

~~(8) ANY EXPRESSED CONCERNS OF THE INCAPACITATED INDIVIDUAL ABOUT THE EFFECT ON THE FAMILY OR INTIMATE FRIENDS OF THE INCAPACITATED INDIVIDUAL IF A TREATMENT WERE PROVIDED, WITHHELD, OR WITHDRAWN.~~

~~(X) "SURROGATE DECISION MAKER" MEANS AN INDIVIDUAL AUTHORIZED TO MAKE A HEALTH CARE DECISION UNDER SUBTITLE 5 OF THIS TITLE.~~

~~(Y) "TERMINAL CONDITION" MEANS AN INCURABLE CONDITION OF AN INDIVIDUAL CAUSED BY INJURY, DISEASE, OR ILLNESS WHICH, TO A REASONABLE DEGREE OF MEDICAL PROBABILITY, MAKES DEATH IMMINENT AND FROM WHICH, DESPITE THE APPLICATION OF LIFE SUSTAINING PROCEDURES, THERE CAN BE NO RECOVERY.~~

~~20A-102. RULES OF CONSTRUCTION; RIGHTS AND DUTIES.~~

~~(A) THE PROVISIONS OF THIS TITLE ARE CUMULATIVE AND MAY NOT BE CONSTRUED TO IMPAIR OR SUPERSEDE ANY CONSTITUTIONAL, STATUTORY, OR COMMON LAW RIGHT OR DUTY OF AN INDIVIDUAL TO EFFECT THE INITIATION, CONTINUATION, WITHHOLDING, OR WITHDRAWING OF HEALTH CARE, INCLUDING A LIFE SUSTAINING PROCEDURE.~~

~~(B) NOTHING IN THIS TITLE IS INTENDED TO CONTRAVENE ANY RIGHT THAT AN INDIVIDUAL MAY HAVE UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION OR ARTICLE 36 OF THE MARYLAND DECLARATION OF RIGHTS TO REFUSE HEALTH CARE.~~

~~20A-103. SAME; ACTS AND OMISSIONS; STATUTORY AND COMMON LAW CRIMES; SUICIDE.~~

~~(A) THIS TITLE MAY NOT BE CONSTRUED TO AUTHORIZE ANY AFFIRMATIVE OR DELIBERATE ACT OR DELIBERATE OMISSION TO END LIFE OTHER THAN TO PERMIT THE WITHHOLDING OR WITHDRAWAL OF A LIFE SUSTAINING PROCEDURE AS AUTHORIZED BY THIS TITLE.~~

~~(B) THIS TITLE MAY NOT BE CONSTRUED TO AFFECT ANY STATUTORY OR COMMON LAW CRIME.~~

~~(C) AN ACT AUTHORIZED BY THIS TITLE MAY NOT, FOR ANY PURPOSE, BE CONSIDERED TO BE A SUICIDE OR A VIOLATION OF ANY CRIMINAL LAW.~~

~~20A-104. SAME; SCOPE OF PRACTICE.~~

~~THIS TITLE MAY NOT BE CONSTRUED TO ALTER THE SCOPE OF PRACTICE OF A HEALTH CARE PRACTITIONER.~~

~~20A-105. CERTIFICATION; TERMINAL CONDITION.~~

~~FOR PURPOSES OF THIS TITLE, AN INDIVIDUAL IS IN A TERMINAL CONDITION ONLY IF TWO PHYSICIANS, ONE OF WHOM IS THE ATTENDING PHYSICIAN OF THE INDIVIDUAL, AFTER EXAMINING THE INDIVIDUAL, CERTIFY ON THE BASIS OF THE BEST MEDICAL EVIDENCE REASONABLY AVAILABLE THAT AT THE TIME OF CERTIFICATION THE INDIVIDUAL IS IN A TERMINAL CONDITION.~~