

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: West Virginia

REQUIREMENTS FOR ADVANCE DIRECTIVES UNDER STATE PLANS
FOR MEDICAL ASSISTANCE

The following is a written description of the law of the State (whether statutory or as recognized by the courts of the State) concerning advance directives. If applicable States should include definitions of living will, durable power of attorney for health care, durable power of attorney, witness requirements, special State limitations on living will declarations, proxy designation, process information and State forms, and identify whether State law allows for a health care provider or agent of the provider to object to the implementation of advance directives on the basis of conscience.

State legislation was enacted March 9, 1990 which amended Chapter Sixteen, Article 30 of the Code of West Virginia, relating to the West Virginia Natural Death Act. These amendments established procedures for executing a living will. A copy of the law is submitted as Supplement 1 to ATTACHMENT 4.34-A.

State legislation was enacted March 1, 1990 which amended Chapter Sixteen by adding a new Article 30-A, Medical Power of Attorney. A copy of the law is submitted as Supplement 2 to ATTACHMENT 4.34-A.

TN No. 91-15
Supersedes _____ Approval Date 1/15/92 Effective Date 12-1-91
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