

~~(B) THE COURT MAY MAKE A SUBSTITUTED JUDGMENT UNDER SUBSECTION (A) OF THIS SECTION ONLY ON THE BASIS OF CLEAR AND CONVINCING EVIDENCE THAT THE DISABLED PERSON WOULD, IF COMPETENT, DECIDE TO WITHHOLD OR WITHDRAW A LIFE SUSTAINING PROCEDURE UNDER THE CIRCUMSTANCES.~~

~~(C) EVIDENCE OF THE INTENTIONS OR WISHES OF THE DISABLED PERSON REGARDING THE WITHHOLDING OR WITHDRAWAL OF A LIFE SUSTAINING PROCEDURE THAT MIGHT OTHERWISE BE INADMISSIBLE MAY BE ADMITTED, IN THE DISCRETION OF THE COURT, IF IT IS:~~

- ~~(1) MATERIAL AND PROBATIVE; AND~~
- ~~(2) THE BEST EVIDENCE AVAILABLE.~~

~~13-713. BEST INTEREST OF A DISABLED PERSON:~~

~~(A) IF THE COURT IS UNABLE TO MAKE A SUBSTITUTED JUDGMENT UNDER § 13-712 OF THIS SUBTITLE, THE COURT MAY APPROVE A REQUEST FOR THE WITHHOLDING OR WITHDRAWAL OF A LIFE SUSTAINING PROCEDURE FROM THE DISABLED PERSON IF THE COURT DETERMINES, ON THE BASIS OF CLEAR AND CONVINCING EVIDENCE, THAT THE WITHHOLDING OR WITHDRAWAL IS IN THE BEST INTEREST OF THE DISABLED PERSON.~~

~~(B) IN DETERMINING WHETHER THE WITHHOLDING OR WITHDRAWAL IS IN THE BEST INTEREST OF THE DISABLED PERSON UNDER THIS SECTION, THE COURT MAY NOT CONSIDER A PREEXISTING PHYSICAL OR MENTAL DISABILITY THAT HAS NO EFFECT ON THE MEDICAL CONDITION THAT WOULD BE THE SUBJECT OF TREATMENT.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That the Attorney General of Maryland, in consultation with the Office on Aging, the Health Law, Estates and Trusts, and Delivery of Legal Services Sections of the Maryland State Bar Association, the Medical and Chirurgical Faculty of Maryland, the Legal Aid Bureau, and other interested persons, shall prepare and disseminate:~~

- ~~(1) a model form of a power of attorney for health care decisions;~~
- ~~(2) a plain language summary of Maryland law regarding advance medical directives, in accordance with the federal Patient Self Determination Act; and~~
- ~~(3) a plain language guide to the provisions of this Act for health care providers.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That the catchlines contained in this Act are not law and may not be considered to have been enacted as a part of this Act.~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1993.~~