

# Virginia Advance Directive Checklist<sup>1</sup>

In order to be valid and applicable, each of the following must be present:

**1. Living Will (Covering Any Type of Healthcare, Including Mental Health):**

- Patient over age 18.
- Document in writing - No special form required.
- Signed by patient.
- Signed by two witnesses.
- Signed by patient's physician **ONLY** if the patient has given instructions in the event of protest.

**2. Agent - Health Care Power of Attorney - Surrogate - Proxy:**

- Patient over age 18.
- 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 (who is not involved in the patient's care except where unavailable).

**3. 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.

**4. Durable Do Not Resuscitate Order ("DDNR") (Continuing Order - Applies inside and outside of the Institution):**

- 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.

**5. 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.

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<sup>1</sup> NOTICE: THIS SUMMARY IS FOR REFERENCE/EDUCATIONAL PURPOSES ONLY AND SHOULD NOT BE CONSIDERED LEGAL ADVICE. TO VIEW THE OFFICIAL VIRGINIA CODE SEE: <http://leg1.state.va.us/lis.htm>.