

(B) THIS SECTION DOES NOT AUTHORIZE EMERGENCY MEDICAL PERSONNEL TO FOLLOW AN EMERGENCY MEDICAL SERVICES "DO NOT RESUSCITATE ORDER" FOR ANY PATIENT WHO, PRIOR TO CARDIAC OR RESPIRATORY ARREST, IS ABLE TO, AND DOES, EXPRESS TO THOSE PERSONNEL THE DESIRE TO BE RESUSCITATED.

(C) THIS SECTION DOES NOT AUTHORIZE EMERGENCY MEDICAL SERVICES PERSONNEL IN THE OUTPATIENT SETTING TO FOLLOW AN EMERGENCY MEDICAL SERVICES "DO NOT RESUSCITATE ORDER" THAT IS IN ANY FORM OTHER THAN:

(1) AN EMERGENCY MEDICAL SERVICES "DO NOT RESUSCITATE ORDER" DESCRIBED IN SUBSECTION (A) OF THIS SECTION;

(2) AN ORAL EMERGENCY MEDICAL SERVICES "DO NOT RESUSCITATE ORDER" PROVIDED BY AN ON-LINE, EMERGENCY MEDICAL SERVICES MEDICAL COMMAND AND CONTROL PHYSICIAN; OR

(3) AN ORAL EMERGENCY MEDICAL SERVICES "DO NOT RESUSCITATE ORDER" PROVIDED BY A PHYSICIAN, AS DEFINED IN § 5-601 OF THIS SUBTITLE, WHO IS PHYSICALLY PRESENT ON THE SCENE WITH THE PATIENT AND THE EMERGENCY MEDICAL SERVICES PERSONNEL IN THE OUTPATIENT SETTING.

5-609. IMMUNITY FROM LIABILITY; BURDEN OF PROOF; PRESUMPTION.

(A) HEALTH PROVIDER IMMUNITY. -

(1) A HEALTH CARE PROVIDER IS NOT SUBJECT TO CRIMINAL PROSECUTION OR CIVIL LIABILITY OR DEEMED TO HAVE ENGAGED IN UNPROFESSIONAL CONDUCT AS DETERMINED BY THE APPROPRIATE LICENSING AUTHORITY AS A RESULT OF WITHHOLDING OR WITHDRAWING ANY HEALTH CARE UNDER AUTHORIZATION OBTAINED IN ACCORDANCE WITH THIS SUBTITLE.

(2) A HEALTH CARE PROVIDER PROVIDING, WITHHOLDING, OR WITHDRAWING TREATMENT UNDER AUTHORIZATION OBTAINED UNDER THIS SUBTITLE DOES NOT INCUR LIABILITY ARISING OUT OF ANY CLAIM TO THE EXTENT THE CLAIM IS BASED ON LACK OF CONSENT OR AUTHORIZATION FOR THE ACTION.

(B) HEALTH AGENT OR SURROGATE IMMUNITY. - A PERSON WHO AUTHORIZES THE PROVISION, WITHHOLDING, OR WITHDRAWAL OF LIFE-SUSTAINING PROCEDURES IN ACCORDANCE WITH A PATIENT'S ADVANCE DIRECTIVE OR AS OTHERWISE PROVIDED IN THIS SUBTITLE IS NOT SUBJECT TO:

(1) CRIMINAL PROSECUTION OR CIVIL LIABILITY FOR THAT ACTION; OR

(2) LIABILITY FOR THE COST OF TREATMENT SOLELY ON THE BASIS OF THAT AUTHORIZATION.

(C) GOOD FAITH. -

(1) THE PROVISIONS OF THIS SECTION SHALL APPLY UNLESS IT IS SHOWN BY A PREPONDERANCE OF THE EVIDENCE THAT THE PERSON AUTHORIZING OR EFFECTUATING THE PROVISION, WITHHOLDING, OR WITHDRAWAL OF LIFE-SUSTAINING PROCEDURES IN ACCORDANCE WITH THIS SUBTITLE DID NOT, IN GOOD FAITH, COMPLY WITH THE PROVISIONS OF THIS SUBTITLE.