

~~(D) NO ADVANCE DIRECTIVE PRESUMPTION OF INTENT. — THE ABSENCE OF AN ADVANCE DIRECTIVE BY AN ADULT PATIENT CREATES NO PRESUMPTION AS TO THE PATIENT'S INTENT TO CONSENT TO OR REFUSE LIFE PROLONGING LIFE SUSTAINING PROCEDURES.~~

~~(E) EXCLUSIONS. — (1) THE PROVISIONS OF THIS SUBTITLE SECTION DO NOT APPLY TO THE AUTHORIZATION OF THE FOLLOWING TREATMENTS OR ACTIONS:~~

~~(I) NONTHERAPEUTIC STERILIZATION; OR~~

~~(II) PSYCHOSURGERY; OR~~

~~(III) ADMISSION TO A MENTAL RETARDATION FACILITY OR PSYCHIATRIC HOSPITAL RECEIPT OF HEALTH CARE FOR A MENTAL DISORDER.~~

~~(2) THE PROVISIONS OF THIS SUBTITLE DO NOT AUTHORIZE ANY ACTION WITH RESPECT TO MEDICAL TREATMENT THAT IS:~~

~~(I) PROTESTED BY THE PATIENT; OR~~

~~(II) CONTRARY TO THE RELIGIOUS BELIEFS OR BASIC VALUES OF THE PATIENT, IF THE HEALTH CARE PROVIDER IS AWARE THAT THE PATIENT FOR WHOM THE HEALTH CARE IS PROVIDED HAS EXPRESSED DISAGREEMENT WITH THE ACTION. A SURROGATE MAY NOT AUTHORIZE.~~

~~(1) STERILIZATION; OR~~

~~(2) TREATMENT FOR A MENTAL DISORDER.~~

5-606. CERTIFICATION BY PHYSICIANS.

~~(F) (A) CERTIFICATION OF INCAPACITY. — (1) PRIOR TO PROVIDING, WITHHOLDING, OR WITHDRAWING TREATMENT FOR WHICH AUTHORIZATION HAS BEEN OBTAINED OR WILL BE SOUGHT UNDER THIS SUBTITLE, THE ATTENDING PHYSICIAN AND A SECOND PHYSICIAN, ONE OF WHOM SHALL HAVE EXAMINED THE PATIENT WITHIN 2 HOURS BEFORE MAKING THE CERTIFICATION, SHALL CERTIFY IN WRITING THAT THE PATIENT IS INCAPABLE OF MAKING AN INFORMED DECISION REGARDING THE TREATMENT. THE CERTIFICATION SHALL BE BASED ON A PERSONAL EXAMINATION OF THE PATIENT.~~

~~(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.~~

~~(3) WHEN AUTHORIZATION IS SOUGHT FOR TREATMENT OF A MENTAL ILLNESS, THE SECOND PHYSICIAN MAY NOT BE OTHERWISE CURRENTLY INVOLVED IN THE TREATMENT OF THE PERSON ASSESSED.~~

~~(4) THE COST OF AN ASSESSMENT TO CERTIFY INCAPACITY UNDER THIS SUBSECTION SHALL BE CONSIDERED FOR ALL PURPOSES A COST OF THE PATIENT'S TREATMENT.~~