

ENROLLED

H. B. 2944

(By Delegates Hatfield, Fleischauer,
Wysong, Marshall, Hrutkay, Eldridge, Boggs,
Spencer, Guthrie and Rowan)

[Passed March 10, 2007; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5C-20, relating to the end-of-life care of residents of nursing homes; and requiring that certain residents be given information about the option of hospice palliative care.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §16-5C-20, to read as follows:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 5C. NURSING HOMES.

§16-5C-20. Hospice palliative care required to be offered.

(a) When the health status of a nursing home facility resident declines to the state of terminal illness or when the resident receives a physician's order for "comfort measures only," the facility shall notify the resident with information about the option of receiving hospice palliative care. If a nursing home resident is incapacitated, the facility shall also notify any person who has been given the authority of guardian, a medical power of attorney or health care surrogate over the resident, information stating that the resident has the option of receiving hospice palliative care.

(b) The facility shall document that it has notified the resident, and any person who has been given a medical power of attorney or health care surrogate over the resident, information about the option of hospice palliative care and maintain the documentation so that the director may inspect the documentation, to verify the facility has complied with this section.