHOLARSHIPS & REDUCED FEE REGISTRATIONS**

Scholarships and reduced fee registrations for pro bono volunteers and full-time public interest lawyers are available through the Pro Bono Resource Center (PBRC). Call 410.837.9379 for more details.

### **NEED SPECIAL ACCOMMODATIONS?**

If you need special accommodations, please contact MICPEL at least five (5) days prior to the start date of the course so we can make appropriate arrangements. Call 410.659.6730 to make these arrangements.

**INCLEMENT WEATHER POLICY:** Should inclement weather or other emergencies necessitate the delay or cancellation of a MICPEL program, an announcement of the delay or cancellation will be posted at [www.micpel.edu](http://www.micpel.edu) no later than 6:30 am on the date of the program. Emergency or weather related delays/cancellations will also be announced no later than 6:00 am on the date of the program on MICPEL's voicemail "program information telephone line" accessed by dialing 410.659.6730 ext. 2.