

(C) GUIDELINES STANDARDS FOR SURROGATES. — (1) ANY PERSON AUTHORIZED TO MAKE HEALTH CARE DECISIONS FOR ANOTHER UNDER THIS SUBTITLE SECTION SHALL BASE THOSE DECISIONS ON THE WISHES AND VALUES OF THE PATIENT ~~AS KNOWN BY THE SURROGATE~~ AND, IF THE WISHES OF THE PATIENT ARE UNKNOWN OR UNCLEAR, ON THE PATIENT'S BEST ~~INTERESTS~~ INTEREST.

~~(2) IN DETERMINING WHAT IS IN THE PATIENT'S BEST INTEREST A SURROGATE SHALL CONSIDER:~~

~~(I) THE PROGNOSIS OF THE PATIENT FOR RECOVERY;~~

~~(II) THE RISKS, BENEFITS, AND BURDENS OF ANY PROPOSED PROCEDURE, AND THE ALTERNATIVES TO ANY PROPOSED PROCEDURE; AND~~

~~(III) THE RELIGIOUS BELIEFS AND BASIC VALUES OF THE PATIENT RECEIVING TREATMENT.~~

(2) IN DETERMINING THE WISHES OF THE PATIENT, AN AGENT OR A SURROGATE SHALL CONSIDER THE PATIENT'S:

(I) CURRENT DIAGNOSIS AND PROGNOSIS WITH AND WITHOUT THE TREATMENT AT ISSUE;

(II) EXPRESSED PREFERENCES REGARDING THE PROVISION OF, OR THE WITHHOLDING OR WITHDRAWAL OF, THE SPECIFIC TREATMENT AT ISSUE OR OF SIMILAR TREATMENTS;

(III) RELEVANT RELIGIOUS AND MORAL BELIEFS AND PERSONAL VALUES;

(IV) BEHAVIOR, ATTITUDES, AND PAST CONDUCT WITH RESPECT TO THE TREATMENT AT ISSUE AND MEDICAL TREATMENT GENERALLY;

(V) REACTIONS TO THE PROVISION OF, OR THE WITHHOLDING OR WITHDRAWAL OF, A SIMILAR TREATMENT FOR ANOTHER INDIVIDUAL; AND

(VI) EXPRESSED CONCERNS ABOUT THE EFFECT ON THE FAMILY OR INTIMATE FRIENDS OF THE PATIENT IF A TREATMENT WERE PROVIDED, WITHHELD, OR WITHDRAWN.

~~(3) A SURROGATE MAY NOT CONSIDER A PATIENT'S LONG-TERM PREEXISTING MENTAL OR PHYSICAL DISABILITY AS A FACTOR WHEN DECIDING WHETHER TO WITHHOLD OR WITHDRAW LIFE-PROLONGING PROCEDURES.~~

(3) THE DECISION OF A SURROGATE REGARDING WHETHER LIFE-SUSTAINING PROCEDURES SHOULD BE PROVIDED, WITHHELD, OR WITHDRAWN MAY NOT BE BASED, IN WHOLE OR IN PART, ON EITHER A PATIENT'S PREEXISTING, LONG-TERM MENTAL OR PHYSICAL DISABILITY, OR A PATIENT'S ECONOMIC DISADVANTAGE.

(4) A SURROGATE SHALL INFORM THE PATIENT, TO THE EXTENT POSSIBLE, OF THE PROPOSED PROCEDURE AND THE FACT THAT SOMEONE ELSE IS AUTHORIZED TO MAKE A DECISION REGARDING THAT PROCEDURE.