

Summary of changes to the Healthcare Decisions Act 2017
Signed by Governor McAuliffe on March 24, 2017; Takes effect on July 1, 2017

REFERENCED: *Definition of Health Care Provider*

"Health care provider" means (i) a person, corporation, facility or institution licensed by this Commonwealth to provide health care or professional services as a physician or hospital... a nursing home as defined in § [54.1-3100](#) ...or (vii) a director, officer, employee, independent contractor, or agent of the persons or entities referenced herein....

ADDED: *Definition of Qualified Advance Directive Facilitator*

"Qualified advance directive facilitator" means a person who has successfully completed a training program approved by the Department of Health for providing assistance in completing and executing a written advance directive, including successful demonstration of competence in assisting a person in completing and executing a valid advance directive and successful passage of a written examination.

DELETED: *Unauthorized Practice of Law*

The distribution to patients of written advance directives in a form meeting the requirements of § 54.1-2984 and assistance to patients in the completion and execution of such forms by health care providers shall not constitute the unauthorized practice of law pursuant to Chapter 39 (§ 54.1-3900 et seq.).

ADDED: *Reciprocity for DDNR and PO(L)ST Orders*

54.1-2987.1 Durable Do Not Resuscitate Orders. A Durable Do Not Resuscitate Order or other order regarding life-prolonging procedures executed in accordance with the laws of another state in which such order was executed shall be deemed to be valid for purposes of this article and shall be given effect as provided in this article.

ADDED: *Qualifications to Assist with Advance Directives*

§ 54.1-2988.1. Assistance with completing and executing advance directives.

- A. The distribution of written advance directives ...and the provision of technical advice, consultation, and assistance to persons...by (i) health care providers, including their authorized agents or employees, or (ii) qualified advance directive facilitators shall not constitute the unauthorized practice of law pursuant to Chapter 39 (§ 54.1-3900 et seq.).

- B. The provision of ministerial assistance to a person with regard to the completion or execution of a written advance directive...shall not constitute the unauthorized practice of law...



For the purpose of this subsection, "ministerial assistance" includes reading the form of an advance directive...to a person, discussing the person's preferences with regard to items included in the form, recording the person's answers on the form, and helping the person sign the form and obtain any other necessary signatures on the form. "Ministerial assistance" does not include the expressing of an opinion regarding the legal effects of any item contained in the form of an advance directive...or the offering of legal advice to a person completing or executing such form.

ADDED: *Requirements for Training Advance Directive Facilitators*

§ 54.1-2993.1. Qualified advance directive facilitators; requirements for training programs.

The Department of Health shall approve a program for the training of qualified advance directive facilitators...including a written examination...

2. That the following training programs may be approved by the Department of Health... the Honoring Choices Virginia training program founded by the Richmond Academy of Medicine; the Virginia POST Collaborative Advance Care Planning Facilitator training program; the intensive facilitator training...that is provided by the Institute of Law, Psychiatry, and Public Policy of the University of Virginia under contract with the Department of Behavioral Health and Developmental Services; and any training program that follows the Respecting Choices Advance Care Planning model for facilitator certification courses.

OEMS REGULATORY CHANGE: *POST is approved as a Durable DNR form*

12VAC5-66-10: "Durable DNR Order" shall also include a physician order for scope of treatment (POST) form. Durable DNR orders including POST forms shall be completed and signed by a licensed practitioner and signed by the patient or patient's authorized representative.:

Source: Text as passed by both House and Senate, and signed by Governor McAuliffe
<http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+HB1747ER+hil>

