

Effective 1/1/2026

75A-9-112 Disagreement among default surrogates.

- (1) A default surrogate who assumes authority under Section 75A-9-111 shall inform a responsible health care professional if two or more members of a class under Subsection 75A-9-111(2) have assumed authority to act as default surrogates and the members do not agree on a health care decision.
- (2) A responsible health care professional shall comply with the decision of a majority of the members of the class with highest priority under Subsection 75A-9-111(2) who have communicated their views to the professional and the professional reasonably believes are acting consistent with their duties under Section 75A-9-116.
- (3)
 - (a) If a responsible health care professional is informed that the members of the class who have communicated their views to the professional are evenly divided concerning the health care decision, the default surrogate who assumes authority under Section 75A-9-111 shall make a reasonable effort to solicit the views of members of the class who are reasonably available but have not yet communicated their views to the professional.
 - (b) The professional, after the solicitation, shall comply with the decision of a majority of the members who have communicated their views to the professional and the professional reasonably believes are acting consistent with their duties under Section 75A-9-116.
- (4) If the class remains evenly divided after the effort is made under Subsection (3), the health care decision must be made as provided by other law of this state regarding the treatment of an individual who is found to lack capacity.

Enacted by Chapter 439, 2025 General Session