

~~SUBTITLE 2. HEALTH CARE WITH AND WITHOUT CONSENT; AUTHORITY AND DUTIES OF PHYSICIANS AND OTHER HEALTH CARE PROVIDERS~~

~~20A-201. CONSENT.~~

~~EXCEPT AS OTHERWISE PROVIDED BY LAW, A COMPETENT INDIVIDUAL OR ANOTHER PERSON AUTHORIZED BY LAW TO CONSENT TO THE PROVISION OF HEALTH CARE MAY GIVE A MEDICALLY INFORMED CONSENT TO A HEALTH CARE PROVIDER FOR THE:~~

- ~~(1) PROVISION OF HEALTH CARE; OR~~
- ~~(2) WITHHOLDING OR WITHDRAWAL OF A LIFE SUSTAINING PROCEDURE.~~

~~20A-202. INCAPACITATED INDIVIDUALS; PROVISION OF HEALTH CARE WITHOUT CONSENT; MEDICAL EMERGENCY.~~

~~(A) A HEALTH CARE PROVIDER MAY PROVIDE HEALTH CARE TO AN INCAPACITATED INDIVIDUAL WITHOUT CONSENT IF:~~

~~(1) AN INDIVIDUAL AUTHORIZED BY LAW TO GIVE CONSENT TO THE PROVISION OF HEALTH CARE IS NOT AVAILABLE IMMEDIATELY; AND~~

~~(2) THE ATTENDING PHYSICIAN OF THE INCAPACITATED INDIVIDUAL DETERMINES THAT:~~

~~(I) THERE IS A SUBSTANTIAL RISK OF DEATH OR IMMEDIATE AND SERIOUS HARM TO THE INCAPACITATED INDIVIDUAL;~~

~~(II) TO A REASONABLE DEGREE OF MEDICAL PROBABILITY, DELAYING HEALTH CARE TO OBTAIN CONSENT WOULD AFFECT ADVERSELY THE LIFE OR HEALTH OF THE INCAPACITATED INDIVIDUAL; AND~~

~~(III) THE HEALTH CARE IS OF AN EMERGENCY MEDICAL NATURE.~~

~~(B) THIS SECTION DOES NOT AUTHORIZE PROVISION OF HEALTH CARE TO AN INCAPACITATED INDIVIDUAL IF THE HEALTH CARE PROVIDER KNOWS THAT THE HEALTH CARE IS CONTRARY TO THE RELIGIOUS OR MORAL BELIEFS HELD BY THE INCAPACITATED INDIVIDUAL.~~

~~20A-203. SAME; WITHHOLDING OR WITHDRAWING A LIFE SUSTAINING PROCEDURE WITHOUT CONSENT; INHUMANE PROCEDURES.~~

~~(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A HEALTH CARE PROVIDER MAY WITHHOLD OR WITHDRAW A LIFE SUSTAINING PROCEDURE FROM AN INCAPACITATED INDIVIDUAL WITHOUT CONSENT IF THE ATTENDING PHYSICIAN OF THE INDIVIDUAL AND A SECOND PHYSICIAN CERTIFY THAT:~~

~~(1) TO A REASONABLE DEGREE OF MEDICAL PROBABILITY, THE DEATH OF THE INDIVIDUAL IS IMMINENT DESPITE THE PROVISION OF THE LIFE SUSTAINING PROCEDURE; AND~~