

Substitute Decision-Maker Terminology Under State Law

State	General Term for Any Substitute Decision-Maker	Designated Substitute (AGENT)*	Statutory Default Substitute
Uniform Health-Care Decisions Act	No term	Agent § 1(2)	Surrogate § 1(17)
Alabama Ala. Code	No term	Health Care Proxy § 22-8A-3(9)	Surrogate § 22-8A-3(17)
Alaska Alaska Stat.	Alternate Attorney in Fact § 13.26.335	Agent § 13.26.332	No statute
Arizona Ariz. Rev. Stat. Ann.	Surrogate § 36-3201(13)	Agent § 36-3201(1)	Surrogate § 36-3201(13)
Arkansas Ark Code Ann.	No term	Agent § 20-13-104 or Health Care Proxy (under living will act, § 20-17-201(4))	No term § 20-17-214
California Cal. Prob. Code	Conservator § 4613	Agent § 4607	Surrogate § 4643
Colorado Colo. Rev. Stat.	Surrogate Decision-maker § 15-18.5-104	Agent § 15-14-506	Proxy Decision-maker § 15-18.5-103
Connecticut Conn. Gen. Stat.	No term	Health Care Representative § 19a-570(5)	Next of kin § 19a-570(9)
Delaware Del. Code Ann., tit 16	Guardian § 2501(f)	Agent § 2501(b)	Surrogate § 2501(u)
District of Columbia D.C. Code Ann.	No term	Attorney in fact § 21-2202(1)	Substituted Consent § 21-2210
Florida Fla. Stat. Ann.	No term § 765.101(3)	Surrogate § 765.101(21)	Proxy § 765.101(19)
Georgia Ga. Code	No term	Health Care Agent § 31-32-2(6)	No term § 31-9-2

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Hawaii Hawaii Rev. Stat.	Guardian § 327E-2	Agent § 327E-2	Surrogate § 327E-2
Idaho Idaho Code	No term	Agent § 39-4505	No term § 39-4504
Illinois Ill. Rev. Stat.	No term	Health Care Agent Ch. 755 45/4-4(e-5)	Surrogate Decision-maker Ch. 755, para. 40/25
Indiana Ind. Code Ann.	No term	Representative § 16-36-1-2 Attorney in fact § 30-5-5-17	No term § 16-36-1-16
Iowa Iowa Code Ann.	No term	Attorney in fact § 144B.1	No statute
Kansas Kan Stat. Ann.	No term	Agent § 58-625	No statute
Kentucky Ky. Rev. Stat. Ann.	No term	Surrogate § 311.621(16)	Responsible Parties § 311.631
Louisiana La. Rev. Stat. Ann.	No term	Agent § Art. 2997 & 3027	No term § 40:1299.58.5
Maine Me. Rev. Stat. Ann.	Guardian § 5-801(d)	Agent Tit. 18, § 5-801(b)	Surrogate Tit. 18, § 5-801(q)
Maryland Md Health-Gen. Code Ann	No term	Agent § 5-601(c)	Surrogate § 5-605
Massachusetts Mass Gen Laws ch. 201D	No term	Agent (appointed under a Health Care Proxy)	No statute
Michigan Mich. Comp. Laws Ann.	No term	Patient Advocate § 700.496	No statute

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Minnesota 1998 Minn. Sess. Law Serv. Ch. 399 (S.F. 2050), eff. 8/1/98	No term	Agent § 145C.01(2) Or Proxy § 145B.06	No statute
Mississippi 1998 Miss. Laws Ch. 542 (H.B. 545), eff. 7/1/98	No term	Agent § 41-41-203(c)	Surrogate § 41-41-203(5)
Missouri Mo. Ann. Stat.	No term	Attorney in fact § 404.703(1) & 404.805	No statute
Montana Mont. Code Ann.	No term	Attorney in fact § 72-5-501 & 502 § 50-9-103	No statute § 50-9-106
Nebraska Neb. Rev. Stat.	No term	Attorney in fact § 30-3402(3)	No statute
Nevada Nev. Rev. Stat.	No term	Agent § 162A.030	Surrogate Decision-maker
New Hampshire N.H. Rev. Stat. Ann.	No term	Agent § 137-J:2(III)	No statute
New Jersey N.J. Stat. Ann.	No term	Health Care Representative (appointed under a Proxy Directive) § 26:2H-55	No statute
New Mexico N.M. Stat. Ann.	Guardian § 24-7A-1(E)	Agent § 24-7A-1(B)	Surrogate § 24-7A-1(V)
New York N.Y. Public Health Law	No term	Health Care Agent (appointed under a Health Care Proxy) § 2980(5)	Surrogate (for DNR orders only) § 2961(22) & § 2965
North Carolina N.C. Gen Stat.	No term	Health Care Agent § 32A-16(2)	No term § 90-322
North Dakota N.D. Cent. Code	No term	Agent § 23-06.5-02(1)	No term § 23-12-13

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Ohio Ohio Rev. Code Ann.	No term	Attorney in fact § 1337.13(A)(1)	Appropriate individual § 2133.08(B)
Oklahoma Okla. Stat. Ann.	No term	Health Care Proxy § 3101.3(6)	No term Tit. 63, § 3102A
Oregon Or. Rev. Stat.	Health Care Representative § 127.505(12)	Attorney in fact § 127.505(6)	No term § 127.635
Pennsylvania Pa. Stat. Ann.	Health Care Representative	Health Care Agent 20 Pa. C.S.A. § 5422	No statute
Rhode Island R.I. Gen Laws	No term	Health Care Agent § 23-4.10-2	No statute
South Carolina S.C. Code Ann.	No term	Health Care Agent § 62-5-504(1)	No term § 44-66-10 to -80
South Dakota S.D. Codified Laws Ann.	Person available to consent § 34-12C-1(17)	Agent § 59-7-2.5	No term § 34-12C-1 to -8
Tennessee Tenn. Code Ann.	No term	Attorney in fact § 24-6-201	No statute
Texas Tex Civ. Prac. & Rem. Code Tex. Health & Safety Code	No term	Agent § 166.151(2)	No term § 166.039
Utah Utah Code Ann.	Proxy § 2-2-1105(2)(b)	Attorney in fact § 72-2-1105 & -1106	No term § 72-2-1105(2)(b)
Vermont Vt. Stat. Ann.	No term	Agent § 3501(2)	(No statute)
Virginia Va. Code	No term	Agent § 54.1-2982	No term § 54.1-2986
Washington Wash Rev. Code Ann.	No term	Attorney in fact 11 § 102(1)	No term § 7.70.065

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West Virginia W. Va. Code	No term	Health Care Representative § 16-30-2(4) & § 16-30A-3	Surrogate § 16-30B-3(5)
Wisconsin Wisc. Stat. Ann.	No term	Health Care Agent § 155.01(4)	No statute
Wyoming Wyo. Stat.	No term	Attorney in fact §§ 35-22-402(ii)	Family members § 35-22-402(XX)

*States that use the term “agent” or “attorney in fact” often use them interchangeably. However, the Table lists only the most important predominant term in the text.