The University of Virginia’s Institute on Aging and Institute of Law, Psychiatry and Public Policy and Virginia Hospital & Healthcare Association

Present

Understanding and Implementing Virginia’s Revised Health Care Decisions Act

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University of Virginia Law School
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This Conference is jointly sponsored with the University of Virginia School of Medicine in partnership with

*The Medical Society of Virginia*
*Virginia Health Care Association*
*Virginia Hospital Research and Education Foundation*
*Virginia Association of Nonprofit Homes for the Aging*
*Virginia Association for Home Care and Hospice*
*Virginia Department for the Aging*
*Virginia Department of Behavioral Health and Developmental Services*
*Office of the Attorney General of Virginia*

**Purpose:**

Virginia’s Health Care Decisions Act was amended by the 2009 General Assembly to increase opportunities for individuals to make health care decisions in advance directives and otherwise to clarify and streamline the requirements of the Act. The legislation was developed based on a recommendation of the Supreme Court’s Commission on Mental Health Law Reform, chaired by Professor Richard Bonnie of the University of Virginia Law School and Director of the Institute of Law, Psychiatry and Public Policy.

The main objective of the new legislation is to empower people to guide decisions about their health care if they lose decision-making capacity due to mental health conditions or neurological disorders such as dementia. The revised statute also prescribes procedures for assessing decision-making capacity, addresses special situations where a patient who lacks decision-making capacity protests a care recommendation, clarifies procedures for revoking advance directives, and protects decision-makers and providers who act in good faith to carry out patient directions.

If these changes are to be successfully implemented, it is important for health care providers and practitioners to understand their purpose, meaning and implications. Not only do health care providers carry out the instructions that patients give about their care, but they also are required under federal law to inform patients about their health care decision-making rights. This program will educate providers about the new law, with the guidance and insight of a faculty of experts with many years of experience in applying the Health Care Decisions Act, many of whom helped to draft the 2009 revisions. The sessions also will give providers an opportunity to give feedback about ways to improve the legislation going forward.