

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PATIENT'S ATTENDING PHYSICIAN MAY WITHHOLD OR WITHDRAW AS MEDICALLY INEFFECTIVE A TREATMENT THAT UNDER GENERALLY ACCEPTED MEDICAL PRACTICES IS LIFE-SUSTAINING IN NATURE ONLY IF THE PATIENT'S ATTENDING PHYSICIAN AND A SECOND PHYSICIAN CERTIFY IN WRITING THAT THE TREATMENT IS MEDICALLY INEFFECTIVE AND THE ATTENDING PHYSICIAN INFORMS THE PATIENT OR THE PATIENT'S AGENT OR SURROGATE OF THE PHYSICIAN'S DECISION.

(II) IF THE PATIENT IS BEING TREATED IN THE EMERGENCY DEPARTMENT OF A HOSPITAL AND ONLY ONE PHYSICIAN IS AVAILABLE, THE CERTIFICATION OF A SECOND PHYSICIAN IS NOT REQUIRED.

(C) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO CONDONE, AUTHORIZE, OR APPROVE MERCY KILLING OR EUTHANASIA, OR TO PERMIT ANY AFFIRMATIVE OR DELIBERATE ACT OR OMISSION TO END LIFE OTHER THAN TO PERMIT THE NATURAL PROCESS OF DYING.

(D) A HEALTH CARE PROVIDER SHALL MAKE REASONABLE EFFORTS TO PROVIDE AN INDIVIDUAL WITH FOOD AND WATER BY MOUTH AND TO ASSIST THE INDIVIDUAL AS NEEDED TO EAT AND DRINK VOLUNTARILY.

(E) (1) NOTHING IN THIS SUBTITLE IS INTENDED TO PRECLUDE A SEPARATE DECISION BY A HEALTH CARE AGENT OR SURROGATE REGARDING THE PROVISION OF OR THE WITHHOLDING OR WITHDRAWAL OF NUTRIENTS AND FLUIDS ADMINISTERED BY ARTIFICIAL MEANS.

(2) NOTHING IN THIS SUBTITLE AUTHORIZES ANY ACTION WITH RESPECT TO MEDICAL TREATMENT, IF THE HEALTH CARE PROVIDER IS AWARE THAT THE PATIENT FOR WHOM THE HEALTH CARE IS PROVIDED HAS EXPRESSED DISAGREEMENT WITH THE ACTION.

5-612. PETITION BY HEALTH CARE PROVIDER; COURT ACTION.

(A) (1) A HEALTH CARE PROVIDER FOR AN INDIVIDUAL INCAPABLE OF MAKING AN INFORMED DECISION WHO BELIEVES THAT AN INSTRUCTION TO WITHHOLD OR WITHDRAW A LIFE-SUSTAINING PROCEDURE FROM THE PATIENT IS INCONSISTENT WITH GENERALLY ACCEPTED STANDARDS OF PATIENT CARE SHALL:

(I) PETITION A PATIENT CARE ADVISORY COMMITTEE FOR ADVICE CONCERNING THE WITHHOLDING OR WITHDRAWAL OF THE LIFE-SUSTAINING PROCEDURE FROM THE PATIENT IF THE PATIENT IS IN A HOSPITAL OR RELATED INSTITUTION; OR

(II) FILE A PETITION IN A COURT OF COMPETENT JURISDICTION SEEKING INJUNCTIVE OR OTHER RELIEF RELATING TO THE WITHHOLDING OR WITHDRAWAL OF THE LIFE-SUSTAINING PROCEDURE FROM THE PATIENT.

(2) IN REVIEWING A PETITION FILED UNDER SUBSECTION (A)(2) OF THIS SECTION, THE COURT SHALL FOLLOW THE STANDARDS SET FORTH IN §§ 13-711 THROUGH 13-713 OF THE ESTATES AND TRUSTS ARTICLE.