

~~(1) THE PRINCIPAL AND THE AGENT ARE RELATED WITHIN A DEGREE LISTED UNDER § 2-202 OF THE FAMILY LAW ARTICLE; OR~~

~~(2) THE PRINCIPAL AND THE AGENT ARE CLERGY OR OTHER MEMBERS OF THE SAME COMMUNITY OF PERSONS WHO:~~

~~(I) ARE BOUND TO A RELIGIOUS LIFE;~~

~~(II) CONDUCT OR ASSIST IN THE CONDUCT OF RELIGIOUS SERVICES; AND~~

~~(III) ACTUALLY AND REGULARLY ENGAGE IN A RELIGIOUS, BENEVOLENT, CHARITABLE, OR EDUCATIONAL MINISTRY, OR THE PERFORMANCE OF HEALTH CARE SERVICES; OR~~

~~(3) THE PRINCIPAL ATTACHES TO THE POWER OF ATTORNEY FOR HEALTH CARE DECISIONS AN AFFIDAVIT ATTESTING THAT THE AGENT IS THE ATTENDING PHYSICIAN OF THE PRINCIPAL OR AN EMPLOYEE OF THE ATTENDING PHYSICIAN AND:~~

~~(I) HAS KNOWN THE PRINCIPAL FOR AT LEAST 2 YEARS;~~

~~(II) IS FAMILIAR WITH THE PERSONAL AFFAIRS AND RELIGIOUS AND MORAL BELIEFS OF THE PRINCIPAL THROUGH REGULAR CONTACT; AND~~

~~(III) IS WILLING AND ABLE TO SERVE AS A HEALTH CARE AGENT.~~

~~20A-416. AUTHORITY AND DUTIES OF HEALTH CARE AGENT.~~

~~(A) SUBJECT TO THE LIMITATIONS IN THIS SUBTITLE AND TO ANY EXPRESS LIMITATIONS IN THE POWER OF ATTORNEY FOR HEALTH CARE DECISIONS, A HEALTH CARE AGENT HAS ALL OF THE RIGHTS, POWERS, AND AUTHORITY RELATED TO HEALTH CARE DECISIONS THAT THE PRINCIPAL HAS UNDER STATE AND FEDERAL LAW.~~

~~(B) A HEALTH CARE AGENT MAY NOT MAKE A HEALTH CARE DECISION THAT IS BEYOND THE GRANT OF AUTHORITY IN THE POWER OF ATTORNEY FOR HEALTH CARE DECISIONS.~~

~~(C) (1) A HEALTH CARE AGENT SHALL EXERCISE AUTHORITY WITH THAT DEGREE OF CARE AND DUE DILIGENCE THAT WOULD BE OBSERVED BY A PRUDENT PERSON DEALING WITH THE HEALTH CARE OF ANOTHER.~~

~~(2) THE HEALTH CARE AGENT SHALL AVOID ENGAGING IN CONDUCT THAT CONFLICTS WITH THE INTERESTS OF THE PRINCIPAL.~~

~~(D) A HEALTH CARE AGENT MAY NOT EXERCISE AUTHORITY UNDER THIS SECTION IF:~~

~~(1) A GUARDIAN OF THE PERSON HAS BEEN APPOINTED FOR THE PRINCIPAL UNDER § 13-704 OF THE ESTATES AND TRUSTS ARTICLE; AND~~

~~(2) THE GUARDIAN OF THE PERSON OF THE PRINCIPAL HAS BEEN GRANTED AUTHORITY OVER THE HEALTH CARE OF THE PRINCIPAL.~~