

# GENERAL ASSEMBLY OF VIRGINIA -- 2000 SESSION

ENROLLED

## HOUSE JOINT RESOLUTION NO. 242

*Requesting the Virginia Board of Medicine, the Medical Society of Virginia, the Old Dominion Medical Society, the Virginia Academy of Family Physicians, the Virginia Health Care Association, the Virginia Hospital and Healthcare Association, the Virginia Association of Non-Profit Homes for the Aging, the Virginia Association for Home Care, the Virginia Bar Association, the Virginia State Bar, and other appropriate entities to encourage their members to promote greater awareness of advance directives.*

Agreed to by the House of Delegates, February 15, 2000

Agreed to by the Senate, March 2, 2000

WHEREAS, an advance directive, in the form of either a living will or a durable power of attorney for health care, is a legal means of expressing an individual's personal wishes, or designating an agent to make decisions concerning the parameters of future medical treatment in the event the individual is unable by reason of incapacity to personally make such decisions at a later date; and

WHEREAS, the Joint Commission on Health Care recently issued a report which examined issues concerning the utilization of advance directives; and

WHEREAS, the use of advance directives offers several potential benefits to an individual, his or her family members, and health care practitioners, including the imposition of order on situations involving end-of-life care decision-making; and

WHEREAS, the utilizations of advance directives among hospital patients and nursing home residents in Virginia is relatively low; and

WHEREAS, public misperceptions and insufficient awareness among health care practitioners concerning the use of advance directives are major barriers to greater utilization; and

WHEREAS, there are several potential obstacles to honoring the provisions of advance directives, including family opposition, liability concerns, medical futility determinations, and vagueness of provisions; and

WHEREAS, there is some disagreement among health care practitioners, attorneys and other interested parties involved in end-of-life care concerning the extent to which advance directives are honored; and

WHEREAS, health care practitioners and other interested parties are concerned about the failure of advance directive documentation completed in one health facility to follow an individual to another health care setting, and the lack of effective mechanisms to facilitate such transfer of information; and

WHEREAS, the American Medical Association has issued recommendations to improve the utilization of advance directives and has developed an end-of-life curriculum for physicians; and

WHEREAS, in order to effectively aid in end-of-life decisionmaking, advance directives should be used as a supplement to ongoing communication between an individual, his or her family, and a physician; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Board of Medicine, the Medical Society of Virginia, the Old Dominion Medical Society, the Virginia Academy of Family Physicians, the Virginia Health Care Association, the Virginia Hospital and Healthcare Association, the Virginia Association of Non-Profit Homes for the Aging, the Virginia Association for Home Care, and other appropriate entities be requested to encourage their members to promote greater awareness of advanced directives. In addition, these organizations should: (i) include coverage of end-of-life issues, advance care planning, and advance directives in their continuing education programs; (ii) promote discussion of end-of-life care issues and advance care planning in their treatment protocols; and (iii) collaborate to develop mechanisms and procedures to foster effective and efficient transfer of advance directive documentation among health care practitioners and facilities; and, be it

RESOLVED FURTHER, That the Virginia Bar Association and the Virginia State Bar aid in this endeavor by preparing educational materials and furnishing other such assistance as may be requested; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution to the Virginia Board of Medicine, the Medical Society of Virginia, the Old Dominion Medical Society, the Virginia Academy of Family Physicians, the Virginia Health Care Association, the Virginia Hospital and Healthcare Association, the Virginia Association of Non-Profit Homes for the Aging, the Virginia Association for Home Care, the Virginia Bar Association, the Virginia State Bar, and to the Joint Commission on Health Care for broader distribution to other interested parties so that they may be apprised of the sense of the General Assembly in this matter.

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