
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Counsel without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 88 (H.469). An act relating to remote and electronic processes for executing an advance directive

Subjects: Health; advance directives; Ulysses clause; remote witnesses and explainers

This act makes permanent the ability to have one or both witnesses to a principal's signing of an advance directive be remote if certain conditions are met; remote witnessing had previously been authorized only through March 31, 2024. A remote witness may witness the principal's signing through live, interactive, audio-video connection or by telephone. The act also makes permanent the ability to have a remote explanation from the neutral individual who must explain the nature and effect of an advance directive to a principal who is in or is being admitted to a hospital or long-term care facility; that individual may explain through live, interactive, audio-video connection or by telephone. The act provides additional in-person and remote witnessing provisions for execution of a so-called "Ulysses clause" in an advance directive. A Ulysses clause is an optional provision, already allowed under Vermont law, through which a principal can allow a specifically named agent to authorize or withhold health care over the principal's objection in the event that the principal lacks capacity. The act also includes transitional provisions related to the previous statutory authority for remote witnesses and explainers and allows all of the parties involved in the execution of an advance directive to use a digital signature.

Effective Date: April 1, 2024