

LIVING WILL, MEDICAL POWER OF ATTORNEY AND COMBINED MEDICAL POWER OF ATTORNEY AND LIVING WILL FORMS FOR WEST VIRGINIA

GENERAL INSTRUCTIONS: West Virginia law provides for the following types of advance directives for healthcare: (1) the Medical Power of Attorney, (2) the Combined Medical Power of Attorney and Living Will, and (3) the Living Will. Below are general instructions on how to complete each of these documents. Please read the instructions for the document you wish to complete.

HOW TO COMPLETE YOUR MEDICAL POWER OF ATTORNEY

Read the Medical Power of Attorney Carefully

The medical power of attorney appoints the person you want to make health care decisions for you when you can't make them for yourself. Read it carefully. Know what it means. Ask questions.

Choosing Your Representative and Successor Representative

Choose a representative that you know well and trust, a person who understands what you want and is willing and able to make health care decisions for you, if necessary. Do the same for a successor representative who will act on your behalf if the representative is unable to act.

Name only one person as your representative and only one person as your successor representative. Ultimately, one of these two persons will have to make decisions when you are unable to. You may expect and ask your representative to consult with other persons, including family members and physicians, before coming to a decision.

Recognize that you need a representative and successor representative who will be physically and mentally able to make health care decisions for you both now and in the future. You may wish to designate your spouse as the representative and an eldest child or the child living closest to you as a successor representative. If you are unmarried or widowed, consider naming two children in succession or a brother or sister and a child. Also, consider naming a person in your family who has some health care experience, such as a nurse.

Your physician cannot act as your representative or successor representative. However, your spouse, child, or sibling who is a physician but not your personal physician may be your representative or successor representative.

Things to Think About and Talk Over With Your Representative

Under what circumstances, if any, would you want your physician to order or not to order tube feedings to keep you alive?

Under what circumstances, if any, would you want your physician to order or not to order antibiotic treatment for an infection such as pneumonia or a kidney infection?

Under what circumstances, if any, would you want your physician not to order a blood transfusion for you? or kidney dialysis?

If you were dying, under what circumstances would you want to be in a hospital, in a nursing home, in a hospice program, in your own home, or in the home of another person?

How do you feel about donating any of your organs, your eyes, bone or other tissue after you die to be used for the benefit of another person?

How do you feel about an autopsy being done on your body after you die if your doctor wants to find out why you died or whether you were suffering from a brain disease or disorder?

Is there any power you do not want your representative or successor representative to have over your health care when you can no longer decide for yourself?

There are spaces in your medical power of attorney where you can write instructions to your representative about these questions. If you need more space to write about your personal values, your feelings about life and death, or if you have very detailed instructions to offer, write your representative a letter after you complete this medical power of attorney. If you do not have any special directives or limitations, please write "no directives or limitations" in those spaces.

Filling in and Signing the Medical Power of Attorney

When you are ready to sign your medical power of attorney, fill in the date, print your name and address, and the name, address, and phone number of your representative and successor representative in the spaces provided.

The document must be signed by you and two witnesses all together in front of a Notary Public. Read the "Statement of Witnesses" with care and choose your witnesses carefully. Family members may not be witnesses. The persons you designate as your representative and successor representative may not be witnesses.

Have the Notary Public complete the end of the form and take your medical power of attorney home with you.

What to Do with the Medical Power of Attorney After You Sign It

After your medical power of attorney is signed, witnessed and notarized, give one copy to your representative and another copy to your successor representative. If you have a regular physician, give that physician a copy. Keep the original document in a safe location in your home with your Will, your Living Will and other important documents; make sure your representative and successor representative know where the original is. Your medical power of attorney must be safe and available if needed, but it does not need to be recorded with the county clerk.

<p style="text-align: center;">HOW TO COMPLETE YOUR COMBINED MEDICAL POWER OF ATTORNEY AND LIVING WILL</p>

Read the Combined Medical Power of Attorney and Living Will Carefully

The combined medical power of attorney and living will appoints the person you want to make health care decisions for you when you can't make them for yourself and it tells health care providers the kind of medical treatment you want and don't want if you have a terminal condition with incapacity or are in a persistent vegetative state. Read it carefully. Know what it means. Ask questions.

Choosing Your Representative and Successor Representative

Choose a representative that you know well and trust, a person who understands what you want and is willing and able to make health care decisions for you, if necessary. Do the same for a successor representative who will act on your behalf if the representative is unable to act.

Name only one person as your representative and only one person as your successor representative. Ultimately, one of these two persons will have to make decisions when you are unable to. You may expect and ask your representative to consult with other persons, including family members and physicians, before coming to a decision.

Recognize that you need a representative and successor representative who will be physically and mentally able to make health care decisions for you both now and in the future. You may wish to designate your spouse as the representative and an eldest child or the child living closest to you as a successor representative. If you are unmarried or widowed, consider naming two children in succession or a brother or sister and a child. Also, consider naming a person in your family who has some health care experience, such as a nurse.

Your physician cannot act as your representative or successor representative. However, your spouse, child, or sibling who is a physician but not your personal physician may be your representative or successor representative.

Things to Think About and Talk Over With Your Representative

Under what circumstances, if any, would you want your physician to order or not to order tube feedings to keep you alive?

Under what circumstances, if any, would you want your physician to order or not to order antibiotic treatment for an infection such as pneumonia or a kidney infection?

Under what circumstances, if any, would you want your physician not to order a blood transfusion for you? or kidney dialysis?

If you were dying, under what circumstances would you want to be in a hospital, in a nursing home, in a hospice program, in your own home, or in the home of another person?

How do you feel about donating any of your organs, your eyes, bone or other tissue after you die to be used for the benefit of another person?

How do you feel about an autopsy being done on your body after you die if your doctor wants to find out why you died or whether you were suffering from a brain disease or disorder?

Is there any power you do not want your representative or successor representative to have over your health care when you can no longer decide for yourself?

There are spaces in your combined medical power of attorney and living will where you can write instructions to your representative about these questions. If you need more space to write about your personal values, your feelings about life and death, or if you have very detailed instructions to offer, write your representative a letter after you complete this combined medical power of attorney and living will. If you do not have any special directives or limitations, please write “no directives or limitations” in those spaces.

Filling in and Signing the Combined Medical Power of Attorney and Living Will

When you are ready to sign your combined medical power of attorney and living will, fill in the date, print your name and address, and the name, address, and phone number of your representative and successor representative in the spaces provided.

The document must be signed by you and two witnesses all together in front of a Notary Public. Read the "Statement of Witnesses" with care and choose your witnesses carefully. Family members may not be witnesses. The persons you designate as your representative and successor representative may not be witnesses.

Have the Notary Public complete the end of the form and take your combined medical power of attorney and living will home with you.

What to Do with the Combined Medical Power of Attorney and Living Will After You Sign It

After your combined medical power of attorney and living will is signed, witnessed and notarized, give one copy to your representative and another copy to your successor representative. If you have a regular physician, give that physician a copy. Keep the original document in a safe location in your home with your Will and other important documents; make sure your representative and successor representative know where the original is. Your combined medical power of attorney and living will must be safe and available if needed, but it does not need to be recorded with the county clerk.

<h2>HOW TO COMPLETE YOUR LIVING WILL</h2>
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Read the Living Will Carefully

The Living Will tells health care providers the kind of medical treatment you want and don't want if you have a terminal condition with incapacity or are in a persistent vegetative state. Read it carefully. Know what it means. Ask questions.

Special Directives or Limitations

If there are special treatments you want or don't want, there are spaces on the front of the form where you can write in your wishes. If you do not have any special directives or limitations, please write “no directives or limitations” in those spaces.

Filling in and Signing the Living Will

When you are ready to sign your Living Will, fill in the date, and print your name and address in the spaces provided. The document must be signed by you and two witnesses all together in front of a Notary Public. Read the "Statement of Witnesses" with care and choose your witnesses carefully. Family members may not be witnesses. The persons you designate as representative and successor representative under a Medical Power of Attorney (if you have one) may not be witnesses.

Have the Notary Public complete the end of the form and take your Living Will home with you.

What to Do with your Living Will After You Sign It

After your Living Will is signed, witnessed and notarized, give copies to the representative and successor representative named in your Medical Power of Attorney, if you have one, or to members of your family or friends who would be available in the event you are sick or injured. If you have a regular physician, give that physician a copy. Keep the original document in a safe location in your home with your Will, your Medical Power of Attorney (if you have one) and other important documents; make sure your representative and successor representative or family members or friends know where the original is. Your Living Will must be safe and available if needed, but it does not need to be recorded with the county clerk.

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