

DEFAULT SURROGATE CONSENT STATUTES

as of November 2009

Explanation: The descriptors in the chart are generalizations of statutory language and not quotations, so the statutes must be consulted for precise meaning.

State & Citation	General Type of Statute	Priority of Surrogates (in absence of an appointed agent or guardian with health powers)	Limitations on Types of Decisions	Provides Standard for Decision-Making	Disagreement Process Among Equal Priority Surrogates
1. ALABAMA Ala. Code 1975 §22-8A-11 and – 6 (2007)	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> ▪ Spouse ▪ Adult child ▪ Parent ▪ Sibling ▪ Nearest relative ▪ Att. physician & ethics committee 	Patient must be in terminal condition or permanently unconscious. Certification requirements.	Yes §22-8A-11(c)	None provided
2. ALASKA Alaska Stat. §13.52.030 (West 2007)	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> ▪ Individual orally designated by patient ▪ Spouse ▪ Adult child ▪ Parent ▪ Adult Sibling ▪ Close friend 	N/A to withholding or withdrawing life-sustaining procedures UNLESS patient is in “terminal condition” or “permanent unconsciousness.” Certification requirements. Mental health treatment limitations.	Yes §13.52.030(g)	Majority rule for adult children, parents, or siblings; and if deadlock, then primary physician decides.
3. ARIZONA Ariz. Rev. Stat. Ann. §36-3231 (West 2007)	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> ▪ Spouse ▪ Adult child ▪ Parent ▪ Domestic partner, if unmarried and no other person has assumed any financial responsibility for the patient. ▪ Sibling ▪ Close friend ▪ Att. physician in consult with ethics committee or, if none, 2nd physician 	N/A to decisions to withdraw nutrition or hydration Mental health treatment limitations	Yes §36-3203(C)	Majority rule for adult children. Judicial recourse for all others.
4. ARKANSAS Ark. Code Ann. §20-17-214 (2007)	Living Will Statute	<ul style="list-style-type: none"> ▪ Parents of unmarried minor ▪ Spouse ▪ An Adult child ▪ Parents ▪ An Adult Sibling ▪ Persons standing in loco parentis to the patient ▪ Adult heirs 	Limited to executing a Declaration (LW) for a patient determined to be in a terminal condition or permanently unconscious. Pregnancy limitation	No	Majority rule for adult children, siblings, or adult heirs at law who participate in the decision.
5. CALIFORNIA Cal. Probate Code §4711 – 4716 (West 2007)	Comprehensive Health Care Decisions Act	An individual orally designated as surrogate. Note: The surrogate has priority over a concurrently appointed health care agent during the period the surrogate designation is in effect.	Effective “only during the course of treatment or illness or during the stay in the health care institution when the designation is made, or for 60 days, whichever period is shorter.” N/A to civil commitment, electro-convulsive therapy, psychosurgery, sterilization, and abortion.	Yes §4714	N/A since orally designated surrogate is presumably one person

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Cal. Health & Safety Code §24178 (West 2007), enacted 2002	Specialized provision applicable only to medical research	<ul style="list-style-type: none"> ▪ Spouse ▪ Domestic partner ▪ Adult child ▪ Custodial parent ▪ Adult sibling ▪ Adult grandchild ▪ Adult relative with the closest degree of kinship <p>Note: Different rules apply to emergency room experimental consent</p>	<p>Consent restricted to medical experiments that relate to the cognitive impairment, lack of capacity, or serious, or life threatening diseases and conditions of research participants.</p> <p>This provision N/A to persons involuntarily committed or voluntarily committed by a conservator under the Welfare & Institutions Code</p>	Yes §24178(g)	Consensus required
6. COLORADO Colo. Rev. Stat. Ann. §15-18.5-101 to -103 (West 2007)	Separate Surrogate Consent Act	<p>The following "interested persons" must decide who among them shall be surrogate decision-maker:</p> <ul style="list-style-type: none"> • Spouse • Parent • Adult child • Sibling • Adult Grandchild • Close friend 	N/A to withholding or withdrawal of artificial nourishment and hydration unless "the attending physician and a second independent physician trained in neurology or neurosurgery certify in the patient's medical record that the provision or continuation of artificial nourishment or hydration is merely prolonging the act of dying and is unlikely to result in the restoration of the patient to independent neurological functioning."	No, but requires that the person selected to act as proxy should be one who has a close relationship with the patient and most likely to be currently informed of the patient's wishes re medical treatment §15-18.5-103(4)(a)	Consensus required on selection of the surrogate.
7. CONNECTICUT Conn. Gen. Stat. Ann. §19a-571 (West 2007)	Comprehensive Health Care Decisions Act	Physician, in consultation with next of kin, any of the following, in the order of priority listed: (A) The spouse of the patient; (B) an adult son or daughter of the patient; (C) either parent of the patient; (D) an adult brother or sister of the patient; and (E) a grandparent of the patient	<p>Limited to the removal or withholding of life support systems, and patient is in terminal condition or permanently unconscious</p> <p>Pregnancy limitation</p>	Yes §19a-571(a)	None provided
8. DELAWARE Del. Code Ann. tit. 16, §2507 (2006)	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> • An individual orally designated as surrogate • Spouse, unless petition for divorce • Adult child • Parent • Adult Sibling • Adult Grandchild • Adult Niece of Nephew • Close friend <p>NOTE: Surrogate is disqualified if protective order against the individual is filed or in existence.</p>	<p>Patient must be in terminal condition or permanently unconscious</p> <p>Pregnancy limitation</p>	Yes tit. 16, §2507(a)(7)	If in health care institution, refer to "appropriate committee" for a recommendation
9. DISTRICT OF COLUMBIA D.C. Code 1981 §21-2210 (2007)	Durable Power of Attorney for Health Care Act	<ul style="list-style-type: none"> • Spouse or domestic partner • Adult child • Parent • Adult Sibling • Religious superior if in religious order or a diocesan priest • Close friend* • Nearest living relative <p>* Close friend may not be an Individual Provider or Facility Provider</p>	<p>N/A to abortion, sterilization, or psycho-surgery, convulsive therapy or behavior modification programs involving aversive stimuli are excluded</p> <p>At least 1 witness must be present whenever surrogate grants, refuses or withdraws consent on behalf of the patient.</p>	Yes 21-2210(b)	None provided

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10. FLORIDA Fla. Stat Ann. §765.401 and §765.113 (West 2007)	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> • Spouse • Adult child • Parent • Adult Sibling • Close adult relative • Close friend • Licensed clinical social worker selected by bioethics committee, and if decision is to forgo life-prolonging procedures, must be reviewed by bioethics committee. 	N/A to abortion, sterilization, electroshock therapy, psychosurgery, experimental treatment not approved by IRB, or voluntary admission to a mental health facility. Pregnancy limitation	Yes §765.401(2) and (3)	Majority rule for adult children or siblings
11. GEORGIA Ga. Code Ann. §31-9-2 (2007)	Informed Consent Statute	<ul style="list-style-type: none"> • Spouse; or any parent, adult or minor of minor child • Person standing in loco parentis for minor child or ward • Adult child • Parent • Sibling • Grandparent 	Not explicitly applicable to <i>refusals</i> of treatment, but nevertheless should be applicable.	Yes §31-9-2(b)	None provided
Ga. Code Ann. §31-36-1 to -7, enacted 2007	Specialized provision applicable to Temporary Health Care Placement	Similar to above but priority list continues with: <ul style="list-style-type: none"> • Adult grandchild • Adult Uncle or Aunt • Adult nephew or niece 	Applies only to decisions regarding admission to or discharge from one health care facility or placement, or transfer to another health care facility or placement. Excludes involuntary placement for mental illness.	Yes 31-36A-6(b)	None provided
12. HAWAII Hawaii Rev. Stat. §§327E-2 and E-5 (2007)	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> • An individual orally designated as surrogate If none, the following "interested persons" must decide who among them shall be surrogate decision-maker: <ul style="list-style-type: none"> • Spouse • Reciprocal beneficiary • Adult child • Parent • Adult Sibling • Adult Grandchild • Close friend 	None for orally designated surrogate, but an "interested person" may make a decision to withhold or withdraw nutrition and hydration only if two physicians certify that providing it will merely prolong the act of dying and the patient is highly unlikely to have any neurological response in the future.	Yes §327E-5(g)	Consensus required on the selection of the surrogate

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13. IDAHO Idaho Code § 39-4503 (2006)	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> Spouse Parent A relative representing self as appropriate, responsible person Other individual representing self to be responsible for the person's health care In a medical emergency, attending physician or dentist may authorize and/or provide such care, treatment or procedure as he or she deems appropriate, and all persons, agencies and institutions thereafter furnishing the same, including such physician or dentist, may proceed as if informed, valid consent therefor had been otherwise duly given. 	None listed	Indirect in statement of policy: "Any authentic expression of a person's wishes with respect to health care should be honored." ICS 39-4508(3)	None provided
14. ILLINOIS 755 ILCS 40/1 to 40/65, specifically 40/25 (Smith-Hurd 2007)	Separate Surrogate Consent Act	<ul style="list-style-type: none"> Spouse Adult child Parent Adult Sibling Adult grandchild Close friend Guardian of the estate 	<p>N/A to admission to mental health facility, psychotropic medication or electro-convulsive therapy (see 405 ILCS 5/1-121.5; 5/2-102; 5/3-601.2, amended 1997)</p> <p>If decision concerns forgoing life-sustaining treatment, patient must be in terminal condition, permanently unconscious, or incurable or irreversible condition</p>	Yes §40/20(b)	Majority rule for children, siblings and grandchildren.
15. INDIANA Ind. Code Ann. §16-36-1-1 to – 14 (West 2006)	Health Care Agency (durable power) and Surrogate Consent Act	<p>Any of the following:</p> <ul style="list-style-type: none"> Spouse Parent Adult child Adult Sibling Religious superior if the individual is a member of a religious order 	None listed	Yes § 16-36-1-5(d)	None provided
16. IOWA Iowa Code Ann. §144A.7 (West 2007)	Living Will Statute	<ul style="list-style-type: none"> Spouse Adult child Parent or parents Adult sibling 	<p>Limited to the withholding or withdrawal of life-sustaining procedures, and patient is in terminal condition or comatose</p> <p>A witness must "be present at the time of the consultation when that decision is made"</p> <p>Pregnancy limitation</p>	Yes §144A.7(1)	Majority rule for adult children.
17. KANSAS K.S.A. § 65-4974 2005)	Specialized provision, applicable only to consent to medical research	<ul style="list-style-type: none"> Spouse, unless legally separated Adult child Parent A relative <p>Note: Authority of guardian or agent with authority to make health care decisions is specifically acknowledged.</p>	<p>Consent is restricted to research protocols that have been approved by an institutional review board.</p> <p>Cannot consent if contrary to the incapacitated person's permission, expressed orally or in writing</p>	No	None provided

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18. KENTUCKY Ky. Rev. Stat. §311.631 (Baldwin 2007)	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> • Spouse • Adult child • Parents • Nearest adult relative 	N/A to withholding or withdrawal artificial nutrition and hydration unless specified conditions are met	Yes §311.631(3)	Majority rule for adult children and nearest relative.
19. LOUISIANA La. Rev. Stat. Ann. §40:1299.58.1 to .10 (West 2007), specifically §40:1299.58.5	Living Will Statute	<ul style="list-style-type: none"> • Spouse • Adult child • Parents • Sibling • Other relatives 	Limited to executing a LW (“Declaration”) for patient in terminal and irreversible condition or comatose.	No	Consensus required
20. MAINE Me. Rev. Stat. Ann tit. 18-A, §5-801 to §5-817 (West 2007), specifically §5-805.	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> • Spouse • Adult in spouse-like relationship • Adult child • Parent • Adult sibling • Adult grandchild • Adult niece or nephew • Adult aunt or uncle • Adult relative familiar with patient's values • Close friend 	<p>If decision pertains to withdrawal or withholding of life-sustaining treatment , patient must be in terminal condition or persistent vegetative state</p> <p>N/A to denial of surgery, procedures, or other interventions that are deemed medically necessary.</p> <p>Admission to mental health institution</p>	Yes §5-805(f)	<p>Majority rule if more than one member of any class assumes authority.</p> <p>Provider may refer them “to a neutral 3rd party for assistance in resolving the dispute”</p>
21. MARYLAND Md. Health-Gen. Code Ann., §5-605 (2007)	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> • Spouse or Domestic Partner • Adult child • Parent • Adult sibling • Close friend or relative who has maintained regular contact with the patient 	N/A to sterilization or treatment for mental disorder Applicable to life-sustaining procedure only if the patient as been certified to be in a terminal condition, persistent vegetative state, or end-stage condition	Yes §5-605(c)	<p>If in hospital or nursing home, refer to ethics committee</p> <p>If elsewhere, consensus required</p>
MASSACHUSETTS	None				
22. MICHIGAN Mich. Comp. Laws Ann. §333.5651 to 5661 (West 2007), particularly §333.5653(g) and .5655(b)	Health Care disclosure and consent act.	<ul style="list-style-type: none"> ▪ “a member of the immediate family, the next of kin, or the guardian” (priority not specified) 	Applies when patient has a “reduced life expectancy due to advanced illness”	No	None provided
MINNESOTA	None				

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23. MISSISSIPPI Miss. Code Ann. §§41-41-201 to -229 (West 2007), particularly §§41-41-203(s), -211, and -215(9)	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> • Individual orally designated by patient • Spouse • Adult child • Parent • Adult sibling • Close friend • Owner, operator, or employee of residential long-term care institution (but see limitations) 	<p>Admission to mental health institution.</p> <p>If surrogate is owner, operator, or employee of residential long-term care institution, then the authority does not extend to decisions to withhold or discontinue life support, nutrition, hydration, or other treatment, care, or support. §41-41-215(9)</p>	Yes §§41-41-211(6)	Majority rule if more than one member of any class assumes authority
MISSOURI	None				
24. MONTANA Mont. Code Ann. §50-9-106 (2007)	Living Will Statute	<ul style="list-style-type: none"> • Spouse • Adult child • Parents • Adult sibling • Nearest adult relative 	<p>Limited to withholding or withdrawal of life-sustaining treatment , and patient is in terminal condition</p> <p>Pregnancy limitation</p>	Yes §50-9-106(4)	Majority rule for adult children and siblings
NEBRASKA	None				
25. NEVADA Nev. Rev. Stat. §449.626 (2007)	Living Will Statute	<ul style="list-style-type: none"> • Spouse • Adult child • Parents • Adult sibling • Nearest adult relative 	<p>Limited to withholding or withdrawal of life-sustaining treatment, and patient is in terminal condition</p> <p>Pregnancy limitation</p>	Yes §§449.626(4)	Majority rule for adult children and sibling
NEW HAMPSHIRE	None				
26. NEW JERSEY NJ St. § 26:14-1 – 5 (West 2008) Eff. 1/13/08	Specialized provision applicable only to medical research	<ul style="list-style-type: none"> • Spouse or civil union partner • Adult child • Custodial parent • Adult sibling • Nearest adult relative 	Limited to medical research approved and monitored by an institutional review board, plus certain benefit/risk criteria must be met.	Yes NJ ST 26:14-5(d) plus procedural requirements for informed consent	Consensus required
27. NEW MEXICO N.M. Stat. Ann. 1978 §24-7A-5 (West 2007)	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> • An individual designated as surrogate • Spouse • Individual in long-term spouse-like relationship • Adult child • Parent • Adult sibling • Grandparent • Close friend 	Admission to mental health facility	Yes §24-7A-5(F)	Majority rule if more than one member of any class assumes authority
28. NEW YORK N.Y. Pub. Health Law §§2965 & 2966(McKinney 2007)	Specialized Surrogate Consent Statute (applicable only to DNR orders)	<ul style="list-style-type: none"> • Spouse • Adult child • Parent • Adult sibling • Close friend • Physician, with concurrence by a qualified second physician who personally examines patient that resuscitation is medically futile. 	Limited to consent to a DNR order, and patient is in terminal condition, or permanently unconscious, or where resuscitation is futile or extraordinarily burdensome	Yes §2965(3)(a)	Refer to dispute mediation system

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N.Y. Surr. Ct. Proc. Act §1750-b (2008) Enacted 2007	Specialized Surrogate Consent Statute applicable only to Mentally Retarded and Developmentally Disabled	Priority list to be established by rulemaking (Commissioner of Mental Retardation and Developmental Disability) [2008 amendment authorizes surrogate's court decision-making committee to be default surrogate where no guardian or family.]	Decisions regarding to withholding or withdrawal of life-sustaining treatment require certification that patient is in terminal condition, permanently unconscious, or meets other specified conditions where burdens outweigh benefits.	Yes §1750-b(2)	Judicial procedure
29. NORTH CAROLINA N.C. Gen. Stat. §90-322 (2007)	Living Will Statute	<ul style="list-style-type: none"> • Spouse • Parents • Siblings • Close friend • Att. physician 	Limited to the withholding or withdrawal of life-prolonging measures where the patient is terminal or permanently unconscious.	No	Majority rule for Parents & Siblings
30. NORTH DAKOTA N.D. Cent. Code §23-12-13 (2007)	Informed Consent Statute	<ul style="list-style-type: none"> • Spouse who has maintained significant contacts with incapacitated person • Adult children who have maintained significant contacts with incapacitated person • Parents, including stepparent who has maintained significant contacts with incapacitated person • Adult siblings who have maintained significant contacts with incapacitated person • Grandparents who have maintained significant contacts with incapacitated person • Adult grandchildren who have maintained significant contacts with incapacitated person • Close adult relative or friend who have maintained significant contacts with incapacitated person 	Not explicitly applicable to refusals of treatment, but nevertheless should be applicable. N/A to sterilization, abortion, psychosurgery, and admission to a state mental facility for > 45 days	Yes §23-12-13(3)	None provided
31. OHIO Ohio Rev. Code Ann. §2133.08 (West 2007)	Living Will Statute	<ul style="list-style-type: none"> • Spouse • Adult child • Parents • Adult sibling • Nearest adult relative 	Limited to consent for withdrawal or withholding of life-sustaining treatment, and patient is in terminal condition or permanently unconscious Nutrition and hydration may be withheld <i>only</i> upon the issuance of an order of the probate court Pregnancy limitation	Yes §2133.08(D)(3)	Majority rule for adult children and siblings
32. OKLAHOMA Okla. Stat. Ann. tit. 63 §3102A (West 2007)	Specialized provision applicable only to medical research	<ul style="list-style-type: none"> • Spouse • Adult child • Parent • Adult sibling • Relative by blood or marriage 	Limited to experimental treatment, test or drug approved by a local institutional review board.	No	None listed

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33. OREGON Or. Rev. Stat. §127.635 (2007) and §127.505(12) and 127.535(4)	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> • Spouse • Adult designated by others on this list, without objection by anyone on list • Adult child • Parent • Sibling • Adult relative or adult friend • Att. physician 	Limited to withdrawal or withholding of life-sustaining procedures for a patient in a terminal condition or permanently unconscious, or who meets other conditions related to pain or advanced progressive illness	Yes §127.535(4)	Majority rule for adult children and siblings
34. PENNSYLVANIA Pa. Stat. Ann. tit. 20, §5461 (West 2007) (eff. January 29, 2007)	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> • Spouse • Adult designated by others on this list, without objection by anyone on list • Adult child • Parent • Adult sibling • Adult grandchild • Close friend <p>Note: Individual may provide for a different order of priority. by signed writing.</p>	Pregnancy limitation	Yes Tit. 20, §§5456 & 5461	Majority rule if more than one member of any class assumes authority
RHODE ISLAND	None				
35. SOUTH CAROLINA S.C. Code Ann. §44-66-10 to -80 (2007)	Separate Surrogate Consent Act	<ul style="list-style-type: none"> • Person given priority to make health-care decisions for the patient by another statute • Spouse • Parent or adult child • Adult sibling, grandparent, or adult grandchild • Other close relative • Person given authority to make health-care decisions for the patient by another statutory provision 	N/A if patient's inability to consent is temporary and delay of treatment will not result in significant detriment to the patient's health	Yes §44-66-30(F)	Consensus required
36. SOUTH DAKOTA S.D. Codified Laws §34-12C-1 to -8 (2007)	Separate Surrogate Consent Act	<ul style="list-style-type: none"> • Spouse • Adult child • Parent • Adult sibling • Grandparent or adult grandchild • Aunt or uncle or adult niece or nephew • Adult cousin • Close friend <p>(An authorized surrogate may delegate authority to another person in same or succeeding class)</p>	None listed	Yes §34-12C-3	Consensus required

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<p>37. TENNESSE Tenn. Code Ann §68-11-1801 to – 1815 (2007), particularly §68-11-1806</p>	<p>Comprehensive Health Care Decisions Act</p>	<p>Supervising health care provider selects from the following order of preference under criteria provided:</p> <ul style="list-style-type: none"> • Individual designated by patient • Spouse • Adult child • Parent • Adult sibling • Other adult relative • Close friend • Primary Physician, in consultation with ethics committee or independent 2nd physician <p>Disqualified surrogates:</p> <ul style="list-style-type: none"> • Individ. Provider • Facility Provider 	<p>Any matter governed by the mental health code.</p> <p>Except for individual designated by the patient, other surrogates cannot make decision to w/h or w/d artificial nutrition & hydration without certification by 2 physicians of medical prerequisites.</p>	<p>Yes §68-11-1806(d)</p>	<p>Not applicable since provider selects surrogate</p>
<p>38. TEXAS Tex. [Health & Safety] Code Ann. §166.039 (Vernon 2007)</p>	<p>Comprehensive Health Care Decisions Act</p>	<p>Physician and:</p> <ul style="list-style-type: none"> • Spouse • Adult children • Parents • Nearest relative • Att. Physician, with concurrence of independent 2nd physician or physician member of ethics committee 	<p>Pregnancy limitation</p>	<p>Yes §166.039(c)</p>	<p>None provided</p>
<p>Tex. [Health & Safety] Code Ann. §166.081 to .101, specifically §166.088(b) (Vernon 2007)</p>	<p>Specialized provision (applicable to DNR orders)</p>	<p>(Same as above. Incorporates the terms of §166.039)</p>	<p>Pregnancy limitation</p>	<p>Yes §166.088(c)</p>	<p>None listed</p>
<p>Tex. [Health & Safety] Code Ann. §313.004 (Vernon 2007)</p>	<p>Specialized provision applicable to patients in home & community support services or in a hospital or nursing home</p>	<ul style="list-style-type: none"> • Spouse • Adult child (who has the waiver and consent of all other qualified adult children of the patient to act as the sole decision-maker) • Majority of the patient's reasonably available adult children • Parents the individual clearly identified to act for the patient by the patient before the patient became incapacitated • Nearest living relative • Member of the clergy. 	<ul style="list-style-type: none"> • Voluntary inpatient mental health services; • Electro-convulsive treatment; or • Appointment of another surrogate decision-maker. 	<p>Yes §313.004(c)</p>	<p>Majority rule, in the case of adult children surrogates</p>

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39. UTAH Utah Code Ann. §75-2-108 (2008)	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> • Spouse • Adult Child • Parent • Adult sibling • Adult grandchild • Grandparent • Close friend 	Pregnancy limitation	No	Majority rule for children
VERMONT	None				
40. VIRGINIA Va. Code §54.1-2986 (West 2006)	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> • Spouse • Adult child • Parents • Adult sibling • Other relative in the descending order of blood relationship 	N/A to non-therapeutic sterilization, abortion, psychosurgery, or admission to a mental retardation facility or psychiatric hospital	Yes §54.1-2986(A)(6)	Majority rule if more than one member of any class assumes authority
41. WASHINGTON Wash. Rev. Code Ann. §7.70.065 (West 2005)	Informed Consent Statute	<ul style="list-style-type: none"> • Spouse or registered domestic partner • Adult children • Parents • Adult siblings 	Not explicitly applicable to refusals of treatment, but nevertheless should be applicable.	Yes §7.70.065(1)(c)	Consensus required
42. WEST VIRGINIA W. VA. Code Ann. §16-30-8 (West 2007)	Comprehensive Health Care Decisions Act	<p>Att. Physician or Advanced Nurse Practitioner selects from the following order of preference under criteria provided:</p> <ul style="list-style-type: none"> • Spouse • Adult child • Parents • Adult sibling • Adult grandchild • Close friend • Any other person or entity according to DHHR rules <p>Ineligible surrogates:</p> <ul style="list-style-type: none"> ▪ Indiv. Provider* ▪ Facility Provider* <p>* Exception for relatives who are employees of</p>	None listed	Yes §16-30-8(b)(1)(A) § 16-30-5(d)	Not applicable since provider selects surrogate.
43. WISCONSIN Wisc. Stat. Ann. §50.06 (West 2007)	Specialized Surrogate Consent Statute applicable to certain facility admissions	<ul style="list-style-type: none"> • Spouse • Adult child • Parent • Adult sibling • Grandparent • Adult grandchild • Adult close friend 	<p>Limited to consent to admission to nursing home and certain community-based residential facilities for up to 60 days, with 30 day extension possible, and only if:</p> <ol style="list-style-type: none"> 1. The incapacitated person is not diagnosed as developmentally disabled or having a mental illness at time of admission 2. Petitions for guardianship and protective placement are filed <i>prior</i> to admission 	No	Consensus required

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44. WYOMING Wyo. Stat. §35-22-406 (2006)	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> • Individual designated by personally informing the supervising health care provider • Spouse, unless legally separated • Adult child • Parent • Grandparent • Adult sibling • Adult grandchild • Close friend 	None listed	Yes §35-22-406(f)	Majority rule if more than one member of any class assumes authority
<i>UNIFORM HEALTH-CARE DECISIONS ACT</i>	Comprehensive Health Care Decisions Act	<ul style="list-style-type: none"> • Individual orally designated by patient • Spouse • Adult child • Parent • Sibling • Close friend 	None listed	Yes §5(f)	Majority rule if more than one member of any class assumes authority

CAUTION: The descriptions and limitations listed in this chart are broad characterizations for comparison purposes and not as precise quotations from legislative language.

Provisions in red are those addressing patients with no qualified default surrogate (the “unbefriended” patient)

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The ABA acknowledges The West Group for providing access to on-line legal research.