

~~20A-417. STANDARDS FOR DECISION MAKING BY HEALTH CARE AGENT.~~

~~(A) A HEALTH CARE AGENT SHALL MAKE A HEALTH CARE DECISION THAT CARRIES OUT THE SPECIFIC INTENT OF THE PRINCIPAL, AS EXPRESSED IN:~~

~~(1) ANY FORM OF COMMUNICATION TO THE HEALTH CARE AGENT OR HEALTH CARE PROVIDER, IF THE PRINCIPAL IS COMPETENT; OR~~

~~(2) AN ADVANCE MEDICAL DIRECTIVE, IF THE PRINCIPAL IS INCAPACITATED.~~

~~(B) A HEALTH CARE AGENT WHO CANNOT MAKE A HEALTH CARE DECISION UNDER SUBSECTION (A) OF THIS SECTION SHALL MAKE A HEALTH CARE DECISION THAT REFLECTS A MEDICALLY INFORMED SUBSTITUTED JUDGMENT.~~

~~(C) (1) A HEALTH CARE AGENT WHO CANNOT MAKE A HEALTH CARE DECISION UNDER SUBSECTION (A) OR (B) OF THIS SECTION SHALL MAKE A HEALTH CARE DECISION THAT IS IN THE BEST INTEREST OF THE PRINCIPAL.~~

~~(2) THE HEALTH CARE AGENT MAY NOT CONSIDER A PREEXISTING PHYSICAL OR MENTAL DISABILITY OF THE PRINCIPAL THAT HAS NO EFFECT ON THE MEDICAL CONDITION THAT WOULD BE THE SUBJECT OF TREATMENT.~~

~~(D) A HEALTH CARE PROVIDER SHALL CERTIFY THE DECISION OF A HEALTH CARE AGENT UNDER THIS SECTION.~~

~~20A-418. LIMITATION OF POWER OF HEALTH CARE AGENT; COMPETENT PRINCIPAL.~~

~~(A) A HEALTH CARE AGENT MAY NOT INSTRUCT THAT A LIFE SUSTAINING PROCEDURE BE WITHHELD OR WITHDRAWN FROM A COMPETENT PRINCIPAL UNLESS THE PRINCIPAL:~~

~~(1) IS IN A TERMINAL CONDITION; AND~~

~~(2) HAS SATISFIED THE ATTENDING PHYSICIAN THAT THE PRINCIPAL WISHES THE HEALTH CARE AGENT TO MAKE DECISIONS REGARDING LIFE SUSTAINING PROCEDURES.~~

~~(B) A HEALTH CARE AGENT MAY NOT INSTRUCT THAT A LIFE SUSTAINING PROCEDURE BE WITHHELD OR WITHDRAWN FROM A PRINCIPAL WHO:~~

~~(1) HAS CONVEYED THE WISHES OF THE PRINCIPAL TO AN ATTENDING PHYSICIAN UNDER SUBSECTION (A) OF THIS SECTION; AND~~

~~(2) SUBSEQUENTLY:~~

~~(I) REQUESTS THAT A LIFE SUSTAINING PROCEDURE BE PROVIDED; OR~~

~~(II) OBJECTS TO THE WITHHOLDING OR WITHDRAWAL OF A LIFE SUSTAINING PROCEDURE.~~