Checklist for Surrogate Selection

(In accordance with the West Virginia Health Care Decisions Act)
W.V. Code - § 16-30-8

Patient's Name:_____

A. DETERMINATION IF HEALTH CARE DECISIONS ACT APPLICABLE

1. Is this patient an adult (over the age of 18), an emancipated minor, or a mature minor? Yes ____ No ____
If no, stop now. The Health Care Decisions Act of 2000 does not apply to selecting a surrogate to make decisions for children. An emancipated minor is a person over the age of 16 who has been declared emancipated by a judge or who is over the age of 16 and married. A mature minor is a person less than 18 years of age who has been determined by a qualified physician, a qualified psychologist, or an advanced nurse practitioner to have the capacity to make health care decisions.

2. Has the patient been declared "incapacitated"? Yes ____ No ____
If no, stop now. Make the decision with the patient. ("Incapacity" means the inability because of physical or mental impairment to appreciate the nature and implications of a health care decision, to make an informed choice regarding the alternatives presented, and to communicate that choice in an unambiguous manner.)

3. The determination of incapacity must be made by the attending physician, a qualified physician, a qualified psychologist, or an advanced nurse practitioner.

   Name of the physician _____ Date _____ Time _____

   a. Cause: _____

   b. Nature: _____

   c. Duration: _____

      i. Was the determination made regardless of age and disability? Yes ____ No ____
      If no, the patient must be reevaluated without a presumption of incapacity.

      ii. Does this patient have a Medical Power of Attorney (MPA)? Yes ____ No ____
      (Note that one physician, one licensed psychologist, or one advanced nurse practitioner who has personally examined the patient must document incapacity for the Medical Power of Attorney to be in effect.) If yes, the MPA representative is authorized to make any and all health care decisions.

         Is the representative named in the MPA available and willing to serve? Yes ____ No ____

         If yes, stop and follow the directives of this representative. Selection of a surrogate is not required. If no, check for a successor representative in the MPA. If neither representative is available and willing to serve, proceed with surrogate selection.

B. SELECTION OF A SURROGATE

4. Identification of potential surrogates (If yes, enter name(s) in order of priority)
   Does the patient have:

   a. A committee or guardian? Name: _____

   b. Spouse? Name: _____

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c. Any adult child of the patient? Names: _____

d. Either parent of the patient? Names: _____

e. Any adult sibling of the patient? Names: _____

f. Any adult grandchild of the patient? Names: _____

g. A close friend of the patient? Names: _____

h. Such other persons or classes of persons including, but not limited to, such public agencies, public guardians, other public officials, public and private corporations, and other representatives as the department of health and human resources may from time to time designate?

Names: _____

When selecting a surrogate, look first to the individual highest in priority listed in #4.

5. Who is best qualified to act as surrogate? Name: _____ Why?
   Does this person:
   a. Know the patient's wishes, including religious and moral beliefs? Yes ____ No ____
      If yes, basis:

   b. Know the patient's best interests? Yes ____ No ____
      The determination of knowing the patient's best interests was based on a discussion regarding (check if yes):
      1. The patient's medical condition ____
      2. Prognosis ____
      3. The dignity and uniqueness of the patient ____
      4. The possibility and extent of preserving the patient's life ____
      5. The possibility of preserving, improving or restoring the patient's functioning ____
      6. The possibility of relieving the patient's suffering ____
      7. The balance of the burdens to the benefits of the proposed treatment or intervention ____
      8. and, such other concerns and values as a reasonable individual in the patient's circumstances would wish to consider ____

   c. Have regular contact with patient? Yes ____ No ____
      If yes, enter nature and frequency of contact:

   d. Demonstrate care and concern for the patient? Yes ____ No ____
      If yes, enter the basis for this decision:
   e. Visit the patient regularly during the illness? Yes ____ No ____

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f. Engage in FACE-TO-FACE contact with the caregivers? Yes ____ No ____

g. Fully participate in the decision-making process? Yes ____ No ____

6. Is person available and willing to serve as surrogate? Yes ____ No ____
   If no, select the best qualified person who is available and willing to serve and enter name

7. Is this person the highest person in the list from #4? Yes ____ No ____
   If no, or if there are several persons at the same priority level, enter the reasons why the selected person is more qualified under factors 5 a-g above.

   _____
   _____
   _____
   _____

8. If conscious, the patient must be notified of the determination of incapacity and who the patients surrogate will be.

   Date and time when notified: _____

   Record patient response: _____

9. If the determination of incapacity is for a patient with psychiatric mental illness, mental retardation, or addiction, incapacity must be confirmed by another physician or licensed psychologist who has examined the patient. Is this necessary for this case? Yes ____ No ____

10. If yes, has this been done? Yes ____ No ____

    If so, name of second health care professional declaring the patient incapacitated
    _____

11. Were other potential surrogates notified of surrogate selection? Yes ____ No ____
    If yes, enter names, date, time and by whom they were contacted.

Name	Date	Time	Contacted by

Patient Name _____ Hospital # _____

12. If a family member / close friend who was not selected disagrees with the surrogate chosen, tell him or her it is his / her responsibility to:
    a. Notify the attending physician in writing. ____ (Initial when done)
    b. Go to court to challenge the selection of the surrogate. ____ (Initial when done)

13. Did any potential surrogate object? Yes ____ No ____

    If yes, enter name and basis for objection: _____
    _____
    _____

14. Notify the person who objects that he / she has 72 hours to get a court order.

    Date _____ and time _____ notified.

I HAVE COMPLETED OR REVIEWED THIS FORM AND MADE THE DECISION TO APPOINT

_____ AS SURROGATE WHO

CAN BE REACHED AT PHONE NUMBER(S)

_____ (home) _____ (work) _____ (cell phone)

_____
Physician Signature / Date / Time

_____
Signature of person assisting the physician in completing this form (if any).

Acceptance of Surrogate Selection

I accept the appointment as surrogate for _____ and

understand I have the authority to make all medical decisions for _____.

_____
Signature of Surrogate