

**TITLE 3: HUMAN RESOURCES**  
**DIVISION 2: HEALTH**

**§ 2863. Operative Effect of Declaration.**

A declaration becomes operative when

(a) it is communicated to the attending physician and

(b) the declarant is diagnosed and certified in writing by the attending physician and a second physician who has personally examined the declarant to be in a terminal condition or permanent unconscious condition and no longer able to make decisions regarding administration of life-sustaining treatment. When the declaration becomes operative, the attending physician and other health care providers including certified emergency medical technicians shall act in accordance with its provisions or comply with the transfer of requirements in 3 CMC § 2867. Such declaration shall be operative both in and out of a hospital setting.

**Source:** PL 17-35 § 3(2803) (March 23, 2011), modified.

**Commission Comment:** The Commission changed references to agree with renumbered provisions pursuant to 1 CMC 3806(c).