

- (I) A GUARDIAN FOR THE PATIENT, IF ONE HAS BEEN APPOINTED;
- (II) THE PATIENT'S SPOUSE;
- (III) AN ADULT CHILD OF THE PATIENT;
- (IV) A PARENT OF THE PATIENT;
- (V) AN ADULT BROTHER OR SISTER OF THE PATIENT; OR

(VI) A FRIEND OR OTHER RELATIVE OF THE PATIENT WHO MEETS THE REQUIREMENTS OF PARAGRAPH ~~(2)~~ (3) OF THIS SUBSECTION.

~~(2)~~ (3) A PERSON FRIEND OR OTHER RELATIVE MAY MAKE DECISIONS ABOUT HEALTH CARE FOR A PATIENT AS A FRIEND OF THE PATIENT UNDER PARAGRAPH ~~(4)~~ (2) OF THIS SUBSECTION IF THE PERSON:

- (I) IS A COMPETENT INDIVIDUAL; AND
- (II) PRESENTS AN AFFIDAVIT TO THE ATTENDING PHYSICIAN

STATING:

1. THAT THE PERSON IS A RELATIVE OR CLOSE FRIEND OF THE PATIENT; AND

2. SPECIFIC FACTS AND CIRCUMSTANCES DEMONSTRATING THAT THE PERSON HAS MAINTAINED REGULAR CONTACT WITH THE PATIENT SUFFICIENT TO BE FAMILIAR WITH THE PATIENT'S ACTIVITIES, HEALTH, AND RELIGIOUS AND MORAL PERSONAL BELIEFS.

(4) THE ATTENDING PHYSICIAN SHALL INCLUDE THE AFFIDAVIT PRESENTED UNDER PARAGRAPH (3) OF THIS SUBSECTION IN THE PATIENT'S MEDICAL RECORD.

(B) DISPUTE AMONG SURROGATES. — (1) IF ~~THERE IS A DISPUTE AMONG PERSONS WITH EQUAL DECISION MAKING PRIORITY UNDER SUBSECTION (A)(4) OF THIS SECTION DISAGREE ABOUT A HEALTH CARE DECISION, AND THE A INCAPACITATED PERSON WHO IS INCAPABLE OF MAKING AN INFORMED DECISION IS RECEIVING CARE IN A HOSPITAL OR RELATED INSTITUTION, THE ATTENDING PHYSICIAN OR OTHER INTERESTED PERSON AN INDIVIDUAL SPECIFIED IN SUBSECTION (A) OF THIS SECTION SHALL REFER THE CASE TO THE INSTITUTION'S PATIENT CARE ADVISORY COMMITTEE, AND SHALL MAY ACT IN ACCORDANCE WITH THE RECOMMENDATION OF THE COMMITTEE OR TRANSFER THE PATIENT IN ACCORDANCE WITH THE PROVISIONS OF § 5-614 § 5-612 § 5-613 OF THIS SUBTITLE. A PHYSICIAN WHO ACTS IN ACCORDANCE WITH THE RECOMMENDATION OF THE COMMITTEE IS NOT SUBJECT TO LIABILITY FOR ANY CLAIM BASED ON LACK OF CONSENT OR AUTHORIZATION FOR THE ACTION.~~

(2) IF THE ~~INCAPACITATED PERSON WHO IS INCAPABLE OF MAKING AN INFORMED DECISION~~ IS NOT IN A HOSPITAL OR RELATED INSTITUTION, A PHYSICIAN MAY NOT WITHHOLD OR WITHDRAW LIFE-SUSTAINING MEDICAL CARE IF THERE IS NOT AGREEMENT AMONG ALL THE PERSONS IN THE SAME CLASS.