

Virginia Advance Directive Checklist

ADVANCE DIRECTIVES: In order to be valid and applicable, each of the following (per category) must be present:

Living Will:

- Patient over age 18.
- Patient has terminal condition as diagnosed by attending physician.
- Document in writing - No special form required.
- Signed by patient.
- Signed by two witnesses.

Agent - Health Care Power of Attorney - Surrogate - Proxy:

- Patient over age 18.
- Patient incapable of making an informed decision.
- Document in writing - No special form required.
- Signed by patient.
- Signed by two witnesses.
- Specifies an individual to make healthcare decisions where patient is “Incapable of Making an Informed Decision,” as determined by attending physician and second physician or licensed clinical psychologist.

Oral Advance Directive:

- Patient over age 18.
- Patient has terminal condition as diagnosed by attending physician.
- Statement made in presence of attending physician.
- Statement made in presence of two additional witnesses.

Durable Do Not Resuscitate Order (“DDNR”)(Continuing Order--Applies in and out of Hospital):

- Official original yellow form (not a copy) or authorized form of bracelet or necklace.
- Physician’s signature and date.
- Patient’s signature or signature of person authorized to consent on patient’s behalf.

Do Not Resuscitate Order (Hospital-Only Order):

- Order written in patient’s chart.
- Physician’s signature, date, and time or appropriate documentation of physician’s verbal order.

REVOCAATION: Any Advance Directive may be revoked by any of the following:

- Signed, dated writing by the patient.
- Physical cancellation or destruction by patient.
- Physical cancellation or destruction by any person at the patient’s direction and in his/her presence.
- Oral expression of intent to revoke by the patient.

IF NO ADVANCE DIRECTIVE: Decision-Making Authority Determined in the Following Order:

- Guardian or Committee (appointed by a Court).
- Spouse (unless divorce action filed)(No same sex spouse and no “common law” spouse).
- Adult children (equal authority to all those in the class).
- Adult children (equal authority to all those in the class).
- Parents (equal authority to all those in the class).
- Adult siblings (equal authority to all those in the class).
- Any other blood relative in descending order (equal authority to all those in the class).

NOTE: Decision-maker(s) may not make any decision known to be contrary to the wishes of the patient