

1st Sub. S.B. 117

ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 13, 2009 9:53 AM

Representative **Steven R. Mascaro** proposes the following amendments:

1. *Page 1, Lines 16 through 18:*

- 16 ▶ authorizes a physician assistant ~~{or a psychologist}~~ to determine whether an adult
17 lacks health care decision making capacity , if the physician assistant is permitted to make that
determination under a delegation of services agreement ;
18 ▶ provides that a physician assistant may prepare or sign a life with dignity order , if the
physician assistant is permitted to prepare or sign the life with dignity order under a
delegation of services agreement ; and

2. *Page 5, Lines 141 through 143:*

- 141 {~~(21) "Psychologist" means a person licensed as a psychologist under Title 58, Chapter~~
142 61, Psychologist Licensing Act.}
143 [~~(20)~~] ~~{(22)}~~ (21) "Reasonably available" means:

3. *Page 5, Line 147:*

- 147 [~~(21)~~] ~~{(23)}~~ (22) "Substituted judgment" means the standard to be applied by a surrogate

4. *Page 6, Line 156:*

- 156 (d) to the extent that the preferences described in Subsections [~~(21)~~] ~~{(23)}~~ (22) (a) through (c)

5. *Page 6, Line 158:*

- 158 [~~(22)~~] ~~{(24)}~~ (23) "Surrogate" means a health care decision maker who is:

6. *Page 6, Lines 168 through 170:*

- 168 (2) To overcome the presumption of capacity described in Subsection (1)(a), a
169 physician, ~~{physician assistant, psychologist, or}~~ an APRN , or, subject to Subsection (6), a
physician assistant who has personally examined the
170 adult and assessed the adult's health care decision making capacity must:

7. *Page 7, Line 203:*

- 203 adult's own health care.

(6) A physician assistant may not make a finding described in Subsection (2), unless the physician assistant is permitted to make the finding under the physician assistant's delegation of services agreement, as defined in Section 58-70a-102.

8. Page 7, Lines 210 through 211:

210 (a) the physician, ~~{physician assistant, or}~~ APRN **, or, subject to Subsection (11), physician**
assistant of the person to whom the life with
211 dignity order relates; or

9. Page 8, Lines 221 through 223:

221 (3) A life with dignity order shall be signed:
222 (a) personally, by the physician, ~~{physician assistant, or}~~ APRN **, or, subject to Subsection**
(11), physician assistant of the person to whom
223 the life with dignity order relates; and

10. Page 10, Line 291:

291 professionals regarding this chapter.
(11) A physician assistant may not prepare or sign a life with dignity order, unless the physician assistant is permitted to prepare or sign the life with dignity order under the physician assistant's delegation of services agreement, as defined in Section 58-70a-102.

11. Page 10, Lines 300 through 304:

300 (3) Unless otherwise directed in an advance health care directive, an advance health
301 care directive or the authority of a surrogate to make health care decisions on behalf of an
302 adult:
303 (a) is effective only after a physician, physician assistant ~~{, psychologist}~~ , or APRN
304 makes a determination of incapacity as provided in Section 75-2a-104;