

February 22, 2021

Dear Long Term Care Leader,

As one of the primary providers of long-term care in the state of Maryland, you likely face questions about ethical issues in patient care. These can range from the capacity of a resident to make his or her own decisions to whether to send a patient to an acute care facility for treatment. Often such issues involve the autonomy of residents in a state of dependency or conflicts between residents and family members over the intensity of medical care that is appropriate for a resident. For over 20 years, Maryland law has required that all long term care facilities have a “patient care advisory committee” (PCAC) to which they can refer cases, but recently state surveyors have cited facilities that do not have a functioning committee. Having an ethics committee or resource is especially important now with the CMS rollout of Phase 3 Conditions of Participation. In order to assist you and your facility/ies in complying with state and federal law regarding access to an ethics committee or resource, we are writing to invite you to become a member of the Maryland Healthcare Ethics Committee Network (MHECN). Below you will find an overview of the many benefits of Network membership, which are enjoyed by more than thirty organizational members in the State.

With the ethical challenges imposed by the COVID-19 pandemic and the increasing regulatory and financial pressures facing long term/post-acute care providers, it is more important than ever to have a resource available that enables you to best face those challenges and navigate the complex legal and ethical issues in this area of care. The Network can provide you and your facility/ies with i) advice on how to establish a well-functioning ethics committee, ii) consultation on challenging ethical dilemmas including those caused by decreasing revenues and increasing costs, iii) educational programs on topics such as advance directives, MOLST, resolving conflicts between patients/residents and their family members, emerging issues in pain management, and iv) facilitation in addressing ethical issues arising between acute-care and long-term care facilities. The Network can also assist with ethical concerns specific to the rapidly changing realities of COVID, including residents’ right to refuse a vaccine, and issues arising from restrictions on visitation of residents’ families.

The Network is an initiative of the University of Maryland School of Law’s Law & Health Care Program. It was started in 1990 in order to facilitate and enhance ethical reflection in all aspects of decision-making in health care settings by supporting and providing informational and educational resources to ethics committees serving health care organization in the state of Maryland. The Network achieves this goal by:

- Serving as a resource to ethics committees as they investigate ethical dilemmas within their organization and as they strive to assist their organization act consistently with its mission statement;
- Fostering communication and information sharing among Network members;
- Providing educational programs for ethics committee members, other healthcare providers, and members of the general public on ethical issues in health care;
- Conducting research to improve the functioning of ethics committees and ultimately the care of patients in Maryland.

In addition to the benefits described above, as an organizational member, staff at your facility would receive a 20% discount on MHECN educational events. MHECN is currently in the planning phase for a number of industry-specific training and educational opportunities, including in-service education for OHCQ surveyors, educational podcasts about topics like advance care planning, and COVID-related issues.

One long term care member described the benefits his organization has received from being a Network member as follows: "By being a member of MHECN we have access to health care ethicists who have added depth to our PCAC deliberations. Having clear, ethically based minutes of the PCAC meeting have assisted our facilities provide evidence of ethical decision-making to state surveyors and ombudsmen that were resident centered and ethically valid, thus preventing an unwarranted citation."

We invite you to learn more by visiting our website at <https://www.law.umaryland.edu/Programs-and-Impact/Health-Law/MHECN/>. If you are interested, a Network representative can also come to your facility and speak to you or your ethics committee directly about the benefits of Network membership and provide an overview of some of the ethical issues faced by long term care facilities. For such a meeting/presentation, please contact Diane Hoffmann at 410-706-7191 or dhoffmann@law.umaryland.edu.

Best,



Diane E. Hoffmann
Director, Maryland Healthcare Ethics Committee Network
Jacob A. France Professor of Health Care Law
Director, Law & Health Care Program
University of Maryland Carey School of Law"