§ 2980. Definitions. The following words or phrases, used in this article, shall have the following meanings, unless the context otherwise requires:

1. "Adult" means any person who is eighteen years of age or older, or is the parent of a child, or has married.

2. "Attending practitioner" means the physician, physician assistant, or nurse practitioner, licensed or certified pursuant to title eight of the education law, selected by or assigned to a patient, who has primary responsibility for the treatment and care of the patient. Where more than one physician, physician assistant, or nurse practitioner shares such responsibility, or where a physician, physician assistant, or nurse practitioner is acting on the attending practitioner's behalf, any such physician, nurse practitioner, or physician assistant may act as the attending practitioner pursuant to this article.

2-a. "Nurse practitioner" means a nurse practitioner certified under section sixty-nine hundred ten of the education law, practicing within his or her scope of practice.

2-b. "Psychiatric nurse practitioner" means a nurse practitioner certified by the department of education as a psychiatric nurse practitioner.

3. "Capacity to make health care decisions" means the ability to understand and appreciate the nature and consequences of health care decisions, including the benefits and risks of and alternatives to any proposed health care, and to reach an informed decision.

4. "Health care" means any treatment, service or procedure to diagnose or treat an individual's physical or mental condition.

5. "Health care agent" or "agent" means an adult to whom authority to make health care decisions is delegated under a health care proxy.

6. "Health care decision" means any decision to consent or refuse to

consent to health care.

7. "Health care provider" means an individual or facility licensed, certified, or otherwise authorized or permitted by law to administer health care in the ordinary course of business or professional practice.

8. "Health care proxy" means a document delegating the authority to make health care decisions, executed in accordance with the requirements of this article.

9. "Hospital" means a general hospital as defined in subdivision ten of section two thousand eight hundred one of this chapter and a residential health care facility as defined in subdivision three of section two thousand eight hundred one of this chapter, and a mental hygiene facility as defined in subdivision ten of this section and a hospice as defined in subdivision one of section four thousand two of this chapter.

9-a. "Life-sustaining treatment" means any medical treatment or procedure without which the patient will die within a relatively short time, as determined by an attending practitioner to a reasonable degree of medical certainty. For purposes of this article, cardiopulmonary resuscitation is presumed to be a life sustaining treatment without the necessity of a determination by an attending practitioner.

10. "Mental hygiene facility" means a residential facility, excluding family care homes, operated or licensed by the office of mental health or the office for people with developmental disabilities.

11. "Mental illness" means a mental illness as defined in subdivision twenty of section 1.03 of the mental hygiene law, provided, however, that mental illness shall not include dementia, such as alzheimer's disease or other disorders related to dementia.

12. "Principal" means a person who has executed a health care proxy.

13. "Reasonably available" means that a person to be contacted can be

contacted with diligent efforts by an attending practitioner or another person acting on behalf of the attending practitioner or the hospital.

14. "Residential health care facility" means a residential health care facility as defined in subdivision three of section two thousand eight hundred one of this chapter.

15. "Qualified psychiatrist" means, for the purposes of this article, a physician licensed to practice medicine in New York state who: (a) is a diplomate of the American Board of Psychiatry and Neurology or is eligible to be certified by that board; or (b) is certified by the American Osteopathic Board of Neurology and Psychiatry or is eligible to be certified by that board.