

Effective 1/1/2026

75A-9-101 Definitions.

As used in this chapter:

- (1)
 - (a) "Advance health care directive" means a power of attorney for health care, health care instruction, or both.
 - (b) "Advance health care directive" includes an advance mental health care directive.
- (2) "Advance mental health care" directive means a power of attorney for health care, health care instruction, or both, created under Section 75A-9-108.
- (3)
 - (a) "Agent" means an individual appointed under a power of attorney for health care to make a health care decision for the individual who made the appointment.
 - (b) "Agent" includes a co-agent or alternate agent appointed under Section 75A-9-119.
- (4) "Capacity" means having capacity under Section 75A-9-102.
- (5) "Cohabitant" means each of two individuals who have been living together as a couple for at least one year after each became an adult or was emancipated and who are not married to each other.
- (6) "Default surrogate" means an individual authorized under Section 75A-9-111 to make a health care decision for another individual.
- (7) "Emergency medical services provider" means a person that is licensed, designated, or certified under Title 53, Chapter 2d, Emergency Medical Services Act.
- (8) "Family member" means a spouse, adult child, parent, or grandparent, or an adult descendant of a spouse, child, parent, or grandparent.
- (9)
 - (a) "Health care" means care or treatment or a service or procedure to maintain, monitor, diagnose, or otherwise affect an individual's physical or mental illness, injury, or condition.
 - (b) "Health care" includes mental health care.
- (10) "Health care decision" means a decision made by an individual or the individual's surrogate regarding the individual's health care, including:
 - (a) selection or discharge of a health care professional or health care institution;
 - (b) approval or disapproval of a diagnostic test, surgical procedure, medication, therapeutic intervention, or other health care; and
 - (c) direction to provide, withhold, or withdraw artificial nutrition or hydration, mechanical ventilation, or other health care.
- (11) "Health care institution" means a facility or agency licensed, certified, or otherwise authorized or permitted by other law to provide health care in this state in the ordinary course of business.
- (12)
 - (a) "Health care instruction" means a direction, whether or not in a record, made by an individual that indicates the individual's goals, preferences, or wishes concerning the provision, withholding, or withdrawal of health care.
 - (b) "Health care instruction" includes a direction intended to be effective if a specified condition arises.
- (13) "Health care professional" means a physician or other individual licensed, certified, or otherwise authorized or permitted by other law of this state to provide health care in this state in the ordinary course of business or the practice of the physician's or individual's profession.
- (14) "Individual" means an adult or emancipated minor.

- (15) "Mental health care" means care or treatment or a service or procedure to maintain, monitor, diagnose, or otherwise affect an individual's mental illness or other psychiatric, psychological, or psychosocial condition.
- (16) "Nursing home" means a nursing facility as defined in Section 1919(a)(1) of the Social Security Act, 42 U.S.C. Sec. 1396r(a)(1), as amended or skilled nursing facility as defined in Section 1819(a)(1) of the Social Security Act, 42 U.S.C. Sec. 1395i3(a)(1), as amended.
- (17) "Person interested in the welfare of the individual" means:
 - (a) the individual's surrogate;
 - (b) a family member of the individual;
 - (c) the cohabitant of the individual;
 - (d) a public entity providing health care case management or protective services to the individual;
 - (e) a person appointed under other law to make decisions for the individual under a power of attorney for finances; or
 - (f) a person that has an ongoing personal or professional relationship with the individual, including a person that has provided educational or health care services or supported decision making to the individual.
- (18) "Physician" means an individual licensed to practice as a physician or osteopath under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- (19) "Power of attorney for health care" means a record in which an individual appoints an agent to make health care decisions for the individual.
- (20) "Reasonably available" means being able to be contacted without undue effort and being willing and able to act in a timely manner considering the urgency of an individual's health care situation. When used to refer to an agent or default surrogate, the term includes being willing and able to comply with the duties under Section 75A-9-116 in a timely manner considering the urgency of an individual's health care situation.
- (21) "Responsible health care professional" means:
 - (a) a health care professional designated by an individual or the individual's surrogate to have primary responsibility for the individual's health care or for overseeing a course of treatment; or
 - (b) in the absence of a designation under Subsection (21)(a) or, if the professional designated under Subsection (21)(a) is not reasonably available, a health care professional who has primary responsibility for overseeing the individual's health care or for overseeing a course of treatment.
- (22) "Supported decision making" means assistance, from one or more persons of an individual's choosing, that helps the individual make or communicate a decision, including by helping the individual understand the nature and consequences of the decision.
- (23) "Surrogate" means:
 - (a) an agent;
 - (b) a default surrogate; or
 - (c) a guardian authorized to make health care decisions.

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