

~~(O) (R) (Q)~~ "TERMINAL CONDITION" MEANS A AN INCURABLE CONDITION CAUSED BY INJURY, DISEASE, OR ILLNESS FROM WHICH, TO A REASONABLE DEGREE OF MEDICAL PROBABILITY, AN INDIVIDUAL CANNOT RECOVER AND THE INDIVIDUAL'S DEATH IS IMMINENT CERTAINTY, MAKES DEATH IMMINENT AND FROM WHICH, DESPITE THE APPLICATION OF LIFE-SUSTAINING PROCEDURES, THERE CAN BE NO RECOVERY.

5-602. PROCEDURE FOR MAKING ADVANCE DIRECTIVE; NOTICE TO PHYSICIAN.

(A) WRITTEN ADVANCE DIRECTIVE. — ANY COMPETENT INDIVIDUAL MAY, AT ANY TIME, MAKE A WRITTEN ADVANCE DIRECTIVE AUTHORIZING REGARDING THE PROVIDING, WITHHOLDING, OR WITHDRAWING PROVISION OF ANY HEALTH CARE TO BE PROVIDED TO THE THAT INDIVIDUAL, OR THE WITHHOLDING OR WITHDRAWAL OF HEALTH CARE FROM THAT INDIVIDUAL.

(B) APPOINTMENT OF AGENT. — (1) ANY COMPETENT INDIVIDUAL MAY, AT ANY TIME, MAKE A WRITTEN ADVANCE DIRECTIVE APPOINTING AN AGENT TO MAKE HEALTH CARE DECISIONS FOR THE INDIVIDUAL UNDER THE CIRCUMSTANCES STATED IN THE ADVANCE DIRECTIVE.

(2) AN OWNER, OPERATOR, OR EMPLOYEE OF A HEALTH CARE FACILITY FROM WHICH THE DECLARANT IS RECEIVING HEALTH CARE MAY NOT SERVE AS A HEALTH CARE AGENT UNLESS THE PERSON WOULD QUALIFY AS A SURROGATE DECISION MAKER UNDER § 5-605(A) OF THIS SUBTITLE.

(3) AN AGENT APPOINTED UNDER THIS SUBTITLE HAS DECISION MAKING PRIORITY OVER ANY INDIVIDUALS OTHERWISE AUTHORIZED UNDER THIS SUBTITLE TO MAKE HEALTH CARE DECISIONS FOR A DECLARANT.

(C) SIGNATURE AND WITNESS REQUIREMENTS. — (1) A WRITTEN ADVANCE DIRECTIVE SHALL BE DATED, SIGNED BY OR AT THE EXPRESS DIRECTION OF THE DECLARANT, AND SUBSCRIBED BY TWO WITNESSES OR NOTARIZED.

(2) (I) ANY COMPETENT INDIVIDUAL, EXCEPT THE HEALTH CARE AGENT OF THE DECLARANT, EXCEPT AS PROVIDED IN ITEMS (II) AND (III) OF THIS PARAGRAPH. ANY COMPETENT INDIVIDUAL MAY SERVE AS A WITNESS TO AN ADVANCE DIRECTIVE, INCLUDING AN EMPLOYEE OF A HEALTH CARE FACILITY OR PHYSICIAN CARING FOR THE DECLARANT IF ACTING IN GOOD FAITH.

(II) THE HEALTH CARE AGENT OF THE DECLARANT MAY NOT SERVE AS A WITNESS.

(III) AT LEAST ONE OF THE WITNESSES MUST BE AN INDIVIDUAL WHO IS NOT KNOWINGLY ENTITLED TO ANY PORTION OF THE ESTATE OF THE DECLARANT OR KNOWINGLY ENTITLED TO ANY FINANCIAL BENEFIT BY REASON OF THE DEATH OF THE DECLARANT.

(D) VERBAL ORAL DIRECTIVE. — ANY COMPETENT INDIVIDUAL MAY MAKE AN ORAL ADVANCE DIRECTIVE TO AUTHORIZE THE PROVIDING, WITHHOLDING, OR WITHDRAWING OF ANY LIFE-PROLONGING LIFE-SUSTAINING PROCEDURE OR TO APPOINT AN AGENT TO MAKE HEALTH CARE DECISIONS FOR THE INDIVIDUAL. AN ORAL ADVANCE DIRECTIVE SHALL HAVE THE SAME EFFECT AS A WRITTEN