

5-604. REVOCATION OF AN ADVANCE DIRECTIVE.

AN ADVANCE DIRECTIVE MAY BE REVOKED AT ANY TIME BY A DECLARANT BY A SIGNED AND DATED WRITING, BY PHYSICAL CANCELLATION OR DESTRUCTION, BY AN ORAL STATEMENT TO A HEALTH CARE PRACTITIONER OR BY THE EXECUTION OF A SUBSEQUENT DIRECTIVE. IT SHALL BE THE RESPONSIBILITY OF THE DECLARANT, TO THE EXTENT REASONABLY POSSIBLE, TO NOTIFY ANY PERSON TO WHOM THE DECLARANT HAS PROVIDED A COPY OF THE DIRECTIVE.

5-605. SURROGATE DECISION MAKING.(A) SURROGATE AUTHORIZATION. -(1) IN THIS SUBSECTION, "UNAVAILABLE" MEANS:

(I) AFTER REASONABLE INQUIRY, A HEALTH CARE PROVIDER IS UNAWARE OF THE EXISTENCE OF A SURROGATE DECISION MAKER;

(II) AFTER REASONABLE INQUIRY, A HEALTH CARE PROVIDER CANNOT ASCERTAIN THE WHEREABOUTS OF A SURROGATE DECISION MAKER;

(III) A SURROGATE DECISION MAKER HAS NOT RESPONDED IN A TIMELY MANNER, TAKING INTO ACCOUNT THE HEALTH CARE NEEDS OF THE INDIVIDUAL, TO A WRITTEN OR ORAL MESSAGE FROM A HEALTH CARE PROVIDER;

(IV) A SURROGATE DECISION MAKER IS INCAPACITATED; OR

(V) A SURROGATE DECISION MAKER IS UNWILLING TO MAKE DECISIONS CONCERNING HEALTH CARE FOR THE INDIVIDUAL.

(2) THE FOLLOWING INDIVIDUALS OR GROUPS, IN THE SPECIFIED ORDER OF PRIORITY, MAY MAKE DECISIONS ABOUT HEALTH CARE FOR A PERSON WHO HAS BEEN CERTIFIED TO BE INCAPABLE OF MAKING AN INFORMED DECISION AND WHO HAS NOT APPOINTED A HEALTH CARE AGENT IN ACCORDANCE WITH THIS SUBTITLE. INDIVIDUALS IN A PARTICULAR CLASS MAY BE CONSULTED TO MAKE A DECISION ONLY IF ALL INDIVIDUALS IN THE NEXT HIGHER CLASS ARE UNAVAILABLE:

(I) A GUARDIAN FOR THE PATIENT, IF ONE HAS BEEN APPOINTED;

(II) THE PATIENT'S SPOUSE;

(III) AN ADULT CHILD OF THE PATIENT;

(IV) A PARENT OF THE PATIENT;

(V) AN ADULT BROTHER OR SISTER OF THE PATIENT; OR

(VI) A FRIEND OR OTHER RELATIVE OF THE PATIENT WHO MEETS THE REQUIREMENTS OF PARAGRAPH (3) OF THIS SUBSECTION.