

1                                   **ADVANCE HEALTH CARE DIRECTIVE ACT**

2   **AMENDMENTS**

3   2009 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Allen M. Christensen**

6   House Sponsor: \_\_\_\_\_

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8   **LONG TITLE**

9   **General Description:**

10           This bill amends the Advance Health Care Directive Act to expand the list of health  
11 care professionals authorized to determine whether an adult lacks health care decision  
12 making capacity and to sign a life with dignity order.

13   **Highlighted Provisions:**

14           This bill:

- 15           ▶ defines terms;
- 16           ▶ authorizes a physician assistant ~~§~~ → [;] or ← ~~§~~ a psychologist ~~§~~ → [; or a clinical social

16a ~~worker] ← ~~§~~ to~~

17 determine whether an adult lacks health care decision making capacity or the  
18 capacity to make or revoke an advance health care directive;

- 19           ▶ provides that a physician assistant may sign a life with dignity order; and  
20           ▶ makes technical changes.

21   **Monies Appropriated in this Bill:**

22           None

23   **Other Special Clauses:**

24           None

25   **Utah Code Sections Affected:**

26   AMENDS:

27           **75-2a-103**, as last amended by Laws of Utah 2008, Chapters 3 and 107



28 75-2a-104, as last amended by Laws of Utah 2008, Chapter 107

29 75-2a-106, as repealed and reenacted by Laws of Utah 2008, Chapter 107

30 75-2a-109, as last amended by Laws of Utah 2008, Chapter 107

31 75-2a-117, as last amended by Laws of Utah 2008, Chapter 107



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section 75-2a-103 is amended to read:

35 **75-2a-103. Definitions.**

36 As used in this chapter:

37 (1) "Adult" means a person who is:

38 (a) at least 18 years of age; or

39 (b) an emancipated minor.

40 (2) "Advance health care directive":

41 (a) includes:

42 (i) a designation of an agent to make health care decisions for an adult when the adult  
43 cannot make or communicate health care decisions; or

44 (ii) an expression of preferences about health care decisions;

45 (b) may take one of the following forms:

46 (i) a written document, voluntarily executed by an adult in accordance with the  
47 requirements of this chapter; or

48 (ii) a witnessed oral statement, made in accordance with the requirements of this  
49 chapter; and

50 (c) does not include a life with dignity order.

51 (3) "Agent" means a person designated in an advance health care directive to make  
52 health care decisions for the declarant.

53 (4) "APRN" means a person who is:

54 (a) certified or licensed as an advance practice registered nurse under Subsection  
55 58-31b-301(2)(d);

56 (b) an independent practitioner;

57 (c) acting under a consultation and referral plan with a physician; and

58 (d) acting within the scope of practice for that person, as provided by law, rule, and

59 specialized certification and training in that person's area of practice.

60 (5) "Best interest" means that the benefits to the person resulting from a treatment  
61 outweigh the burdens to the person resulting from the treatment, taking into account:

62 (a) the effect of the treatment on the physical, emotional, and cognitive functions of the  
63 person;

64 (b) the degree of physical pain or discomfort caused to the person by the treatment or  
65 the withholding or withdrawal of treatment;

66 (c) the degree to which the person's medical condition, the treatment, or the  
67 withholding or withdrawal of treatment, result in a severe and continuing impairment of the  
68 dignity of the person by subjecting the person to humiliation and dependency;

69 (d) the effect of the treatment on the life expectancy of the person;

70 (e) the prognosis of the person for recovery with and without the treatment;

71 (f) the risks, side effects, and benefits of the treatment, or the withholding or  
72 withdrawal of treatment; and

73 (g) the religious beliefs and basic values of the person receiving treatment, to the extent  
74 these may assist the decision maker in determining the best interest.

75 (6) "Capacity to appoint an agent" means that the adult understands the consequences  
76 of appointing a particular person as agent.

77 ~~§→ [(7) "Clinical social worker" means a person licensed as a clinical social worker under  
78 Title 58, Chapter 60, Mental Health Professional Practice Act.~~

79 ~~— [ (7) [(8)] ←§~~ "Declarant" means an adult who has completed and signed or directed the  
80 signing of an advance health care directive.

81 ~~§→ [f] (8) [(9)] ←§~~ "Default surrogate" means the adult who may make decisions for an  
81a individual  
82 when either:

83 (a) an agent or guardian has not been appointed; or

84 (b) an agent is not able, available, or willing to make decisions for an adult.

85 ~~§→ [f] (9) [(10)] ←§~~ "Emergency medical services provider" means a person who is  
85a licensed,  
86 designated, or certified under Title 26, Chapter 8a, Utah Emergency Medical Services System  
87 Act.

88 ~~§→ [f] (10) [(11)] ←§~~ "Generally accepted health care standards":

89 (a) is defined only for the purpose of:

90 (i) this chapter and does not define the standard of care for any other purpose under  
91 Utah law; and

92 (ii) enabling health care providers to interpret the statutory form set forth in Section  
93 75-2a-117; and

94 (b) means the standard of care that justifies a provider in declining to provide life  
95 sustaining care because the proposed life sustaining care:

96 (i) will not prevent or reduce the deterioration in the health or functional status of a  
97 person;

98 (ii) will not prevent the impending death of a person; or

99 (iii) will impose more burden on the person than any expected benefit to the person.

100 [~~(11)~~] (12) "Health care" means any care, treatment, service, or procedure to improve,  
101 maintain, diagnose, or otherwise affect a person's physical or mental condition.

102 [~~(12)~~] (13) "Health care decision":

103 (a) means a decision about an adult's health care made by, or on behalf of, an adult, that  
104 is communicated to a health care provider;

105 (b) includes:

106 (i) selection and discharge of a health care provider and a health care facility;

107 (ii) approval or disapproval of diagnostic tests, procedures, programs of medication,  
108 and orders not to resuscitate; and

109 (iii) directions to provide, withhold, or withdraw artificial nutrition and hydration and  
110 all other forms of health care; and

111 (c) does not include decisions about an adult's financial affairs or social interactions  
112 other than as indirectly affected by the health care decision.

113 [~~(13)~~] (14) "Health care decision making capacity" means an adult's ability to make an  
114 informed decision about receiving or refusing health care, including:

115 (a) the ability to understand the nature, extent, or probable consequences of health  
116 status and health care alternatives;

117 (b) the ability to make a rational evaluation of the burdens, risks, benefits, and  
118 alternatives of accepting or rejecting health care; and

119 (c) the ability to communicate a decision.

120 [~~(14)~~] (15) "Health care facility" means:

121 (a) a health care facility as defined in Title 26, Chapter 21, Health Care Facility  
122 Licensing and Inspection Act; and

123 (b) private offices of physicians, dentists, and other health care providers licensed to  
124 provide health care under Title 58, Occupations and Professions.

125 ~~§~~ → [f] (15) [~~16~~] ← ~~§~~ "Health care provider" is as defined in Section 78B-3-403, except that it  
126 does not include an emergency medical services provider.

127 ~~§~~ → [f] (16) [~~17~~] ← ~~§~~ (a) "Life sustaining care" means any medical intervention, including  
128 procedures, administration of medication, or use of a medical device, that maintains life by  
129 sustaining, restoring, or supplanting a vital function.

130 (b) "Life sustaining care" does not include care provided for the purpose of keeping a  
131 person comfortable.

132 ~~§~~ → [f] (17) [~~18~~] ← ~~§~~ "Life with dignity order" means an order, designated by the  
132a Department of  
133 Health under Section 75-2a-106(5)(a), that gives direction to health care providers, health care  
134 facilities, and emergency medical services providers regarding the specific health care  
135 decisions of the person to whom the order relates.

136 ~~§~~ → [f] (18) [~~19~~] ← ~~§~~ "Minor" means a person who:

137 (a) is under 18 years of age; and

138 (b) is not an emancipated minor.

139 ~~§~~ → [f] (19) [~~20~~] ← ~~§~~ "Physician" means a physician and surgeon or osteopathic surgeon  
139a licensed  
140 under Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic  
141 Medical Practice Act.

142 ~~§~~ → [~~21~~] 20 ← ~~§~~ "Physician assistant" means a person licensed as a physician assistant  
142a under Title  
143 58, Chapter 70a, Physician Assistant Act.

144 ~~§~~ → [~~22~~] 21 ← ~~§~~ "Psychologist" means a person licensed as a psychologist under Title 58,  
144a Chapter  
145 61, Psychologist Licensing Act.

146 [~~20~~] ~~§~~ → [~~23~~] 22 ← ~~§~~ "Reasonably available" means:

147 (a) readily able to be contacted without undue effort; and

148 (b) willing and able to act in a timely manner considering the urgency of the  
149 circumstances.

150 [~~21~~] ~~§~~ → [~~24~~] 23 ← ~~§~~ "Substituted judgment" means the standard to be applied by a  
surrogate

151 when making a health care decision for an adult who previously had the capacity to make

152 health care decisions, which requires the surrogate to consider:

- 153 (a) specific preferences expressed by the adult:
- 154 (i) when the adult had the capacity to make health care decisions; and
- 155 (ii) at the time the decision is being made;
- 156 (b) the surrogate's understanding of the adult's health care preferences;
- 157 (c) the surrogate's understanding of what the adult would have wanted under the
- 158 circumstances; and
- 159 (d) to the extent that the preferences described in Subsections [(21)] (24)(a) through (c)
- 160 are unknown, the best interest of the adult.

161 [(22)] ~~§~~ → [(25)] (24) ← ~~§~~ "Surrogate" means a health care decision maker who is:

- 162 (a) an appointed agent;
- 163 (b) a default surrogate under the provisions of Section 75-2a-108; or
- 164 (c) a guardian.

165 Section 2. Section **75-2a-104** is amended to read:

166 **75-2a-104. Capacity to make health care decisions -- Presumption -- Overcoming**

167 **presumption.**

168 (1) An adult is presumed to have:

- 169 (a) health care decision making capacity; and
- 170 (b) capacity to make or revoke an advance health care directive.

171 (2) To overcome the presumption of capacity, a physician, physician assistant,

172 psychologist, ~~§~~ → [~~clinical social worker~~] ← ~~§~~, or an APRN who has personally examined the adult and

173 assessed the adult's health care decision making capacity must:

- 174 (a) find that the adult lacks health care decision making capacity;
- 175 (b) record the finding in the adult's medical chart including an indication of whether
- 176 the adult is likely to regain health care decision making capacity; and
- 177 (c) make a reasonable effort to communicate the determination to:
- 178 (i) the adult;
- 179 (ii) other health care providers or health care facilities that the [~~physician or APRN~~]
- 180 person who makes the finding would routinely inform of such a finding; and
- 181 (iii) if the adult has a surrogate, any known surrogate.

182 (3) (a) [~~If a physician or APRN finds that an adult lacks~~] An adult who is found to lack

183 health care decision making capacity in accordance with Subsection (2)[~~the adult~~] may, at any  
184 time, challenge the finding by:

185 (i) submitting to a health care provider a written notice stating that the adult disagrees  
186 with the physician's finding; or

187 (ii) orally informing the health care provider that the adult disagrees with the finding.

188 (b) A health care provider who is informed of a challenge under Subsection (3)(a),  
189 shall, if the adult has a surrogate, promptly inform the surrogate of the adult's challenge.

190 (c) A surrogate informed of a challenge to a finding under this section, or the adult if  
191 no surrogate is acting on the adult's behalf, shall inform the following of the adult's challenge:

192 (i) any other health care providers involved in the adult's care; and

193 (ii) the health care facility, if any, in which the adult is receiving care.

194 (d) Unless otherwise ordered by a court, a finding [~~by a physician~~], under Subsection  
195 (2), that the adult lacks health care decision making capacity, is not in effect if the adult  
196 challenges the finding under Subsection (3)(a).

197 (e) If an adult does not challenge the finding described in Subsection (2), the health  
198 care provider and health care facility may rely on a surrogate, pursuant to the provisions of this  
199 chapter, to make health care decisions for the adult.

200 (4) A health care provider or health care facility that relies on a surrogate to make  
201 decisions on behalf of an adult has an ongoing obligation to consider whether the adult  
202 continues to lack health care decision making capacity.

203 (5) If at any time a health care provider finds, based on an examination and assessment,  
204 that the adult has regained health care decision making capacity, the health care provider shall  
205 record the results of the assessment in the adult's medical record, and the adult can direct the  
206 adult's own health care.

207 Section 3. Section **75-2a-106** is amended to read:

208 **75-2a-106. Emergency medical services -- Life with dignity order.**

209 (1) A life with dignity order may be created by or on behalf of a person as described in  
210 this section.

211 (2) A life with dignity order shall, in consultation with the person authorized to consent  
212 to the order pursuant to this section, be prepared by:

213 (a) the physician or APRN of the person to whom the life with dignity order relates; or

214 (b) a health care provider who:  
215 (i) is acting under the supervision of a person described in Subsection (2)(a); and  
216 (ii) is:  
217 (A) a nurse, licensed under Title 58, Chapter 31b, Nurse Practice Act;  
218 (B) a physician assistant, licensed under Title 58, Chapter 70a, Physician Assistant  
219 Act;  
220 (C) a mental health professional, licensed under Title 58, Chapter 60, Mental Health  
221 Professional Practice Act; or  
222 (D) another health care provider, designated by rule as described in Subsection (10).  
223 (3) A life with dignity order shall be signed:  
224 (a) personally, by the physician, physician assistant, or APRN of the person to whom  
225 the life with dignity order relates; and  
226 (b) (i) if the person to whom the life with dignity order relates is an adult with health  
227 care decision making capacity, by:  
228 (A) the person; or  
229 (B) an adult who is directed by the person to sign the life with dignity order on behalf  
230 of the person;  
231 (ii) if the person to whom the life with dignity order relates is an adult who lacks health  
232 care decision making capacity, by:  
233 (A) the surrogate with the highest priority under Section 75-2a-111;  
234 (B) the majority of the class of surrogates with the highest priority under Section  
235 75-2a-111; or  
236 (C) a person directed to sign the order by, and on behalf of, the persons described in  
237 Subsection (3)(b)(ii)(A) or (B); or  
238 (iii) if the person to whom the life with dignity order relates is a minor, by a parent or  
239 guardian of the minor.  
240 (4) If a life with dignity order relates to a minor and directs that life sustaining  
241 treatment be withheld or withdrawn from the minor, the order shall include a certification by  
242 two physicians that, in their clinical judgment, an order to withhold or withdraw life sustaining  
243 treatment is in the best interest of the minor.  
244 (5) A life with dignity order:



- 245 (a) shall be in writing, on a form approved by the Department of Health;
- 246 (b) shall state the date on which the order was made;
- 247 (c) may specify the level of life sustaining care to be provided to the person to whom
- 248 the order relates; and
- 249 (d) may direct that life sustaining care be withheld or withdrawn from the person to
- 250 whom the order relates.

251 (6) A health care provider or emergency medical service provider, licensed or certified  
252 under Title 26, Chapter 8a, Utah Emergency Medical Services System Act, is immune from  
253 civil or criminal liability, and is not subject to discipline for unprofessional conduct, for:

- 254 (a) complying with a life with dignity order in good faith; or
- 255 (b) providing life sustaining treatment to a person when a life with dignity order directs
- 256 that the life sustaining treatment be withheld or withdrawn.

257 (7) To the extent that the provisions of a life with dignity order described in this  
258 section conflict with the provisions of an advance health care directive made under Section  
259 75-2a-107, the provisions of the life with dignity order take precedence.

260 (8) An adult, or a parent or guardian of a minor, may revoke a life with dignity order  
261 by:

- 262 (a) orally informing emergency service personnel;
- 263 (b) writing "void" across the form;
- 264 (c) burning, tearing, or otherwise destroying or defacing:
  - 265 (i) the form; or
  - 266 (ii) a bracelet or other evidence of the life with dignity order;
- 267 (d) asking another adult to take the action described in this Subsection (8) on the
- 268 person's behalf;
- 269 (e) signing or directing another adult to sign a written revocation on the person's
- 270 behalf;
- 271 (f) stating, in the presence of an adult witness, that the person wishes to revoke the
- 272 order; or
- 273 (g) completing a new life with dignity order.

274 (9) (a) Except as provided in Subsection (9)(c), a surrogate for an adult who lacks  
275 health care decision making capacity may only revoke a life with dignity order if the revocation

276 is consistent with the substituted judgment standard.

277 (b) Except as provided in Subsection (9)(c), a surrogate who has authority under this  
278 section to sign a life with dignity order may revoke a life with dignity order, in accordance with  
279 Subsection (9)(a), by:

280 (i) signing a written revocation of the life with dignity order; or

281 (ii) completing and signing a new life with dignity order.

282 (c) A surrogate may not revoke a life with dignity order during the period of time  
283 beginning when an emergency service provider is contacted for assistance, and ending when  
284 the emergency ends.

285 (10) (a) The Department of Health shall adopt rules, in accordance with Title 63G,  
286 Chapter 3, Utah Administrative Rulemaking Act, to:

287 (i) create the forms and systems described in this section; and

288 (ii) develop uniform instructions for the form established in Section 75-2a-117.

289 (b) The Department of Health may adopt rules, in accordance with Title 63G, Chapter  
290 3, Utah Administrative Rulemaking Act, to designate health care professionals, in addition to  
291 those described in Subsection (2)(b)(ii), who may prepare a life with dignity order.

292 (c) The Department of Health may assist others with training of health care  
293 professionals regarding this chapter.

294 Section 4. Section **75-2a-109** is amended to read:

295 **75-2a-109. Effect of current health care preferences -- When a surrogate may act.**

296 (1) An adult with health care decision making capacity retains the right to make health  
297 care decisions as long as the adult has health care decision making capacity as defined in  
298 Section 75-2a-103. For purposes of this chapter, the inability to communicate through speech  
299 does not mean that the adult lacks health care decision making capacity.

300 (2) An adult's current health care decisions, however expressed or indicated, always  
301 supersede an adult's prior decisions or health care directives.

302 (3) Unless otherwise directed in an advance health care directive, an advance health  
303 care directive or the authority of a surrogate to make health care decisions on behalf of an  
304 adult:

305 (a) is effective only after a physician, physician assistant, psychologist, clinical social  
306 worker, or APRN makes a determination of incapacity as provided in Section 75-2a-104;

307 (b) remains in effect during any period of time in which the declarant lacks capacity to  
308 make health care decisions; and

309 (c) ceases to be effective when:

310 (i) a declarant disqualifies a surrogate or revokes the advance health care directive;

311 (ii) a health care provider finds that the declarant has health care decision making  
312 capacity;

313 (iii) a court issues an order invalidating a health care directive; or

314 (iv) the declarant has challenged the finding of incapacity under the provisions of  
315 Subsection 75-2a-104(3).

316 Section 5. Section **75-2a-117** is amended to read:

317 **75-2a-117. Optional form.**

318 (1) The form created in Subsection (2), or a substantially similar form, is presumed  
319 valid under this chapter.

320 (2) The following form is presumed valid under Subsection (1):

321 Utah Advance Health Care Directive

322 (Pursuant to Utah Code Section 75-2a-117)

323 Part I: Allows you to name another person to make health care decisions for you when you  
324 cannot make decisions or speak for yourself.

325 Part II: Allows you to record your wishes about health care in writing.

326 Part III: Tells you how to revoke or change this directive.

327 Part IV: Makes your directive legal.

328 \_\_\_\_\_

329 My Personal Information

330 Name: \_\_\_\_\_

331 Street Address: \_\_\_\_\_

332 City, State, Zip Code:

333 \_\_\_\_\_

334 Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

335 Birth date: \_\_\_\_\_

336 \_\_\_\_\_

337 Part I: My Agent (Health Care Power of Attorney)

338 A. No Agent

339 If you do not want to name an agent: initial the box below, then go to Part II; do not name an  
340 agent in B or C below. No one can force you to name an agent.

341 \_\_\_\_\_ I do not want to choose an agent.

342 B. My Agent

343 Agent's Name:

344 \_\_\_\_\_

345 Street Address:

346 \_\_\_\_\_

347 City, State, Zip Code:

348 \_\_\_\_\_

349 Home Phone: ( ) \_\_\_\_\_ Cell Phone: ( ) \_\_\_\_\_ Work Phone: ( ) \_\_\_\_\_

350 C. My Alternate Agent

351 This person will serve as your agent if your agent, named above, is unable or unwilling to  
352 serve.

353 Alternate Agent's Name:

354 \_\_\_\_\_

355 Street Address:

356 \_\_\_\_\_

357 City, State, Zip Code:

358 \_\_\_\_\_

359 Home Phone: ( ) \_\_\_\_\_ Cell Phone: ( ) \_\_\_\_\_ Work Phone: ( ) \_\_\_\_\_

360 D. Agent's Authority

361 If I cannot make decisions or speak for myself (in other words, after my physician or [APRN]  
362 another authorized provider finds that I lack health care decision making capacity under  
363 Section 75-2a-104 of the Advance Health Care Directive Act), my agent has the power to make  
364 any health care decision I could have made such as, but not limited to:

- 365 • Consent to, refuse, or withdraw any health care. This may include care to prolong my life  
366 such as food and fluids by tube, use of antibiotics, CPR (cardiopulmonary resuscitation), and  
367 dialysis, and mental health care, such as convulsive therapy and psychoactive medications.

368 This authority is subject to any limits in paragraph F of Part I or in Part II of this directive.

- 369 • Hire and fire health care providers.
- 370 • Ask questions and get answers from health care providers.
- 371 • Consent to admission or transfer to a health care provider or health care facility, including a
- 372 mental health facility, subject to any limits in paragraphs E and F of Part I.
- 373 • Get copies of my medical records.
- 374 • Ask for consultations or second opinions.

375 My agent cannot force health care against my will, even if a physician has found that I lack  
 376 health care decision making capacity.

377 E. Other Authority

378 My agent has the powers below ONLY IF I initial the "yes" option that precedes the statement.

379 I authorize my agent to:

380 YES \_\_\_\_\_ NO \_\_\_\_\_ Get copies of my medical records at any time, even when I can  
 381 speak for myself.

382 YES \_\_\_\_\_ NO \_\_\_\_\_ Admit me to a licensed health care facility, such as a hospital,  
 383 nursing home, assisted living, or other facility for long-term placement other than convalescent  
 384 or recuperative care.

385 F. Limits/Expansion of Authority

386 I wish to limit or expand the powers of my health care agent as follows:

387 \_\_\_\_\_  
 388 \_\_\_\_\_

389 G. Nomination of Guardian

390 Even though appointing an agent should help you avoid a guardianship, a guardianship may  
 391 still be necessary. Initial the "YES" option if you want the court to appoint your agent or, if  
 392 your agent is unable or unwilling to serve, your alternate agent, to serve as your guardian, if a  
 393 guardianship is ever necessary.

394 YES \_\_\_\_\_ NO \_\_\_\_\_

395 I, being of sound mind and not acting under duress, fraud, or other undue influence, do hereby  
 396 nominate my agent, or if my agent is unable or unwilling to serve, I hereby nominate my  
 397 alternate agent, to serve as my guardian in the event that, after the date of this instrument, I  
 398 become incapacitated.

399 H. Consent to Participate in Medical Research

400 YES \_\_\_\_\_ NO \_\_\_\_\_ I authorize my agent to consent to my participation in medical  
401 research or clinical trials, even if I may not benefit from the results.

402 I. Organ Donation

403 YES \_\_\_\_\_ NO \_\_\_\_\_ If I have not otherwise agreed to organ donation, my agent may  
404 consent to the donation of my organs for the purpose of organ transplantation.

405 \_\_\_\_\_

406 Part II: My Health Care Wishes (Living Will)

407 I want my health care providers to follow the instructions I give them when I am being treated,  
408 even if my instructions conflict with these or other advance directives. My health care  
409 providers should always provide health care to keep me as comfortable and functional as  
410 possible.

411 Choose only one of the following options, numbered Option 1 through Option 4, by placing  
412 your initials before the numbered statement. Do not initial more than one option. If you do not  
413 wish to document end-of-life wishes, initial Option 4. You may choose to draw a line through  
414 the options that you are not choosing.

415 Option 1

416 \_\_\_\_\_ Initial

417 I choose to let my agent decide. I have chosen my agent carefully. I have talked with my agent  
418 about my health care wishes. I trust my agent to make the health care decisions for me that I  
419 would make under the circumstances.

420 Additional Comments:

421 \_\_\_\_\_

422 Option 2

423 \_\_\_\_\_ Initial

424 I choose to prolong life. Regardless of my condition or prognosis, I want my health care team  
425 to try to prolong my life as long as possible within the limits of generally accepted health care  
426 standards.

427 Other:

428 \_\_\_\_\_

429 Option 3

430 \_\_\_\_\_ Initial

431 I choose not to receive care for the purpose of prolonging life, including food and fluids by  
432 tube, antibiotics, CPR, or dialysis being used to prolong my life. I always want comfort care  
433 and routine medical care that will keep me as comfortable and functional as possible, even if  
434 that care may prolong my life.

435 If you choose this option, you must also choose either (a) or (b), below.

436 \_\_\_\_\_ Initial

437 (a) I put no limit on the ability of my health care provider or agent to withhold or withdraw  
438 life-sustaining care.

439 If you selected (a), above, do not choose any options under (b).

440 \_\_\_\_\_ Initial

441 (b) My health care provider should withhold or withdraw life-sustaining care if at least one of  
442 the following initialed conditions is met:

443 \_\_\_\_\_ I have a progressive illness that will cause death.

444 \_\_\_\_\_ I am close to death and am unlikely to recover.

445 \_\_\_\_\_ I cannot communicate and it is unlikely that my condition will improve.

446 \_\_\_\_\_ I do not recognize my friends or family and it is unlikely that my condition will  
447 improve.

448 \_\_\_\_\_ I am in a persistent vegetative state.

449 Other:

450 \_\_\_\_\_

451 Option 4

452 \_\_\_\_\_ Initial

453 I do not wish to express preferences about health care wishes in this directive.

454 Other:

455 \_\_\_\_\_

456 Additional instructions about your health care wishes:

457 \_\_\_\_\_

458 \_\_\_\_\_

459 If you do not want emergency medical service providers to provide CPR or other life sustaining  
460 measures, you must work with a physician or APRN to complete an order that reflects your  
461 wishes on a form approved by the Utah Department of Health.

462 Part III: Revoking or Changing a Directive

463 I may revoke or change this directive by:

- 464 1. Writing "void" across the form, or burning, tearing, or otherwise destroying or defacing this
- 465 document or directing another person to do the same on my behalf;
- 466 2. Signing a written revocation of the directive, or directing another person to sign a
- 467 revocation on my behalf;
- 468 3. Stating that I wish to revoke the directive in the presence of a witness who: is 18 years of
- 469 age or older; will not be appointed as my agent in a substitute directive; will not become a
- 470 default surrogate if the directive is revoked; and signs and dates a written document confirming
- 471 my statement; or
- 472 4. Signing a new directive. (If you sign more than one Advance Health Care Directive, the
- 473 most recent one applies.)

474 Part IV: Making My Directive Legal

475 I sign this directive voluntarily. I understand the choices I have made and declare that I am  
476 emotionally and mentally competent to make this directive. My signature on this form revokes  
477 any living will or power of attorney form, naming a health care agent, that I have completed in  
478 the past.

479 \_\_\_\_\_

480 Date

481 \_\_\_\_\_

482 Signature

483 \_\_\_\_\_

484 City, County, and State of Residence

485 I have witnessed the signing of this directive, I am 18 years of age or older, and I am not:

- 486 1. related to the declarant by blood or marriage;
- 487 2. entitled to any portion of the declarant's estate according to the laws of intestate succession
- 488 of any state or jurisdiction or under any will or codicil of the declarant;
- 489 3. a beneficiary of a life insurance policy, trust, qualified plan, pay on death account, or
- 490 transfer on death deed that is held, owned, made, or established by, or on behalf of, the
- 491 declarant;
- 492 4. entitled to benefit financially upon the death of the declarant;



- 493 5. entitled to a right to, or interest in, real or personal property upon the death of the declarant;
- 494 6. directly financially responsible for the declarant's medical care;
- 495 7. a health care provider who is providing care to the declarant or an administrator at a health
- 496 care facility in which the declarant is receiving care; or
- 497 8. the appointed agent or alternate agent.

498 \_\_\_\_\_

499 Signature of Witness Printed Name of Witness

500 \_\_\_\_\_

501 Street Address City State Zip Code

502 If the witness is signing to confirm an oral directive, describe below the circumstances under

503 which the directive was made.

504 \_\_\_\_\_

505 \_\_\_\_\_

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**Legislative Review Note**  
as of 1-23-09 4:16 PM

**Office of Legislative Research and General Counsel**

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**S.B. 117 - Advance Health Care Directive Act Amendments**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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