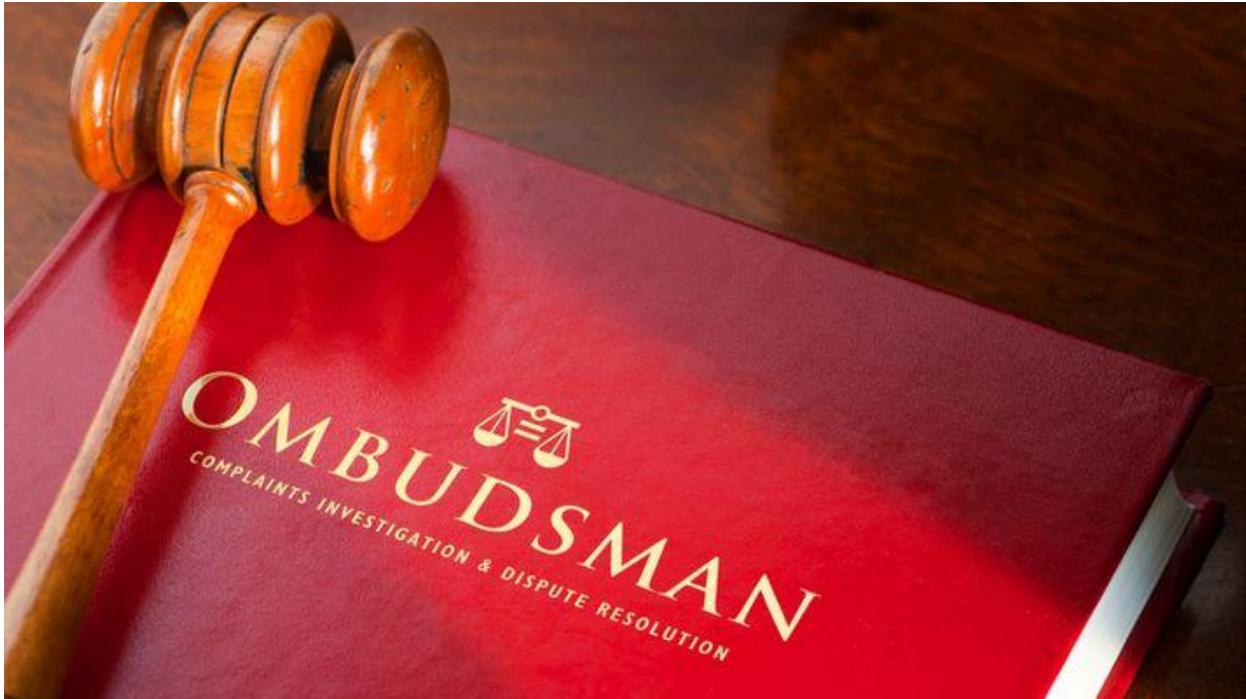


What is an Ombudsman?



What is an Ombudsman and why the Notary Public need to know about them?

An Ombudsman is essentially a patient advocate and can be referred to as a Social worker, patient representative, patient liaison, patient relations counselor, crisis resolution specialists, and other names or titles. An actual Ombudsman must go through a certification program and are heavily regulated by the government.

The Ombudsman Program grew out of efforts by both state and federal governments to respond to widely reported concerns that vulnerable peoples living in long-term care facilities were subject to abuse, neglect and substandard care. The program is made up of many volunteers and some employee staff. Their job it is to identify, investigate and resolve complaints made by or on behalf of residents of nursing homes, assisted living facilities, adult foster care or long-term care homes, skilled nursing centers and even Hospitals. They are trained to resolve problems and are a liaison between the patient and the facility. This service is generally free to the patient.

Under the federal Older Americans Act, every state is required to have an Ombudsman Program. Most state programs are run by the state's Counsel on Aging.

So what does that have to do with Notaries? Often times, as a Notary who does 'General Notary Work' and not just loan signings, we will be called to notarize Powers of Attorney. Doing that all by it's self does not ring any bells except for three particular situations; 1- the POA is part of a Living Will or Health Directive and/or 2- the signer is in one of the types of facilities listed above and/or 3- you and the signer are in the state of California, Delaware, District of Columbia, or South Carolina. These states have specific requirements that involve an Ombudsman or Patient Advocate. For instance;

[California](#) – If you are in a skilled nursing facility, the 'Advanced Directive for Healthcare' document must be witnessed by a patient advocate or ombudsman.

[Delaware](#) – If you are a resident of a sanitarium, rest home, nursing home, boarding home or related institution, the 'Advance Healthcare Directive' document will require one of the witnesses to be a patient advocate or ombudsman designated by the Division of Services for Aging and Adults with Physical Disabilities or the Public Guardian.

[District of Columbia](#) – If you are a patient in a skilled care facility, one witness must be a patient advocate or ombudsman when signing the 'Declaration'.

[South Carolina](#) - If you are a patient in a hospital or skilled care facility, one witness must be a patient advocate or ombudsman when signing the 'Declaration'.

In addition to these states, there is [Vermont](#) that has an additional special requirement; If you are a patient in a hospital, nursing home or residential care facility, a designated person must sign the "Advanced Directive' after explaining it to you. Ask a patient representative or advocate for help with this requirement".

Each of our 50-states have their own requirements for who can be the witness on these documents, how many witnesses are needed, if you need it notarized and witnessed or just notarized or just witnessed. The rules are exhausting.

[I have attached a spreadsheet for all 50 states for your reference.](#)

This applies only to the documents we would typically see in a Living Will. Living Wills are the persons statement of how they want their care orchestrated when they are no longer able to voice that for themselves.

Living Wills can go by different names in different states. That would include terms like;

Health care Directive

Medical Directive

Advanced Directive for Health care

Durable Power of Attorney for Health Care

Declaration to Physician

Declaration of Living Will

Declaration

Advanced Directive

Health Care Proxy

Medical Power of Attorney

These regulations are not something you would normally find in your state notary handbook. Rather, they are a set of regulations set forth by your state governor. In addition to that, you can find your state specific Living Will (or whatever the term is for your state) document sets on your states .gov website.

Article written by Beth Hathoot for Notary Stars 10/22

References;

https://ltcombudsman.org/omb_support/nors

<https://acl.gov/>

<https://www.advisory.com/daily-briefing/2019/10/03/patient-advocates>

Health Care Directive

State	Document Name(s) & Signing Requirements
Alabama	<p><i>Advance Directive for Health Care</i></p> <p>Two witnesses are required. Neither of your witnesses may be:</p> <ul style="list-style-type: none">• under the age of 19• your health care proxy• the person who signed your advance directive for you, if you were unable to sign it yourself• related to you by blood, marriage or adoption• entitled to any portion of your estate by operation of law or under your will, or• directly financially responsible for your medical care.

If you grant your proxy the power to direct your burial or cremation, your advance directive must also be notarized.

Alaska

Advance Health Care Directive

If you grant your agent power to direct your burial or cremation, your document must be notarized. If you do not grant this power, you may choose to have your document signed by two witnesses or notarized.

If you choose to have the document witnessed, neither of your witnesses may be:

- your health care agent
- your health care provider
- an employee of your health care provider, or
- an employee of the health care institution or health care facility where you are receiving health care.

In addition, at least one of your witnesses must not be related to you by blood, marriage or adoption—and must not be entitled to any part of your estate under a will or codicil (amendment to a will).

Arizona

Living Will & Health Care Power of Attorney

Both documents must be signed by at least one witness or notarized.

If you choose to have the document witnessed, you may choose to have one or two witnesses. If you choose to have one witness, your witness may not be:

- any person involved in providing your health care
- related to you by blood, marriage or adoption, or
- entitled to any part of your estate by operation of law

or under your will.

If you have two witnesses, your witnesses do not need to meet the last two requirements on the list above.

If you choose to have your document notarized, the notary may not be:

- your health care agent, or
- any person involved in providing your health care.

Arkansas

Living Will

Must be signed by two witnesses or notarized. If you choose to have your document witnessed, your witnesses must be at least 18 years old. In addition, one of your witnesses may not be related to you by blood, marriage or adoption, or entitled to any part of your estate under your will or by operation of law.

Durable Power of Attorney for Health Care

If you grant your agent power to direct your burial or cremation, your document must be signed by two witnesses. If you do not grant this power, you may choose to have the document signed by two witnesses or notarized. If you choose to have your document witnessed, your witnesses must be at least 18 years old. In addition, one of your witnesses may not be related to you by blood, marriage or adoption, or entitled to any part of your estate under your will or by operation of law.

California

Advance Directive for Health Care

Must either be signed by two witnesses or notarized.

If you choose to have the document witnessed, neither of your witnesses may be:

- your health care agent
- your health care provider
- an employee of your health care provider
- the operator of a community care facility
- an employee of a community care facility
- the operator of a residential care facility for the elderly, or
- an employee of a residential care facility for the elderly.

In addition, one of your witnesses must not be related to you by blood, marriage or adoption—and must not be entitled to any part of your estate by operation of law or under your will.

Finally, if you are in a skilled nursing facility, the document must also be witnessed by a patient advocate or ombudsman. (This requirement applies whether the document is witnessed or notarized.)

Colorado *Declaration as to Medical or Surgical Treatment Medical
Durable Power of Attorney*

Both documents must be signed by two witnesses and may also be notarized.

Neither of your witnesses may be:

- a physician
- an employee of your attending physician
- an employee of a health care facility where you are a patient
- a person with a claim against your estate, or
- a person entitled to any part of your estate by operation of law or under your will.

In addition, if you are a patient or resident of a health care facility, the witnesses cannot be patients of that facility.

Connecticut *Health Care Instructions and Appointment of Health Care Agent and Attorney-in-Fact for Health Care Decisions*

Must be signed by two witnesses.

Although the law does not restrict who can serve as a witness, we suggest that your witnesses be at least 18 years old and the person named to serve as your health care agent and your attorney-in-fact for health care decisions not act as a witness. You and your witnesses may also sign in front of a notary public, but you are not required to do so.

Document Concerning Withholding or Withdrawal of Life Support Systems

Must be signed by two witnesses. Although the law does not restrict who can serve as a witness, we suggest that your witnesses be at least 18 years old and the person named to serve as your health care agent and your attorney-in-fact for health care decisions not act as a witness.

Appointment of Health Care Agent and Attorney-in-Fact for Health Care Must be signed by two witnesses. Although the law does not restrict who can serve as a witness, we suggest that your witnesses be at least 18 years old and the person named to serve as your health care agent and your attorney-in-fact for health care decisions not act as a witness.

Delaware

Advance Health Care Directive

The document must be signed by two witnesses. Neither of your witnesses may be:

- under the age of 18
- related to you by blood, marriage or adoption
- an owner, operator or employee of a residential long-term health care institution in which you are a resident
- a person directly financially responsible for your medical care
- a person with a claim against any portion of your estate, or
- a person entitled to any portion of your estate by operation of law or under your will.

If you are a resident of a sanitarium, rest home, nursing home, boarding home or related institution, one of the witnesses must be, at the time you sign the Advance Health Care Directive, a patient advocate or ombudsman designated by the Division of Services for Aging and Adults with Physical Disabilities or the Public Guardian.

Declaration

Must be signed by two witnesses. Neither of your witnesses may be:

- under the age of 18
- related to you by blood, marriage or domestic partnership
- your attending physician
- an employee of your attending physician
- an employee of a health care facility where you are a patient
- the person who signed your declaration for you, if you were unable to sign it yourself
- a person entitled to any part of your estate by operation of law or under your will, or
- a person directly financially responsible for your medical care.

If you are a patient in a skilled care facility, one witness must be a patient advocate or ombudsman.

Durable Power of Attorney for Health Care

Must be signed by two witnesses. Neither of your witnesses may be:

- under the age of 18
- your health care attorney-in-fact
- your health care provider, or
- an employee of your health care provider.

In addition, one of your witnesses must not be related to you by blood, marriage, or adoption and must not be entitled to any part of your estate by operation of law or under your will.

Florida

Living Will

Must be signed by two witnesses, one of whom must not be your spouse or related to you by blood.

Designation of Health Care Surrogate

Must be signed by two witnesses, both of whom must be at least 18 years old. Neither witness may be your health care surrogate. In addition, one of your witnesses must not be your spouse or a blood relative.

Georgia *Advance Directive for Health Care*

Must be signed by two witnesses. Neither of your witnesses may be:

- under the age of 18
- your health care agent
- a person who is directly involved in your health care,
or
- a person who will knowingly inherit anything from you
or knowingly gain a financial benefit from your death.

In addition, only one of your witnesses may be an employee, agent or medical staff member of the hospital, skilled nursing facility, hospice or other health care facility in which you are receiving health care. (This witness is still prohibited from being directly involved in your health care.)

Hawaii *Advance Health Care Directive*

If you grant power to direct your burial or cremation, your document must be notarized. If you do not grant this power, you may choose to have your document signed by two witnesses or notarized. If you choose to have the document witnessed, neither of your witnesses may be:

- your health care agent
- a health care provider, or
- an employee of a health care provider facility.

In addition, at least one of your witnesses must not be related to you by blood, marriage or adoption—and must not be entitled to any part of your estate by operation of law or under your will.

Idaho

Living Will and Durable Power of Attorney for Health Care

Idaho law does not require that your documents be witnessed or notarized. However, witnesses are recommended to avoid concerns that the document was forged, that you were forced to sign it or that it does not represent your wishes. If you choose to have your documents witnessed, we suggest that your witnesses be at least 18 years old and that your health care agent not act as a witness.

Illinois

Declaration

Must be signed by two witnesses. Neither of your witnesses may be:

- under the age of 18
- the person who signed your declaration for you, if you were unable to sign it yourself
- a person entitled to any part of your estate by operation of law or under your will, or
- a person directly financially responsible for your medical care.

Durable Power of Attorney for Health Care

Must be signed by one witness. Your witness may not be:

- under the age of 18
- your attending physician, advanced practice nurse, physician assistant, dentist, podiatric physician, optometrist, or psychologist
- a relative of any of the health care professionals listed just above

- an owner, operator or relative of an owner or operator of a health care facility in which you are a patient or resident (this includes directors or executive officers of an operator that is a corporate entity, but not other employees of the operator, such as non- owner chaplains, social workers or nurses)
- a parent, sibling, or descendant, or the spouse of a parent, sibling, or descendant, of either you, your agent, or your alternate agent, regardless of whether the relationship is by blood, marriage, or adoption, or
- your agent or alternate agent for health care.

Indiana

Living Will Declaration

Must be signed by two witnesses. Neither of your witnesses may be:

- under the age of 18
- your parent, spouse, or child
- a person entitled to any part of your estate
- a person directly financially responsible for your medical care, or
- the person who signed your declaration for you, if you were unable to sign it yourself.

Durable Power of Attorney for Health Care and Appointment of Health Care Representative

Must be notarized.

Iowa

Declaration & Durable Power of Attorney for Health Care

Both documents must follow the same requirements: Must be signed by two witnesses or notarized.

If you choose to have the document witnessed, neither of your witnesses may be:

- under the age of 18
- your health care agent
- your health care provider, or
- an employee of your health care provider.

In addition, one of your witnesses must not be related to you by blood, marriage, or adoption within the third degree of consanguinity (parents, children, siblings, grandchildren, grandparents, uncles, aunts, nephews, nieces, and great-grandchildren).

Kansas

Declaration

Must be signed by two witnesses or notarized. Neither of your witnesses may be:

- under the age of 18
- the person who signed your declaration for you, if you were unable to sign it yourself
- related to you by blood or marriage
- entitled to any part of your estate by operation of law or under your will, or
- directly financially responsible for your health care.

Durable Power of Attorney for Health Care Decisions

Must be signed by two witnesses or notarized.

If you choose to have the document witnessed, neither of your witnesses may be:

- under the age of 18
- your agent for health care decisions
- related to you by blood, marriage, or adoption
- entitled to any part of your estate by operation of law or under your will, or
- directly financially responsible for your health care.

Kentucky

Advance Directive

Must be signed by two witnesses or notarized. Neither of your witnesses nor the notary may be:

- related to you by blood
- your beneficiary by operation of Kentucky law
- your attending physician
- an employee of a health care facility where you are a patient, unless the employee serves as a notary public, or
- directly financially responsible for your health

Louisiana

(Nolo does not provide legal information about estate planning in Louisiana.)

Maine

Advance Health Care Directive

The document must be signed by two witnesses. Although the law does not restrict who can serve as a witness, we suggest that your witnesses be at least 18 years old and that your health care agent not act as a witness.

Maryland

Advance Directive

The document must be signed by two witnesses. The person you name as your health care agent cannot serve as a witness. In addition, at least one of your witnesses must be a person who is not entitled to any portion of your estate, and who is not entitled to any financial benefit by reason of your death.

Massachusetts *Document Directing Health Care & Health Care Proxy*

S

Both documents must be signed by two witnesses. Neither of your witnesses may be:

- under the age of 18, or
- your health care agent.

Michigan *Document Directing Health Care*

Must be signed by two witnesses. Although the law does not restrict who can serve as a witness, we suggest that your witnesses be at least 18 years old and that your patient advocate not act as a witness.

Patient Advocate Designation

Must be signed by two witnesses. Neither of your witnesses may be:

- under the age of 18
- your spouse, parent, child, grandchild, or sibling
- your patient advocate
- your physician
- an employee of your life or health insurance provider
- an employee of a health care facility where you are a patient
- an employee of a home for the aged where you live,
or

- entitled to any portion of your estate by operation of law or under your will.

Minnesota *Health Care Directive*

Must be signed by two witnesses or notarized. Neither of your witnesses nor the notary may be your health care agent.

If you choose to have the document witnessed, at least one of the witnesses may not be a health care provider or an employee of a provider directly attending to you.

If you choose to have the document notarized, the notary may not be your health care agent.

Mississippi *Advance Health Care Directive*

Must be signed by two witnesses or notarized.

If you choose to have the document witnessed, neither of your witnesses may be:

- under the age of 18
- your health care agent
- a health care provider, or
- an employee of a health care provider or facility.

In addition, one witness must not be related to you by blood, marriage or adoption and must not be entitled to any part of your estate by operation of law or under your will.

Missouri

Declaration

Must be signed by two witnesses. Neither of your witnesses may be:

- under the age of 18, or
- the person who signed your declaration for you, if you were unable to sign it yourself.

Durable Power of Attorney for Health Care

If you grant your agent power to direct your burial or cremation, your document must be signed in front of two witnesses and notarized. If you do not grant this power, only the notary is necessary.

Montana

Declaration & Durable Power of Attorney for Health Care

Both documents must be signed by two witnesses. Although the law does not restrict who can serve as a witness, we suggest that your witnesses be at least 18 years old and that your health care agent not act as a witness.

Nebraska *Declaration*

Must be signed by two witnesses or notarized. If you choose to have the document witnessed, neither of your witnesses may be:

- under the age of 18, or
- an employee of your life or health insurance provider.

In addition, one witness may not be a director or employee of your treating health care provider.

Durable Power of Attorney for Health Care

If you grant your agent power to direct your burial or cremation, your document must be notarized. If you do not grant your agent the power to direct your burial or cremation, you may choose to have your document signed by two witnesses or notarized. If you choose to have the document witnessed, neither of your witnesses may be:

- your attorney-in-fact for health care decisions
- your attending physician
- your spouse, parent, child, grandchild or sibling
- your presumptive heir or known devisee, or
- an employee of your life or health insurance provider.

In addition, one of your witnesses must not be an administrator or employee of your health care provider.

Nevada

Declaration

Must be signed by two witnesses. Although the law does not restrict who can serve as a witness, we suggest that your witnesses be at least 18 years old and that your attorney-in-fact for health care decisions not act as a witness.

Durable Power of Attorney for Health Care Decisions

If you grant your agent power to direct your burial or cremation, your document must be notarized. If you do not grant this power, you may choose to have your document signed by two witnesses or notarized. If you choose to have the document witnessed, neither of your witnesses may be:

- under the age of 18
- your attorney-in-fact for health care decisions
- a health care provider
- an employee of a health care provider
- the operator of a health care facility, or
- an employee of the operator of a health care facility.

In addition, one of your witnesses must not be related to you by blood, marriage, or adoption and must not be entitled to any part of your estate by operation of law or under your will.

New
Hampshire

Advance Directive

Must be signed by two witnesses or notarized. If you choose to have the document witnessed, neither of your witnesses may be:

- under the age of 18
- your health care agent
- your attending physician or advanced registered nurse practitioner (ARNP) or a person acting under the direction or control of the attending physician or ARNP
- your spouse, or
- entitled to any part of your estate by operation of law or under your will.

In addition, no more than one witness may be a health or residential care provider or such provider's employee.

New Jersey

Combined Advance Directive for Health Care & Instruction Directive or Proxy Directive

Any document must be signed by two witnesses or notarized.

If you choose to have the document witnessed, neither of your witnesses may be:

- under the age of 18, or

- your health care representative.

New Mexico *Advance Health Care Directive*

The law does not require that your advance directive be witnessed. However, witnesses are recommended to avoid concerns that the document might be forged, that you were forced to sign it, or that it does not genuinely represent your wishes. If you choose to have your document witnessed, we suggest that your witnesses be at least 18 years old.

New York *Document Directing Health Care & Health Care Proxy*

Both must be signed by two witnesses. Neither of your witnesses may be:

- under the age of 18
- your health care agent, or
- the person who signed the declaration for you, if you were unable to sign it for yourself

If you reside in a mental health facility, your witnesses must meet additional requirements. Ask your mental health care provider for more information.

North
Carolina

Advance Directive

Must be signed by two witnesses and notarized. Neither of your witnesses may be:

- related to you by blood or marriage
- your attending physician or mental health treatment provider
- a licensed health care provider who is (1) an employee of your attending physician or mental health treatment provider, (2) an employee of the health facility in which you are a patient, or (3) an employee of a nursing home or any adult care home where you reside
- a person entitled to any part of your estate by operation of law or under your will, or
- a person with a claim against you or your estate.

Health Care Power of Attorney

Must be signed by two witnesses and notarized. Neither of your witnesses may be:

- under the age of 18
- related to you by blood or marriage

- your attending physician or mental health treatment provider
- a licensed health care provider who is (1) an employee of your attending physician or mental health treatment provider, (2) an employee of the health facility in which you are a patient, or (3) an employee of a nursing home or any adult care home where you reside
- a person entitled to any part of your estate by operation of law or under your will, or
- a person with a claim against you or your estate.

North Dakota Must be signed by two witnesses or notarized. Neither the witnesses nor the notary may be:

- under the age of 18
- your spouse or another person related to you by blood, marriage or adoption
- your health care agent
- a person entitled to any part of your estate upon your death, or
- a person with a claim against your estate.

In addition, at least one witness must not be a health care or long-term care provider providing you with direct care or an employee of the health care or long-term care provider providing you with direct care. (This restriction does not apply to the notary.)

Ohio

Declaration

Must be signed by two witnesses or notarized. If you choose to have the document witnessed, neither of your witnesses may be:

- under the age of 18
- related to you by blood, marriage, or adoption
- your attending physician
- an administrator of a nursing home where you receive care, or
- the person who signed your declaration, if you were unable to sign it yourself.

Durable Power of Attorney for Health Care

Must be signed by two witnesses or notarized. If you choose to have the document witnessed, neither of your witnesses may be:

- under the age of 18
- related to you by blood, marriage, or adoption
- your attorney-in-fact
- your attending physician, or
- an administrator of a nursing home where you receive care.

Oklahoma *Advance Directive for Health Care*

If you grant your agent power to direct your burial or cremation, your document must be signed in front of two witnesses and notarized. If you do not grant this power, only the witnesses are necessary. Neither of your witnesses may be:

- under the age of 18
- related to you by blood, marriage, or adoption, or
- a person who might inherit from you.

Oregon *Advance Directive*

Must be signed by two witnesses.

Neither of your witnesses may be:

- your health care representative, or
- your attending physician

One witness may not be:

- related to you by blood, marriage or adoption
- an owner, operator or employee of a health care facility where you are a resident, or
- a person entitled to any part of your estate upon your death.

Pennsylvania *Declaration & Durable Power of Attorney for Health Care*

Both documents must be signed by two witnesses. Neither of your witnesses may be:

- under the age of 18, or
- the person who signed your declaration for you, if you were unable to sign it yourself.

Rhode Island *Declaration*

Must be signed by two witnesses. Your witnesses may not be related to you by blood or marriage.

Durable Power of Attorney for Health Care

If you grant your agent power to direct your burial or cremation, your document must be notarized. If you do not grant this power, you may choose to have your document signed by two witnesses or notarized.

If your document will be notarized, the notary may not be:

- related to you by blood, marriage, or adoption, or
- entitled to any part of your estate by operation of law or under your will.

If you choose to have the document witnessed, neither of your witnesses may be:

- under the age of 18
- your health care agent
- a health care provider
- an employee of a health care provider
- the operator of a community care facility, or
- an employee of an operator of a community care provider.

In addition, one of your witnesses must not be related to you by blood, marriage, or adoption and must not be

entitled to any part of your estate by operation of law or under your will.

Declaration

Must be signed by two witnesses and notarized. Neither of your witnesses may be:

- related to you by blood, marriage, or adoption
- your attending physician
- an employee of your attending physician
- a person directly financially responsible for your medical care
- a person entitled to any part of your estate by operation of law or under your will
- a beneficiary of your life insurance policy, or
- a person who has a claim against your estate.

No more than one of your witnesses may be an employee of a health care facility where you are a patient. **If you are in a hospital or nursing care facility when you sign your declaration, at least one of your witnesses must be an ombudsman designated by the state.**

Health Care Power of Attorney

Must be signed by two witnesses and notarized. Neither of your witnesses may be:

- your health care agent
- your attending physician

- an employee of your attending physician
- related to you by blood, marriage, or adoption
- directly financially responsible for your medical care
- the beneficiary of an insurance policy on your life
- a person with a claim against your estate at the time you sign your document, or
- a person entitled to any portion of your estate by operation of law or under your will.

In addition, only one witness may be an employee of a health care facility in which you are a patient.

South Dakota *Living Will Declaration*

Must be signed by two witnesses, both of whom are at least 18 years old, and may also be notarized, although notarization is optional.

Durable Power of Attorney for Health Care

Must be signed by two witnesses, both of whom are at least 18 years old.

Tennessee *Advance Health Care Directive*

Must be signed by two witnesses or a notary. If you choose to have your document witnessed, both witnesses must be competent adults and neither may be your health care agent. In addition, at least one of your witnesses must not be related to you by blood, marriage, or adoption—and

must not be entitled to any part of your estate by operation of law or under your will.

Texas

Directive to Physicians and Family or Surrogates

Must be signed by two witnesses. Your witnesses must be at least 18 years old. In addition, at least one of your witnesses may not be:

- your health care agent
- related to you by blood or marriage
- your attending physician
- an employee of your attending physician
- an employee of a health care facility in which you are a patient if the employee is providing direct care to you or is an officer, director, partner, or business office employee of the health care facility or of any parent organization of the health care facility, or an employee of a health care facility in which you are a patient if the employee is providing direct care to you or is an officer, director, partner, or business office employee of the health care facility or of any parent organization of the health care facility, or

- a person who is entitled to or has a claim against any part of your estate after your death.

Medical Power of Attorney

If you grant your agent power to direct your burial or cremation, your document must be signed by two witnesses and notarized. Your witnesses must be at least 18 years old. In addition, at least one of your witnesses may not be:

- your health care agent
- related to you by blood or marriage
- your attending physician
- an employee of your attending physician
- an employee of a health care facility in which you are a patient if the employee is providing direct care to you or is an officer, director, partner, or business office employee of the health care facility or of any parent organization of the health care facility, or
- a person who is entitled to or has a claim against any part of your estate after your death.

If you do not grant your agent power to direct your burial or cremation, you may choose to have your document signed

by two witnesses (subject to the requirements, above) or notarized.

Utah

Advance Health Care Directive

Must be signed by one witness. Your witness may not be:

- under the age of 18
- your health care agent
- related to you by blood or marriage
- a health care provider who is providing care to you
- an administrator at a health care facility where you are receiving care
- a person directly financially responsible for your medical care
- a beneficiary of a life insurance policy, trust, qualified plan, pay-on-death account, or transfer-on-death deed that is held, owned, made, or established by you or on your behalf
- entitled to benefit financially upon your death
- entitled to a right to, or interest in, any of your real or personal property upon your death, or

- the person who signed your document for you, if you were unable to sign it yourself.

If you grant your agent power to direct your burial or cremation, your document must be signed in front of two witnesses.

Vermont

Advance Directive

Must be signed by two witnesses. Neither witness may be:

- under the age of 18
- your health care agent, or
- your spouse, parent, adult sibling, adult child, or adult grandchild

In addition, if you are a patient in a hospital, nursing home or residential care facility, a designated person must sign the document after explaining it to you. Ask a patient representative for help with this requirement.

Virginia

Advance Medical Directive

If you grant your agent power to direct your burial or cremation, your document must be signed in front of two witnesses and notarized—and your health care agent must sign the part of the document that grants the power.

If you do not grant your agent power to direct your burial or cremation, only the witnesses are necessary.

Your witnesses must be over the age of 18. In addition, we suggest that your health care agent not act as a witness.

Washington *Health Care Directive*

Must be signed by two witnesses. Neither of your witnesses may be:

- under the age of 18
- related to you by blood or marriage
- your attending physician
- an employee of your attending physician
- an employee of a health care facility where you are a patient
- a person entitled to any part of your estate by operation of law or under your will, or
- a person with a claim against your estate.

Durable Power of Attorney for Health Care

Must be signed by two witnesses or notarized. If you choose to have your document witnessed, neither of your witnesses may be:

- under the age of 18
- related to you by blood, marriage, or state-registered domestic partnership, or

- a care provider for you at your home, at an adult family home, or at a long-term care facility if you live there.

West Virginia *Living Will & Medical Power of Attorney*

Both documents must meet the same requirements: Must be signed by two witnesses and notarized. Neither of your witnesses may be:

- under the age of 18
- your health care representative or successor representative
- the person who signed your document, if you were unable to sign it yourself
- related to you by blood or marriage
- your attending physician
- a person directly financially responsible for your medical care, or
- a person entitled to any part of your estate by operation of law or under your will.

Wisconsin *Declaration to Physicians*

Must be signed by two witnesses. Neither of your witnesses may be:

- related to you by blood, marriage, or adoption
- your domestic partner
- your health care provider
- an employee of your health care provider, other than a chaplain or a social worker
- an employee of an inpatient health care facility where you are a patient, other than a chaplain or a social worker
- a person directly financially responsible for your medical care
- a person who has a claim against your estate, or
- a person entitled to any part of your estate by operation of law or under your will.

Power of Attorney for Health Care

Must be signed by two witnesses. Neither of your witnesses may be:

- under the age of 18

- your health care agent
- related to you by blood, marriage, or adoption
- your domestic partner
- your health care provider
- an employee of your health care provider, other than a chaplain or a social worker
- an employee of an inpatient health care facility where you are a patient, other than a chaplain or a social worker
- a person directly financially responsible for your medical care, or
- a person with a claim against your estate.

Wyoming *Advance Health Care Directive*

Must be signed by two witnesses or notarized. If you choose to have the document witnessed, both witnesses must be competent adults who know you personally. In addition, neither of your witnesses may be:

- your health care agent
- a treating health care provider
- an employee of a treating health care provider
- the operator of a community care facility
- an employee of an operator of a community care facility
- the operator of a residential care facility, or
- an employee of an operator of a residential care facility.

[Nolo.com/legal-encyclopedia/finalization-requirements-health-care-directives.html](https://www.nolo.com/legal-encyclopedia/finalization-requirements-health-care-directives.html)

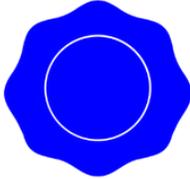
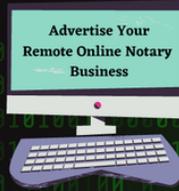


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