

Chapter 323

(Senate Bill 654)

AN ACT concerning

Health – Down Syndrome – Required Information

FOR the purpose of requiring the Department of Health and Mental Hygiene to identify certain information about Down syndrome; requiring the Department to make available certain information on the Department's Web site and to provide certain information to certain health care facilities and certain health care providers; ~~requiring~~ authorizing certain health care facilities and certain health care providers to provide to certain individuals certain information under certain circumstances; defining certain terms; and generally relating to the identification and provision of information about Down syndrome.

BY adding to

Article – Health – General

Section 20–1501 and 20–1502 to be under the new subtitle “Subtitle 15. Down Syndrome Information”

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

Article – Health – General

SUBTITLE 15. DOWN SYNDROME INFORMATION.

20–1501.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “DOWN SYNDROME” MEANS A CHROMOSOMAL CONDITION CAUSED BY AN ERROR IN CELL DIVISION THAT RESULTS IN THE PRESENCE OF AN EXTRA WHOLE OR PARTIAL COPY OF CHROMOSOME 21.

(C) (1) “HEALTH CARE FACILITY” MEANS A FACILITY OR AN OFFICE WHERE HEALTH OR MEDICAL CARE IS PROVIDED TO PATIENTS BY A HEALTH CARE PROVIDER.

(2) “HEALTH CARE FACILITY” INCLUDES A HOSPITAL AND A LIMITED SERVICE HOSPITAL.

(D) (1) “HEALTH CARE PROVIDER” MEANS A PERSON WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED UNDER THE HEALTH OCCUPATIONS ARTICLE TO PROVIDE HEALTH OR MEDICAL CARE IN THE ORDINARY COURSE OF BUSINESS OR PRACTICE OF A PROFESSION.

(2) “HEALTH CARE PROVIDER” INCLUDES A GENETIC COUNSELOR.

(E) “HOSPITAL” HAS THE MEANING STATED IN § 19-301 OF THIS ARTICLE.

(F) “LIMITED SERVICE HOSPITAL” HAS THE MEANING STATED IN § 19-301 OF THIS ARTICLE.

20-1502.

(A) THE DEPARTMENT SHALL IDENTIFY UP-TO-DATE, EVIDENCE-BASED, WRITTEN INFORMATION ABOUT DOWN SYNDROME THAT:

(1) HAS BEEN REVIEWED BY MEDICAL EXPERTS AND NATIONAL AND LOCAL DOWN SYNDROME ORGANIZATIONS;

(2) IS DESIGNED FOR USE BY AN EXPECTANT PARENT WHO RECEIVES A PRENATAL TEST RESULT FOR DOWN SYNDROME OR A PARENT OF A CHILD WHO RECEIVES A DIAGNOSIS OF DOWN SYNDROME;

(3) IS CULTURALLY AND LINGUISTICALLY APPROPRIATE FOR POTENTIAL RECIPIENTS OF THE INFORMATION; AND

(4) INCLUDES:

(I) INFORMATION ADDRESSING PHYSICAL, DEVELOPMENTAL, EDUCATIONAL, AND PSYCHOSOCIAL OUTCOMES, LIFE EXPECTANCY, CLINICAL COURSE, AND INTELLECTUAL AND FUNCTIONAL DEVELOPMENT AND TREATMENT OPTIONS FOR INDIVIDUALS WITH DOWN SYNDROME; AND

(II) CONTACT INFORMATION FOR NATIONAL AND LOCAL DOWN SYNDROME EDUCATION AND SUPPORT PROGRAMS AND SERVICES,

INCLUDING INFORMATION HOTLINES, RESOURCE CENTERS, AND CLEARINGHOUSES.

(B) THE DEPARTMENT SHALL:

(1) PROVIDE THE INFORMATION IDENTIFIED BY THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION TO HEALTH CARE FACILITIES AND HEALTH CARE PROVIDERS THAT PROVIDE PRENATAL CARE, POSTNATAL CARE, OR GENETIC COUNSELING TO EXPECTANT PARENTS WHO RECEIVE A PRENATAL TEST RESULT FOR DOWN SYNDROME AND PARENTS OF A CHILD DIAGNOSED WITH DOWN SYNDROME; AND

(2) MAKE AVAILABLE THE INFORMATION IDENTIFIED BY THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION ON THE DEPARTMENT'S WEB SITE.

(C) (1) ON RECEIPT OF A POSITIVE TEST RESULT FROM A TEST FOR DOWN SYNDROME, A HEALTH CARE FACILITY OR HEALTH CARE PROVIDER ~~SHALL~~ MAY PROVIDE TO THE EXPECTANT PARENT WHO RECEIVES A PRENATAL TEST RESULT FOR DOWN SYNDROME OR THE PARENT OF THE CHILD DIAGNOSED WITH DOWN SYNDROME THE WRITTEN INFORMATION PROVIDED OR MADE AVAILABLE BY THE DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION.

(2) THE INFORMATION PROVIDED UNDER THIS SUBSECTION SHALL BE CULTURALLY AND LINGUISTICALLY APPROPRIATE FOR THE RECIPIENT OF THE INFORMATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, May 5, 2014.