

~~20A-106. SAME; PERSISTENT VEGETATIVE STATE.~~

~~(A) FOR PURPOSES OF THIS TITLE, AND EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN INDIVIDUAL IS IN A PERSISTENT VEGETATIVE STATE 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:~~

~~(1) AT THE TIME OF CERTIFICATION, THE INDIVIDUAL IS IN A PERSISTENT VEGETATIVE STATE; AND~~

~~(2) FOR A PERIOD OF AT LEAST 9 MONTHS, THE INDIVIDUAL HAS NOT EXHIBITED ANY CLINICAL SIGN OF CAPACITY FOR THOUGHT, PURPOSEFUL ACTION, AND AWARENESS OF SELF AND ENVIRONMENT.~~

~~(B) (1) AN INDIVIDUAL IS IN A PERSISTENT VEGETATIVE STATE IF TWO PHYSICIANS MEETING THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION, AFTER EXAMINING THE INDIVIDUAL, CERTIFY ON THE BASIS OF THE BEST MEDICAL EVIDENCE REASONABLY AVAILABLE THAT:~~

~~(I) AT THE TIME OF CERTIFICATION, THE INDIVIDUAL IS IN A PERSISTENT VEGETATIVE STATE; AND~~

~~(II) THE CONDITION OF THE INDIVIDUAL HAS PERSISTED FOR A LENGTH OF TIME SUFFICIENT TO PERMIT THE CONCLUSION, TO A REASONABLE DEGREE OF MEDICAL PROBABILITY, THAT ADDITIONAL TIME TO CONFIRM THE DIAGNOSIS IS UNNECESSARY, CONSIDERING:~~

~~1. THE EXTRAORDINARY SEVERITY OF THE TRAUMA OR OTHER INJURY TO THE BRAIN OR ILLNESS AFFECTING THE BRAIN THAT THE INDIVIDUAL HAS SUFFERED; AND~~

~~2. THE ABSENCE OF ANY POTENTIAL FOR REHABILITATION OF THE INDIVIDUAL.~~

~~(2) OF THE TWO PHYSICIANS WHO MAKE A CERTIFICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION:~~

~~(I) ONE SHALL BE THE ATTENDING PHYSICIAN OF THE INDIVIDUAL; AND~~

~~(II) THE OTHER SHALL BE A NEUROLOGIST, NEUROSURGEON, OR OTHER PHYSICIAN WHO HAS SPECIAL EXPERTISE IN THE EVALUATION OF COGNITIVE FUNCTIONING.~~

~~20A-107. SAME; INCAPACITY.~~

~~FOR PURPOSES OF THIS TITLE, AN INDIVIDUAL IS INCAPACITATED ONLY IF TWO PHYSICIANS, ONE OF WHOM IS THE ATTENDING PHYSICIAN OF THE INDIVIDUAL, CERTIFY THAT AT THE TIME OF CERTIFICATION THE INDIVIDUAL IS INCAPACITATED.~~