

~~20A-502. POWERS AND DUTIES; SURROGATE DECISION MAKER.~~

~~(A) UNDER THIS SUBTITLE, A SURROGATE DECISION MAKER SHALL MAKE A HEALTH CARE DECISION THAT REFLECTS A MEDICALLY INFORMED SUBSTITUTED JUDGMENT.~~

~~(B) (1) A SURROGATE DECISION MAKER WHO CANNOT MAKE A HEALTH CARE DECISION UNDER SUBSECTION (A) OF THIS SECTION SHALL MAKE A HEALTH CARE DECISION THAT IS IN THE BEST INTEREST OF THE INCAPACITATED INDIVIDUAL.~~

~~(2) THE SURROGATE DECISION MAKER MAY NOT CONSIDER A PREEXISTING PHYSICAL OR MENTAL DISABILITY OF THE INCAPACITATED INDIVIDUAL THAT HAS NO EFFECT ON THE MEDICAL CONDITION THAT WOULD BE THE SUBJECT OF TREATMENT.~~

~~(C) A SURROGATE DECISION MAKER MAY NOT EXERCISE AUTHORITY UNDER THIS SUBTITLE ON BEHALF OF AN INDIVIDUAL IF:~~

~~(1) THE INDIVIDUAL IS COMPETENT;~~

~~(2) THE HEALTH CARE DECISION IS WITHIN THE SCOPE OF A POWER OF ATTORNEY FOR HEALTH CARE DECISIONS VALID UNDER THIS SUBTITLE; OR~~

~~(3) A GUARDIAN OF THE PERSON HAS BEEN APPOINTED FOR THE INDIVIDUAL UNDER § 13-704 OF THE ESTATES AND TRUSTS ARTICLE AND HAS BEEN GRANTED AUTHORITY OVER THE HEALTH CARE OF THE INDIVIDUAL.~~

~~(D) A SURROGATE DECISION MAKER MAY NOT MAKE A HEALTH CARE DECISION THAT THE SURROGATE DECISION MAKER HAS REASON TO BELIEVE IS CONTRARY TO THE RELIGIOUS OR MORAL BELIEFS HELD BY THE INCAPACITATED INDIVIDUAL.~~

~~(E) A SURROGATE DECISION MAKER MAY NOT INSTRUCT THAT A LIFE SUSTAINING PROCEDURE BE WITHHELD OR WITHDRAWN FROM AN INCAPACITATED INDIVIDUAL WHO IS IN NEITHER A TERMINAL CONDITION NOR A PERSISTENT VEGETATIVE STATE.~~

~~20A-503. SAME; HEALTH CARE PROVIDER.~~

~~(A) A HEALTH CARE PROVIDER SHALL CERTIFY A HEALTH CARE DECISION OF A SURROGATE DECISION MAKER UNDER THIS SUBTITLE.~~

~~(B) A HEALTH CARE PROVIDER MAY NOT CARRY OUT A HEALTH CARE DECISION OF A SURROGATE DECISION MAKER IF:~~

~~(1) A SECOND SURROGATE DECISION MAKER HAS INFORMED THE HEALTH CARE PROVIDER IN WRITING THAT THE SECOND SURROGATE DECISION MAKER DISAGREES WITH THE HEALTH CARE DECISION; OR~~

~~(2) THE HEALTH CARE PROVIDER CERTIFIES THAT IT HAS REASON TO BELIEVE THAT:~~