

(N) "MEDICALLY INEFFECTIVE TREATMENT" MEANS THAT, TO A REASONABLE DEGREE OF MEDICAL PROBABILITY CERTAINTY, A MEDICAL PROCEDURE WILL NOT:

(1) PREVENT OR REDUCE THE DETERIORATION OF THE HEALTH OF AN INDIVIDUAL; OR

(2) PREVENT THE IMPENDING DEATH OF AN INDIVIDUAL.

(O) "PERSISTENT VEGETATIVE STATE" MEANS A CONDITION CAUSED BY INJURY, DISEASE, OR ILLNESS:

(1) IN WHICH A PATIENT HAS SUFFERED A LOSS OF CONSCIOUSNESS, EXHIBITING NO BEHAVIORAL EVIDENCE OF SELF-AWARENESS OR AWARENESS OF SURROUNDINGS IN A LEARNED MANNER OTHER THAN REFLEX ACTIVITY OF MUSCLES AND NERVES FOR LOW LEVEL CONDITIONED RESPONSE; AND

(2) FROM WHICH, AFTER THE PASSAGE OF A MEDICALLY APPROPRIATE PERIOD OF TIME, IT CAN BE DETERMINED, TO A REASONABLE DEGREE OF MEDICAL PROBABILITY CERTAINTY, THAT THERE CAN BE NO RECOVERY.

(P) "PHYSICIAN" MEANS A PERSON LICENSED TO PRACTICE MEDICINE IN THE STATE OR IN THE JURISDICTION WHERE THE TREATMENT IS TO BE RENDERED OR WITHHELD.

(Q) "TERMINAL CONDITION" MEANS AN INCURABLE CONDITION CAUSED BY INJURY, DISEASE, OR ILLNESS WHICH, TO A REASONABLE DEGREE OF MEDICAL PROBABILITY CERTAINTY, MAKES DEATH IMMINENT AND FROM WHICH, DESPITE THE APPLICATION OF LIFE-SUSTAINING PROCEDURES, THERE CAN BE NO RECOVERY.

5-602. PROCEDURE FOR MAKING ADVANCE DIRECTIVE; NOTICE TO PHYSICIAN.

(A) WRITTEN ADVANCE DIRECTIVE. - ANY COMPETENT INDIVIDUAL MAY, AT ANY TIME, MAKE A WRITTEN ADVANCE DIRECTIVE REGARDING THE PROVISION OF HEALTH CARE TO THAT INDIVIDUAL, OR THE WITHHOLDING OR WITHDRAWAL OF HEALTH CARE FROM THAT INDIVIDUAL.

(B) APPOINTMENT OF AGENT. -

(1) ANY COMPETENT INDIVIDUAL MAY, AT ANY TIME, MAKE A WRITTEN ADVANCE DIRECTIVE APPOINTING AN AGENT TO MAKE HEALTH CARE DECISIONS FOR THE INDIVIDUAL UNDER THE CIRCUMSTANCES STATED IN THE ADVANCE DIRECTIVE.

(2) AN OWNER, OPERATOR, OR EMPLOYEE OF A HEALTH CARE FACILITY FROM WHICH THE DECLARANT IS RECEIVING HEALTH CARE MAY NOT SERVE AS A HEALTH CARE AGENT UNLESS THE PERSON WOULD QUALIFY AS A SURROGATE DECISION MAKER UNDER § 5-605(A) OF THIS SUBTITLE.

(3) AN AGENT APPOINTED UNDER THIS SUBTITLE HAS DECISION MAKING PRIORITY OVER ANY INDIVIDUALS OTHERWISE AUTHORIZED UNDER THIS SUBTITLE TO MAKE HEALTH CARE DECISIONS FOR A DECLARANT.