

(b) This section does not authorize any treatment of a disabled individual if the [attending physician] HEALTH CARE PROVIDER knows that the treatment is against the religious belief of the disabled individual.

(c) A [physician or a health care facility] HEALTH CARE PROVIDER may treat a disabled individual without consent if:

(1) A person who is authorized to give the consent is not available immediately;

(2) The attending physician determines:

(i) There is a substantial risk of death or immediate and serious harm to the disabled individual; and

(ii) With a reasonable degree of medical certainty, the life or health of the disabled individual would be affected adversely by delaying treatment to obtain consent; and

(3) Treatment is of an emergency medical nature.

(D) IN THE ABSENCE OF A DURABLE POWER OF ATTORNEY THAT RELATES TO MEDICAL CARE AND IS EXECUTED UNDER § 13-601 OF THE ESTATES AND TRUSTS ARTICLE, OR IN THE ABSENCE OF A JUDICIALLY APPOINTED GUARDIAN, CONSERVATOR, COMMITTEE, OR TRUSTEE WHO HAS THE AUTHORITY TO CONSENT TO MEDICAL CARE, ANY OF THE FOLLOWING INDIVIDUALS MAY GIVE A SUBSTITUTED CONSENT FOR FURNISHING MEDICAL OR DENTAL CARE AND TREATMENT TO A DISABLED INDIVIDUAL IN ACCORDANCE WITH THE FOLLOWING PRIORITIES PROVIDED THE PROVISIONS OF SUBSECTION (E) OF THIS SECTION HAVE BEEN MET:

(1) A SPOUSE, OR, IF NOT REASONABLY AVAILABLE;

(2) AN ADULT CHILD, OR, IF NOT REASONABLY AVAILABLE;

(3) A PARENT, OR, IF NOT REASONABLY AVAILABLE;

(4) AN ADULT SIBLING, OR, IF NOT REASONABLY AVAILABLE;

(5) A GRANDPARENT, OR, IF NOT REASONABLY AVAILABLE;

(6) AN ADULT GRANDCHILD.

(E) THE SUBSTITUTED CONSENT PROVIDED FOR BY SUBSECTION (D) OF THIS SECTION MAY BE GIVEN ONLY IF 2 PHYSICIANS LICENSED BY THIS STATE, AFTER ATTEMPTING TO CONSULT WITH THE ALLEGED DISABLED INDIVIDUAL REGARDING THE PROPOSED HEALTH CARE, CERTIFY IN WRITING THAT CLEAR AND CONVINCING EVIDENCE EXISTS THAT THE ALLEGED DISABLED INDIVIDUAL IS INCAPABLE OF MAKING A RESPONSIBLE DECISION REGARDING THE PROPOSED HEALTH CARE. ONE OF THE TWO PHYSICIANS MUST HAVE EXAMINED THE ALLEGED DISABLED PERSON WITHIN 2 HOURS OF THE FINDING OF DISABILITY. BOTH PHYSICIANS MUST ALSO GIVE AN OPINION REGARDING THE CAUSE AND NATURE OF THE DISABILITY AND THE EXTENT AND PROBABLE DURATION OF THE DISABILITY.