§ 4306-a. Advanced directives and health care proxies. 1. If a prospective donor in a hospital has a declaration or advance health care directive and terms of the declaration, directive or proxy document concerning life-sustaining treatment are in conflict with the express or implied terms of a potential anatomical gift with regard to the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy, the prospective donor's attending physician and the prospective donor shall confer to resolve the conflict. For purposes of this section, an advance directive shall mean a written or oral instruction by the adult patient relating to the provision of health care to the patient when an adult becomes incapacitated, including but not limited to a health care proxy, a consent to the issuance of an order not to resuscitate or other orders for life-sustaining treatment recorded in a patient's medical record, or a legally-recognized statement of wishes or beliefs.

2. If such prospective donor is incapable of resolving the conflict, and the patient in such declaration, directive, or proxy document did not expressly reject being a donor, then the health care proxy acting under the prospective donor's declaration, directive, or proxy or, if none, a surrogate authorized to make health care decisions on behalf of the patient, in accordance with the provisions of article twenty-nine-CC of this chapter, shall act for the patient to resolve the conflict.

3. Such conflict must be resolved expeditiously. Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift for the prospective donor described in subdivision two of section forty-three hundred one of this article. Before resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the patient if withholding or withdrawing the measures is not contraindicated by appropriate end-of-life care.