

(II) EXPRESSED PREFERENCES REGARDING THE PROVISION OF, OR THE WITHHOLDING OR WITHDRAWAL OF, THE SPECIFIC TREATMENT AT ISSUE OR OF SIMILAR TREATMENTS;

(III) RELEVANT RELIGIOUS AND MORAL BELIEFS AND PERSONAL VALUES;

(IV) BEHAVIOR, ATTITUDES, AND PAST CONDUCT WITH RESPECT TO THE TREATMENT AT ISSUE AND MEDICAL TREATMENT GENERALLY;

(V) REACTIONS TO THE PROVISION OF, OR THE WITHHOLDING OR WITHDRAWAL OF, A SIMILAR TREATMENT FOR ANOTHER INDIVIDUAL; AND

(VI) EXPRESSED CONCERNS ABOUT THE EFFECT ON THE FAMILY OR INTIMATE FRIENDS OF THE PATIENT IF A TREATMENT WERE PROVIDED, WITHHELD, OR WITHDRAWN.

(3) THE DECISION OF A SURROGATE REGARDING WHETHER LIFE-SUSTAINING PROCEDURES SHOULD BE PROVIDED, WITHHELD, OR WITHDRAWN SHALL NOT BE BASED, IN WHOLE OR IN PART, ON EITHER A PATIENT'S PREEXISTING, LONG-TERM MENTAL OR PHYSICAL DISABILITY, OR A PATIENT'S ECONOMIC DISADVANTAGE.

(4) A SURROGATE SHALL INFORM THE PATIENT, TO THE EXTENT POSSIBLE, OF THE PROPOSED PROCEDURE AND THE FACT THAT SOMEONE ELSE IS AUTHORIZED TO MAKE A DECISION REGARDING THAT PROCEDURE.

(D) EXCLUSIONS. - A SURROGATE MAY NOT AUTHORIZE:

(1) STERILIZATION; OR

(2) TREATMENT FOR A MENTAL DISORDER.

5-606. CERTIFICATIONS BY PHYSICIANS.

(A) CERTIFICATION OF INCAPACITY. -

(1) PRIOR TO PROVIDING, WITHHOLDING, OR WITHDRAWING TREATMENT FOR WHICH AUTHORIZATION HAS BEEN OBTAINED OR WILL BE SOUGHT UNDER THIS SUBTITLE, THE ATTENDING PHYSICIAN AND A SECOND PHYSICIAN, ONE OF WHOM SHALL HAVE EXAMINED THE PATIENT WITHIN 2 HOURS BEFORE MAKING THE CERTIFICATION, SHALL CERTIFY IN WRITING THAT THE PATIENT IS INCAPABLE OF MAKING AN INFORMED DECISION REGARDING THE TREATMENT. THE CERTIFICATION SHALL BE BASED ON A PERSONAL EXAMINATION OF THE PATIENT.

(2) IF A PATIENT IS UNCONSCIOUS, OR UNABLE TO COMMUNICATE BY ANY MEANS, THE CERTIFICATION OF A SECOND PHYSICIAN IS NOT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) WHEN AUTHORIZATION IS SOUGHT FOR TREATMENT OF A MENTAL ILLNESS, THE SECOND PHYSICIAN MAY NOT BE OTHERWISE CURRENTLY INVOLVED IN THE TREATMENT OF THE PERSON ASSESSED.