

Effective 9/1/2024

Superseded 5/7/2025

75A-2-105 Execution of power of attorney.

- (1)
 - (a) A power of attorney shall be signed by the principal or in the principal's conscious presence by another individual directed by the principal to sign the principal's name on the power of attorney before a notary public or other individual authorized by the law to take acknowledgments.
 - (b) A signature on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized by law to take acknowledgments.
- (2) If the principal resides or is about to reside in a hospital, assisted living, skilled nursing, or similar facility, at the time of execution of the power of attorney, the principal may not name any agent that is the owner, operator, health care provider, or employee of the hospital, assisted living facility, skilled nursing, or similar residential care facility unless:
 - (a) the agent is the spouse, legal guardian, or next of kin of the principal; or
 - (b) the agent's authority is strictly limited to the purpose of assisting the principal to establish eligibility for Medicaid.
- (3) A violation of Subsection (2) is a violation of Section 76-5-111.4.