

OUTPATIENT SETTING IN ACCORDANCE WITH PROTOCOLS ESTABLISHED BY THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS IN CONJUNCTION WITH THE STATE BOARD OF PHYSICIAN QUALITY ASSURANCE. EMERGENCY MEDICAL SERVICES "DO NOT RESUSCITATE ORDERS" MAY NOT AUTHORIZE THE WITHHOLDING OF ~~OTHER~~ MEDICAL INTERVENTIONS, ~~SUCH AS INTRAVENOUS FLUIDS, OXYGEN,~~ OR ~~OTHER~~ THERAPIES DEEMED NECESSARY TO PROVIDE COMFORT CARE OR TO ALLEVIATE PAIN.

(B) THIS SECTION DOES NOT AUTHORIZE EMERGENCY MEDICAL PERSONNEL TO FOLLOW AN EMERGENCY MEDICAL SERVICES "DO NOT RESUSCITATE ORDER" FOR ANY PATIENT WHO, PRIOR TO CARDIAC OR RESPIRATORY ARREST, IS ABLE TO, AND DOES, EXPRESS TO THOSE PERSONNEL THE DESIRE TO BE RESUSCITATED.

(C) THIS SECTION DOES NOT AUTHORIZE EMERGENCY MEDICAL SERVICES PERSONNEL IN THE OUTPATIENT SETTING TO FOLLOW A "DO NOT RESUSCITATE" ORDER THAT IS IN ANY FORM OTHER THAN:

(1) AN EMERGENCY MEDICAL SERVICES "DO NOT RESUSCITATE" ORDER DESCRIBED IN SUBSECTION (A) OF THIS SECTION;

(2) AN ORAL EMERGENCY MEDICAL SERVICES "DO NOT RESUSCITATE" ORDER PROVIDED BY AN ON-LINE, EMERGENCY MEDICAL SERVICES MEDICAL COMMAND AND CONTROL PHYSICIAN; OR

(3) AN ORAL EMERGENCY MEDICAL SERVICES "DO NOT RESUSCITATE" ORDER PROVIDED BY A PHYSICIAN, AS DEFINED IN § 5-601 OF THIS SUBTITLE, WHO IS PHYSICALLY PRESENT ON THE SCENE WITH THE PATIENT AND THE EMERGENCY MEDICAL SERVICES PERSONNEL IN THE OUTPATIENT SETTING.

~~5-607, 5-608, 5-609.~~ IMMUNITY FROM LIABILITY; BURDEN OF PROOF; PRESUMPTION.

(A) HEALTH PROVIDER IMMUNITY. — (1) A HEALTH CARE PROVIDER IS NOT SUBJECT TO CRIMINAL PROSECUTION OR CIVIL LIABILITY OR DEEMED TO HAVE ENGAGED IN UNPROFESSIONAL CONDUCT AS DETERMINED BY THE APPROPRIATE LICENSING AUTHORITY AS A RESULT OF WITHHOLDING OR WITHDRAWING ANY HEALTH CARE UNDER AUTHORIZATION OBTAINED IN ACCORDANCE WITH THIS SUBTITLE.

(2) A HEALTH CARE PROVIDER PROVIDING, WITHHOLDING, OR WITHDRAWING TREATMENT UNDER AUTHORIZATION OBTAINED UNDER THIS SUBTITLE DOES NOT INCUR LIABILITY ARISING OUT OF ANY CLAIM TO THE EXTENT THE CLAIM IS BASED ON LACK OF CONSENT OR AUTHORIZATION FOR THE ACTION.

(B) HEALTH AGENT OR SURROGATE IMMUNITY. — A PERSON WHO AUTHORIZES THE PROVIDING, WITHHOLDING, OR WITHDRAWING OF ~~LIFE-PROLONGING~~ LIFE-SUSTAINING PROCEDURES IN ACCORDANCE WITH A PATIENT'S ADVANCE DIRECTIVE OR AS OTHERWISE PROVIDED IN THIS SUBTITLE IS NOT SUBJECT TO:

(1) CRIMINAL PROSECUTION OR CIVIL LIABILITY FOR THAT ACTION; OR