

75-2a-106 Emergency medical services -- Life with dignity order.

- (1) A life with dignity order may be created by or on behalf of a person as described in this section.
- (2) A life with dignity order shall, in consultation with the person authorized to consent to the order pursuant to this section, be prepared by:
 - (a) the physician, APRN, or, subject to Subsection (11), physician assistant of the person to whom the life with dignity order relates; or
 - (b) a health care provider who:
 - (i) is acting under the supervision of a person described in Subsection (2)(a); and
 - (ii) is:
 - (A) a nurse, licensed under Title 58, Chapter 31b, Nurse Practice Act;
 - (B) a physician assistant, licensed under Title 58, Chapter 70a, Physician Assistant Act;
 - (C) a mental health professional, licensed under Title 58, Chapter 60, Mental Health Professional Practice Act; or
 - (D) another health care provider, designated by rule as described in Subsection (10).
- (3) A life with dignity order shall be signed:
 - (a) personally, by the physician, APRN, or, subject to Subsection (11), physician assistant of the person to whom the life with dignity order relates; and
 - (b)
 - (i) if the person to whom the life with dignity order relates is an adult with health care decision making capacity, by:
 - (A) the person; or
 - (B) an adult who is directed by the person to sign the life with dignity order on behalf of the person;
 - (ii) if the person to whom the life with dignity order relates is an adult who lacks health care decision making capacity, by:
 - (A) the surrogate with the highest priority under Section 75-2a-111;
 - (B) the majority of the class of surrogates with the highest priority under Section 75-2a-111; or
 - (C) a person directed to sign the order by, and on behalf of, the persons described in Subsection (3)(b)(ii)(A) or (B); or
 - (iii) if the person to whom the life with dignity order relates is a minor, by a parent or guardian of the minor.
- (4) If a life with dignity order relates to a minor and directs that life sustaining treatment be withheld or withdrawn from the minor, the order shall include a certification by two physicians that, in their clinical judgment, an order to withhold or withdraw life sustaining treatment is in the best interest of the minor.
- (5) A life with dignity order:
 - (a) shall be in writing, on a form approved by the Department of Health;
 - (b) shall state the date on which the order was made;
 - (c) may specify the level of life sustaining care to be provided to the person to whom the order relates; and
 - (d) may direct that life sustaining care be withheld or withdrawn from the person to whom the order relates.
- (6) A health care provider or emergency medical service provider, licensed or certified under Title 26, Chapter 8a, Utah Emergency Medical Services System Act, is immune from civil or criminal liability, and is not subject to discipline for unprofessional conduct, for:
 - (a) complying with a life with dignity order in good faith; or
 - (b) providing life sustaining treatment to a person when a life with dignity order directs that the life sustaining treatment be withheld or withdrawn.

- (7) To the extent that the provisions of a life with dignity order described in this section conflict with the provisions of an advance health care directive made under Section 75-2a-107, the provisions of the life with dignity order take precedence.
- (8) An adult, or a parent or guardian of a minor, may revoke a life with dignity order by:
 - (a) orally informing emergency service personnel;
 - (b) writing "void" across the form;
 - (c) burning, tearing, or otherwise destroying or defacing:
 - (i) the form; or
 - (ii) a bracelet or other evidence of the life with dignity order;
 - (d) asking another adult to take the action described in this Subsection (8) on the person's behalf;
 - (e) signing or directing another adult to sign a written revocation on the person's behalf;
 - (f) stating, in the presence of an adult witness, that the person wishes to revoke the order; or
 - (g) completing a new life with dignity order.
- (9)
 - (a) Except as provided in Subsection (9)(c), a surrogate for an adult who lacks health care decision making capacity may only revoke a life with dignity order if the revocation is consistent with the substituted judgment standard.
 - (b) Except as provided in Subsection (9)(c), a surrogate who has authority under this section to sign a life with dignity order may revoke a life with dignity order, in accordance with Subsection (9)(a), by:
 - (i) signing a written revocation of the life with dignity order; or
 - (ii) completing and signing a new life with dignity order.
 - (c) A surrogate may not revoke a life with dignity order during the period of time beginning when an emergency service provider is contacted for assistance, and ending when the emergency ends.
- (10)
 - (a) The Department of Health shall adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
 - (i) create the forms and systems described in this section; and
 - (ii) develop uniform instructions for the form established in Section 75-2a-117.
 - (b) The Department of Health may adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to designate health care professionals, in addition to those described in Subsection (2)(b)(ii), who may prepare a life with dignity order.
 - (c) The Department of Health may assist others with training of health care professionals regarding this chapter.
- (11) A physician assistant may not prepare or sign a life with dignity order, unless the physician assistant is permitted to prepare or sign the life with dignity order under the physician assistant's delegation of services agreement, as defined in Section 58-70a-102.

Amended by Chapter 99, 2009 General Session