

### **311.621 Definitions for KRS 311.621 to 311.643.**

As used in KRS 311.621 to 311.643:

- (1) "Adult" means a person eighteen (18) years of age or older and who is of sound mind;
- (2) "Advance directive" means a living will directive made in accordance with KRS 311.621 to 311.643, a living will or designation of health care surrogate executed prior to July 15, 1994, and any other document that provides directions relative to health care to be provided to the person executing the document;
- (3) "Artificially-provided nutrition and hydration" means sustenance or fluids that are artificially or technologically administered;
- (4) "Attending physician" means the physician who has primary responsibility for the treatment and care of the patient;
- (5) "Decisional capacity" means the ability to make and communicate a health care decision;
- (6) "Directive" means a living will directive in writing voluntarily made by an adult in accordance with the provisions of KRS 311.621 to 311.643;
- (7) "Grantor" means an adult who has executed an advance directive in accordance with KRS 311.621 to 311.643;
- (8) "Health care decision" means consenting to, or withdrawing consent for, any medical procedure, treatment, or intervention;
- (9) "Health care facility" means any institution, place, building, agency, or portion thereof, public or private, whether organized for profit or not, used, operated, or designed to provide medical diagnosis, treatment, nursing, rehabilitative, or preventive care, and licensed pursuant to KRS Chapter 216B;
- (10) "Health care provider" means any health care facility or provider of health services, including but not limited to, those licensed, certified, or regulated under the provisions of KRS Chapters 211, 216, 311, 312, 313, or 314;
- (11) "Life-prolonging treatment" means any medical procedure, treatment, or intervention which:
  - (a) Utilizes mechanical or other artificial means to sustain, prolong, restore, or supplant a spontaneous vital function; and
  - (b) When administered to a patient would serve only to prolong the dying process. "Life-prolonging treatment" shall not include the administration of medication or the performance of any medical procedure deemed necessary to alleviate pain;
- (12) "Medical order for scope of treatment" means an actionable medical order signed by a patient, a patient's legal surrogate, or a responsible party, and the patient's physician directing the use of life-sustaining treatment for the patient. A medical order for scope of treatment, if completed, shall implement or apply a health power of attorney or a living will directive if one exists;
- (13) "Permanently unconscious" means a condition which, to a reasonable degree of medical probability, as determined solely by the patient's attending physician and

one (1) other physician on clinical examination, is characterized by an absence of cerebral cortical functions indicative of consciousness or behavioral interaction with the environment;

- (14) "Physician" means a person licensed to practice medicine in the Commonwealth of Kentucky;
- (15) "Responsible party" means an adult who has authority under KRS 311.631 to make a health care decision for a patient who has not executed a living will directive;
- (16) "Surrogate" means an adult who has been designated to make health care decisions in accordance with KRS 311.621 to 311.643; and
- (17) "Terminal condition" means a condition caused by injury, disease, or illness which, to a reasonable degree of medical probability, as determined solely by the patient's attending physician and one (1) other physician, is incurable and irreversible and will result in death within a relatively short time, and where the application of life-prolonging treatment would serve only to artificially prolong the dying process.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 3, sec. 1, effective June 24, 2015. -- Created 1994 Ky. Acts ch. 235, sec. 1, effective July 15, 1994.