

Effective 1/1/2026

75A-9-113 Disqualification to act as default surrogate.

- (1)
 - (a) An individual for whom a health care decision would be made may disqualify another individual from acting as default surrogate for the first individual.
 - (b) The disqualification must be in a record signed by the first individual or communicated verbally or nonverbally to the individual being disqualified, another individual, or a responsible health care professional.
 - (c) Disqualification under this subsection is effective even if made by an individual who lacks capacity to make an advance directive if the individual clearly communicates a desire that the individual being disqualified not make health care decisions for the individual.
- (2) An individual is disqualified from acting as a default surrogate for an individual who lacks capacity to make health care decisions if:
 - (a) a court finds that the potential default surrogate poses a danger to the individual's well-being, even if the court does not issue a protective order against the potential surrogate;
 - (b) the potential default surrogate is an owner, operator, employee, or contractor of a nursing home or assisted living facility in which the individual is residing or receiving care unless the owner, operator, employee, or contractor is a family member of the individual, the cohabitant of the individual, or a descendant of the cohabitant; or
 - (c) the potential default surrogate refuses to provide a timely declaration under Subsection 75A-9-111(3).

Enacted by Chapter 439, 2025 General Session