

**ADVANCE CARE PLANNING
FOR THE PATIENT AND FAMILY:
Legal Options for Decision-Making**

ADVANCE DIRECTIVES are any spoken or written decision with instructions and preferences for medical treatment. These directives can be expressed in a number of different documents including a Medical Power of Attorney (MPOA), a Living Will, a POST form, and several others such as the Five Wishes form which is legal in West Virginia.

LIVING WILL: This is a written document that specifies what types of medical treatment are desired. A living will can be very specific or very general. The most common statement in a living will is to the effect that: If I suffer an incurable, irreversible illness, disease, or condition and my attending physician determines that my condition is terminal, I direct that life-sustaining measures that would serve only to prolong my dying be withheld or discontinued. More specific living wills may include information regarding an individual's wishes regarding the use of treatments such as analgesia (pain relief), antibiotics, hydration, feeding, and the use of ventilators.

MEDICAL POWER OF ATTORNEY (MPOA): This is a legal document in which an individual designates another person, called the representative in West Virginia, to make health care decisions if the individual becomes incapable of making his or her wishes known. The MPOA representative has, in essence, the same rights to request or refuse treatment that the individual would have if capable of making and communicating decisions. The state of West Virginia currently also recognizes a combined Medical Power of Attorney/ Living Will form. Individuals may opt to document their wishes using the combined form as opposed to using two separate forms.

DURABLE POWER OF ATTORNEY: This is the third type of advance directive. Individuals may draft legal documents providing power of attorney to others in the case of incapacitating medical condition. The durable power of attorney allows an individual to make bank transactions, sign Social Security checks, apply for disability, or simply write checks to pay the utility bill while an individual is medically incapacitated.

DO NOT RESUSCITATE ORDER: A Do Not Resuscitate order or DNR Card is a document signed by the patient and physician designed to protect the right of patients to self-determination relating to cardiopulmonary resuscitation, provide out-of-hospital DNR Orders, and to give direction to emergency medical services personnel and others with regard to the performance of CPR. In West Virginia, this document is printed on a bright orange card and remains with the person, preferably in the wallet, or in a patient's chart or medical records if the person is in a health care facility.

POST FORM (Physician Orders for Scope of Treatment): is a one page, two-sided document designed to help health care providers honor the end-of-life treatment desires of their patients. The document is a physician order form that follows patient wishes and

treatment intentions and thereby enhances the appropriateness and quality of patient care. The POST is printed on neon-pink cardstock, making it easily visible. It can be used as a form of Advance Directive, and stays with the patient at all times. It is not intended to be completed by the patient or the patient's family, but by a health care provider during an interview with the patient.

How to find a lawyer:

<http://www.wvbar.org/barinfo/mdirectory/>