

75-2a-113 Personal representative status.

A surrogate becomes a personal representative for an adult under the Health Insurance Portability and Accountability Act of 1996 when:

- (1) the adult has been found to lack health care decision making capacity under Section 75-2a-104;
- (2) the adult grants current authority to the surrogate either:
 - (a) in writing; or
 - (b) by other expression before a witness who is not the surrogate or agent; or
- (3) the court appoints a guardian authorized to make health care decisions on behalf of the adult.

Amended by Chapter 107, 2008 General Session