

(4) THE COST OF AN ASSESSMENT TO CERTIFY INCAPACITY UNDER THIS SUBSECTION SHALL BE CONSIDERED FOR ALL PURPOSES A COST OF THE PATIENT'S TREATMENT.

(B) CERTIFICATION OF CONDITION. - A HEALTH CARE PROVIDER MAY NOT WITHHOLD OR WITHDRAW LIFE-SUSTAINING PROCEDURES ON THE BASIS OF AN ADVANCE DIRECTIVE WHERE NO AGENT HAS BEEN APPOINTED OR ON THE BASIS OF THE AUTHORIZATION OF A SURROGATE, UNLESS:

(1) THE PATIENT'S ATTENDING PHYSICIAN AND A SECOND PHYSICIAN HAVE CERTIFIED THAT THE PATIENT IS ~~TERMINALLY ILL~~ IN A TERMINAL CONDITION OR HAS AN END-STAGE CONDITION; OR

(2) TWO PHYSICIANS, ONE OF WHOM IS A NEUROLOGIST, NEUROSURGEON, OR OTHER PHYSICIAN WHO HAS SPECIAL EXPERTISE IN THE EVALUATION OF COGNITIVE FUNCTIONING, CERTIFY THAT THE PATIENT IS IN A PERSISTENT VEGETATIVE STATE.

5-607. TREATMENT WITHOUT CONSENT.

A HEALTH CARE PROVIDER MAY TREAT A PATIENT WHO IS INCAPABLE OF MAKING AN INFORMED DECISION, WITHOUT CONSENT, IF:

(1) THE TREATMENT IS OF AN EMERGENCY MEDICAL NATURE;

(2) A PERSON WHO IS AUTHORIZED TO GIVE THE CONSENT IS NOT AVAILABLE IMMEDIATELY; AND

(3) THE ATTENDING PHYSICIAN DETERMINES THAT:

(I) THERE IS A SUBSTANTIAL RISK OF DEATH OR IMMEDIATE AND SERIOUS HARM TO THE PATIENT; AND

(II) WITH A REASONABLE DEGREE OF MEDICAL ~~PROBABILITY~~ CERTAINTY, THE LIFE OR HEALTH OF THE PATIENT WOULD BE AFFECTED ADVERSELY BY DELAYING TREATMENT TO OBTAIN CONSENT.

5-608. AUTHORIZATION TO FOLLOW EMERGENCY MEDICAL SERVICES "DO NOT RESUSCITATE ORDER" IN THE OUTPATIENT SETTING.

(A) CERTIFIED EMERGENCY MEDICAL SERVICES PERSONNEL SHALL BE DIRECTED BY PROTOCOL TO FOLLOW EMERGENCY MEDICAL SERVICES "DO NOT RESUSCITATE ORDERS" PERTAINING TO ADULT PATIENTS IN THE OUTPATIENT SETTING IN ACCORDANCE WITH PROTOCOLS ESTABLISHED BY THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS IN CONJUNCTION WITH THE STATE BOARD OF PHYSICIAN QUALITY ASSURANCE. EMERGENCY MEDICAL SERVICES "DO NOT RESUSCITATE ORDERS" MAY NOT AUTHORIZE THE WITHHOLDING OF MEDICAL INTERVENTIONS, OR THERAPIES DEEMED NECESSARY TO PROVIDE COMFORT CARE OR TO ALLEVIATE PAIN.