

(B) A VALID LIVING WILL OR DURABLE POWER OF ATTORNEY FOR HEALTH CARE MADE PRIOR TO OCTOBER 1, 1993 SHALL BE GIVEN EFFECT AS PROVIDED IN THIS ARTICLE, EVEN IF NOT EXECUTED IN ACCORDANCE WITH THE TERMS OF THIS ARTICLE.

§-616 5-617. RECIPROCITY.

AN ADVANCE DIRECTIVE OR EMERGENCY MEDICAL SERVICES "DO NOT RESUSCITATE ORDER" EXECUTED IN ANOTHER STATE SHALL BE DEEMED TO BE VALIDLY EXECUTED FOR THE PURPOSES OF THIS SUBTITLE IF EXECUTED IN COMPLIANCE WITH THE LAWS OF MARYLAND OR THE LAWS OF THE STATE WHERE EXECUTED. ADVANCE DIRECTIVES OR EMERGENCY MEDICAL SERVICES "DO NOT RESUSCITATE ORDERS" EXECUTED IN ANOTHER STATE SHALL BE CONSTRUED TO GIVE EFFECT TO THE PATIENT'S WISHES TO THE EXTENT PERMITTED BY THE LAWS OF MARYLAND.

§-617 5-618. SHORT TITLE.

THE PROVISIONS OF THIS SUBTITLE SHALL BE KNOWN AND MAY BE CITED AS THE "HEALTH CARE DECISIONS ACT".

Article – Estates and Trusts

13-601.

(a) [If] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, IF a principal designates his attorney in fact or agent by a power of attorney in writing and the writing contains the words

(1) "This power of attorney shall not be affected by disability of the principal", or

(2) "This power of attorney becomes effective upon the disability of the principal", or

(3) Similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding his disability, the authority of the attorney in fact or agent is exercisable by him notwithstanding the later disability of the principal or uncertainty whether the principal is dead or alive.

(b) Any act done by the attorney in fact or agent pursuant to the power during any period of disability or incompetence or uncertainty as to whether the principal is dead or alive has the same effect and inures to the benefit of and binds the principal as if the principal were alive, competent, and not disabled.

(c) If a guardian is appointed for the principal, the attorney in fact or agent shall account to the guardian rather than the principal. The guardian has the same power the principal would have but for his disability or incompetence to revoke, suspend, or terminate all or any part of the power of attorney or agency.

(D) (1) THIS SECTION DOES NOT APPLY TO AN INSTRUMENT OR PORTION OF AN INSTRUMENT THAT IS AN ADVANCE DIRECTIVE APPOINTING A HEALTH CARE AGENT UNDER TITLE 5, SUBTITLE 6 OF THE HEALTH – GENERAL ARTICLE.