

57 that term is defined in Section 78B-3-403.

58 (b) "Representative" includes:

59 (i) a parent of a child regardless of whether the parent is the custodial or noncustodial
60 parent;

61 (ii) a legal guardian of a child;

62 (iii) a person designated to make decisions on behalf of a patient under a power of
63 attorney, an advanced health care directive, or a similar legal document; ~~and~~ ~~and~~

64 (iv) a default surrogate as defined in Section 75-2a-108 ~~and~~ ~~;~~ and

64a (v) if the patient is deceased, the personal representative of the patient's estate or the patient's
64b heirs as defined in Sections 75-1-201 and 78B-3-105. ~~and~~

65 (c) "Representative" does not include a parent of a child if the parent's parental rights
66 have been terminated by a court.

67 (12) "State" means the same as that term is defined in Section 63G-7-102.

68 Section 2. Section **78B-3-451** is enacted to read:

69 **78B-3-451. Medical candor process.**

70 In accordance with this part, a health care provider may engage an affected party in a
71 process where the health care provider and any other health care provider notified in
72 Subsection 78B-3-452(1)(b) that chooses to participate in the process:

73 (1) conducts an investigation into an adverse event involving a patient and the health
74 care provided to the patient;

75 (2) communicates information to the affected party regarding information gathered
76 during an investigation described in Subsection (1);

77 (3) communicates to the affected party the steps that the health care provider will take
78 to prevent future occurrences of the adverse event; and

79 (4) determines whether to make an offer of compensation to the affected party for the
80 adverse event.

81 Section 3. Section **78B-3-452** is enacted to read:

82 **78B-3-452. Notice of medical candor process.**

83 (1) If a health care provider wishes to engage an affected party in the medical candor
84 process, the health care provider shall:

85 (a) provide a written notice described in Subsection (2) to the affected party within 365
86 days after the day on which the health care provider knew of the adverse event involving the
87 patient;