

ADVANCE DIRECTIVE IF MADE IN THE PRESENCE OF THE ATTENDING PHYSICIAN AND ONE WITNESS AND DOCUMENTED AS PART OF THE INDIVIDUAL'S MEDICAL RECORD. THE DOCUMENTATION SHALL BE DATED AND SIGNED BY THE ATTENDING PHYSICIAN AND THE WITNESS.

(E) EFFECTIVENESS OF ADVANCE DIRECTIVE.

(1) UNLESS OTHERWISE PROVIDED IN THE DOCUMENT, AN ADVANCE DIRECTIVE SHALL BECOME EFFECTIVE WHEN THE DECLARANT'S ATTENDING PHYSICIAN AND A SECOND PHYSICIAN CERTIFY IN WRITING THAT THE PATIENT IS INCAPABLE OF MAKING AN INFORMED DECISION.

(2) IF A PATIENT IS UNCONSCIOUS, OR UNABLE TO COMMUNICATE BY ANY MEANS, THE CERTIFICATION OF A SECOND PHYSICIAN IS NOT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(F) NOTICE TO PHYSICIAN. — (1) IT SHALL BE THE RESPONSIBILITY OF THE DECLARANT TO NOTIFY THE ATTENDING PHYSICIAN THAT AN ADVANCE DIRECTIVE HAS BEEN MADE. IN THE EVENT THE DECLARANT BECOMES COMATOSE, INCOMPETENT, OR OTHERWISE INCAPABLE OF COMMUNICATION, ANY OTHER PERSON MAY NOTIFY THE PHYSICIAN OF THE EXISTENCE OF AN ADVANCE DIRECTIVE.

(2) AN ATTENDING PHYSICIAN WHO IS NOTIFIED OF THE EXISTENCE OF THE ADVANCE DIRECTIVE SHALL PROMPTLY:

(I) IF THE ADVANCE DIRECTIVE IS WRITTEN, MAKE THE ADVANCE DIRECTIVE OR A COPY OF THE ADVANCE DIRECTIVE A PART OF THE DECLARANT'S MEDICAL RECORDS; OR

(II) IF THE ADVANCE DIRECTIVE IS ORAL, MAKE THE FACT OF THE ADVANCE DIRECTIVE, INCLUDING THE DATE THE ADVANCE DIRECTIVE WAS MADE AND THE NAME OF THE ATTENDING PHYSICIAN, A PART OF THE DECLARANT'S MEDICAL RECORDS.

(G) NOTICE TO AGENT - IT SHALL BE THE RESPONSIBILITY OF THE DECLARANT TO NOTIFY A HEALTH CARE AGENT THAT THE AGENT HAS BEEN NAMED IN AN ADVANCE DIRECTIVE TO ACT ON THE DECLARANT'S BEHALF.

(H) STANDARDS FOR AGENT - UNLESS OTHERWISE PROVIDED IN THE PATIENT'S ADVANCE DIRECTIVE, A PATIENT'S AGENT SHALL ACT IN ACCORDANCE WITH THE PROVISIONS OF § 5-605(C) OF THIS SUBTITLE.

(I) NO PRESUMPTION OF INTENT. - THE ABSENCE OF AN ADVANCE DIRECTIVE CREATES NO PRESUMPTION AS TO THE PATIENT'S INTENT TO CONSENT TO OR REFUSE LIFE-SUSTAINING PROCEDURES.

5-603. SUGGESTED FORM OF WRITTEN ADVANCE DIRECTIVES FORMS.