

ALABAMA

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Criteria	Qualifying Conds.	ANH (Def.)	Standard of Decision-making	Specific Authorization Required (ANH)	ANH Required for Comfort Care	ANH included as Life-Sustaining TX	Other Provisions
Statutes							
Alabama Natural Death Act	(1) Incomp. (2) Term. Ill	Yes	SJ	Yes	No	Yes	See below
Alabama Durable Power of Attorney Act	(1) Incomp. (2) Term. Ill	Yes	SJ	Yes	No	Yes	See below
Regulations							
<ul style="list-style-type: none"> • No provisions found in this policy. 							
Case Law							
<p><u>Camp v. White</u>, 510 So. 2d 166 (Ala. 1987)</p> <ul style="list-style-type: none"> • The Alabama Natural Death Act is cited in <u>Camp v. White</u>, 510 So. 2d 166 (Ala. 1987). According to the Supreme Court of Alabama, § 22-8A-1 et seq. provides a method for assuring that a decision to terminate life support will be respected. It also provides protection for a physician who withholds life support in compliance with the executed declaration. However, the statute is cumulative and does not provide the exclusive procedure for withholding life-sustaining systems. 							
Other							
<ul style="list-style-type: none"> • Although it is not necessary to follow the statutory form to have other life-sustaining treatment withdrawn or withheld, the statute clearly states artificially provided nutrition and hydration cannot be removed without express, written authorization in the directive. (Hemby EJ. Commentary: A Question and Answer Examination of the 1997 Amendments to Alabama’s Natural Death Act. 50 Ala. L. Rev. 203 (1998) (citing Ala. Code § 22-8A-4(a)(1999). • Under the 1997 Act a person who becomes terminally ill or permanently unconscious and has no written advance directive of any kind may have nutrition and hydration removed by a surrogate with clear and convincing evidence of that intent. Ala. Code § 22-8A-11 (a)(1999) 							

Notes:

- Alabama’s common law recognizes oral directives.
- Since 1997, an advance directive for health care executed under Alabama’s Natural Death Act will come into effect when the declarant is not necessary dying, but in a state of “permanent unconsciousness.”(Ala. Code § 22-8A-2)(1999). The statute provides that two physicians must personally examine the declarant whether the patient has a terminal illness or injury or is in a state of permanent unconsciousness.
- The Natural Death Act does not give specific requirements for the determination of incompetence.