WEST VIRGINIA CODE: §16-5X-2

§16-5X-2. Caregiver designation.

(a) (1) A hospital shall provide a patient or the patient's legal guardian with an opportunity to designate one lay caregiver following the patient's admission into a hospital.

(2) If the patient is unconscious or otherwise incapacitated upon admission to the hospital, the hospital shall provide the patient's legal guardian with an opportunity to designate a lay caregiver following the patient's recovery of consciousness or capacity, so long as the designation or lack of a designation does not interfere with, delay or otherwise affect the medical care provided to the patient.

(3) If the patient or the patient's legal guardian declines to designate a lay caregiver under this article, the hospital shall promptly document that in the patient's medical record, and the hospital is considered to have complied with the provisions of this article.

(4) If the patient or the patient's legal guardian designates an individual as a lay caregiver under this article, the hospital shall promptly request the written consent of the patient or the patient's legal guardian to release medical information to the patient's designated lay caregiver pursuant to the hospital's established procedures for releasing personal health information and in compliance with applicable state and federal law.

(5) If the patient or the patient's legal guardian declines to consent to the release of medical information to the patient's designated lay caregiver, the hospital shall promptly document that in the patient's medical record, and the hospital is considered to have complied with the provisions of this article.

(6) The hospital shall record the patient's designation of a lay caregiver, the relationship of the lay caregiver to the patient, and the name and contact information of the patient's designated lay caregiver in the patient's medical record.

(b) A patient may elect to change his or her designated lay caregiver in the event that the originally designated lay caregiver becomes unavailable, unwilling or unable to care for the patient.

(c) Designation of a lay caregiver by a patient or a patient's legal guardian pursuant to the provisions of this article does not obligate any individual to perform any aftercare tasks for the patient.

(d) This article does not require a patient or a patient's legal guardian to designate any individual as a lay caregiver as defined by this article.

WV Legislature