*** § 82.02 Definitions.**

When used in this article, the following terms shall have the following meaning, unless the context or subject matter requires a different interpretation:

(a) "abuse" encompasses physical abuse, sexual abuse, and emotional abuse, as defined in section four hundred seventy-three of the social services law.

(b) "adult" means an individual eighteen years of age or older.

(c) "advance directive" means a legally recognized written or oral instruction by an adult relating to the provision of health care to the adult if and when they become incapacitated, including but not limited to a health care proxy, a consent to the issuance of an order not to resuscitate or other orders for life-sustaining treatment recorded in a patient's medical record, or other legally-recognized statements of wishes or beliefs.

(d) "decision-maker" means an adult who has executed, or seeks to execute, a supported decision-making agreement.

(e) "financial exploitation" has the meaning given in section four hundred seventy-three of the social services law.

(f) "good faith" means honest in fact and in the observance of reasonable standards of fair dealing.

(g) "neglect" has the meaning defined in paragraph (d) of subdivision one of section four hundred seventy-three of the social services law.

(h) "physical coercion" means to place under duress, menace, or threaten physical violence or imprisonment.

(i) "supported decision-making" means a way by which a decision-maker utilizes support from trusted persons in their life, in order to make their own decisions about their life, including, but not limited to, decisions related to where and with whom the decision-maker wants to live; decisions about finances; the services, supports, and health care the decision-maker wants to receive; and where the decision-maker wants to work.

(j) "supported decision-making agreement" is an agreement a decision-maker enters into with one or more supporters under this section that describes how the decision-maker uses supported decision-making to make their own decisions. Supported decision-making

agreements can either be an informal arrangement between the decision-maker and his or her supporter or supporters, or one that is in accordance with section 82.11 of this article, which has been reviewed and signed by a facilitator.

(k) "supporter" means an adult who has voluntarily entered into a supported decision-making agreement with a decision-maker, agreeing to assist the decision-maker in making their own decisions as prescribed by the supported decision-making agreement, and who is not ineligible under section 82.08 of this article.

(l) "undue influence" means moral or mental coercion that leads someone to carry out the wishes of another instead of their own because they are unable to refuse or resist.

(m) "facilitator" means an individual or entity authorized by the office for people with developmental disabilities that works with and educates the decision-maker and his or her supporter or supporters about supported decision-making and supported decision-making agreements authorized under this article.

* NB Effective 90 days from the date that the regulations issued in accordance with § 1 of chapter 481 of 2022 appear in the New York State Register or the date such regulations are adopted, whichever is later.