

## Continuing the Journey ~ Douglas Nunn, Managing Director - CEO / Co-Founder

We classify many things at The Trust Company of Virginia as a journey. One journey was the founding 20 years ago when David Buffington, Richard Gates and I, along with four other intrepid individuals, started our firm. David passed away on February 28, 1998 but four of the original seven are continuing our mission of unparalleled service to individuals and families across Virginia. Another such journey is the evolution of our client service team facing multiple retirements over the past several years and recruiting the “best of the best” to carry on for the next 20 years. One of the many great things about TCVA is our unwavering focus to this mission. From the outset, we knew remaining independent, employee-owned and maintaining a tailored one-on-one approach to client asset management would serve both TCVA and our clients well.

As the journey continues, we have multiple initiatives underway to meet current and future client’s needs. We like to think of it as an “Information Overhaul” with major investments in technology, improving online capabilities with more investment, tax and planning information. In addition, we are expanding our investment options to meet the changing demographics of our clients.

An important part of these new initiatives is the realization that every day provides an opportunity for improvement. Our founding was dictated by meeting client needs, therefore, in order to more effectively keep up with these changing needs, we are establishing a client advisory group to meet periodically with Executive Management to make suggestions and to share ideas to help keep us a client focused firm. Please call me or email me (dnunn@tcva.com) if you are interested in participating in our Client Advisory Group.

*“You should live every day like it’s your last day because one day you’re gonna be right.” – Ray Charles*

Our success is not taken for granted, and we thank you for your continued support. Life’s journey is often too short and one should make a special attempt to be sure every new day is fuller and more memorable than the one before. At TCVA we look forward to being a part of your journey. ■



## Introduction

An advance directive is a document that any adult may complete in order to communicate his/her wishes regarding health care. This document goes into effect when the person who completed it becomes unable to make his/her own decisions. Each State has a version of this type of document, and States generally do recognize forms from other localities. The form is available online at <http://www.vhha.com/documents.html?id=341> and is broken down into three parts. Although it is recommended that you complete all three parts, an advance directive is still valid if only some parts are completed. You do not need an attorney to complete the form. All that is required is the signature of two witnesses. Once completed, it is best to you give a copy to your primary care physician and keep an additional copy in a location where you and your loved ones will know where to find it. Even though the form has changed over the years, old forms are still valid. However, it is a good idea to review your form periodically and to make revisions if you change your mind about any of its contents.

## Section One, Part A: Appointment of Agent

This section of the form is commonly referred to as a “durable power of attorney for healthcare”. This form is not a general power of attorney. A general power of attorney DOES NOT cover health care decisions. This form allows you to appoint someone to make health care decisions for you if you lose the ability to do it yourself. This is the most important part of the advance directive because it will allow you to plan for a variety of health care choices.

At the beginning of Section 1, the form asks you to select a “primary agent” and a “successor agent”. Place the name of only one individual on each line. Listing more than one individual as a primary agent might be legally permissible, but it could create serious problems when health care decisions must be made quickly. The person whom you list as the primary agent will have the power to make almost any health care decision for you if you become unable to do so for yourself. Choose a person whom you trust, and talk to him/her carefully about your desires. Your agent is required to make decisions based on your basic values, religious values, or any other preferences that communicate. He/she can only do this well if you have a clear conversation about your wishes.

Discuss your wishes with that person just as carefully as you did with your Primary Agent, and let him/her know that he/she will have authority to make your health care decisions if you are incapacitated and the Primary Agent is unavailable, unwilling, or incapable of acting on your behalf.

## Important points about your Appointment of Agent to Make Health Care Decisions:

- You will have full authority to make your own health care decisions until you are determined to be unable to do so. ASSIGNING AN AGENT DOES NOT GIVE THEM ANY

POWER AT ALL UNTIL YOU CANNOT MAKE DECISIONS FOR YOURSELF. This determination must be made by two clinicians of a legally defined type.

- If you are found unable to make your own healthcare decisions, your agent will only be able to make decisions for you until you regain the ability. You will be able to make your own decisions as soon as a doctor determines that you can.

## Section One, Part B: Powers Of My Agent

If you don't make any changes to the advance directive form, your agent will have the power to make almost every type of health care decision for you. It is important that you read each of the numbered paragraphs in this section. If you do not want your agent to have any particular power that is listed on the form, cross through that paragraph and initial next to the paragraph that you crossed out. Paragraph 9 allows you to list any people that you want to visit you, or don't want to visit you. If you leave this line blank, your agent will have the ability to control visitation on your behalf. Paragraph 10 allows you to give special directions to your decision maker. If there is something important that you want your agent to know or do, include that information here. If you choose not to write anything down in either paragraph 9 or 10, either cross the empty section out or write “no special instructions” on the unused lines.

## Section Two: My Health Care Instructions

This section of the form gives you a place to list special instructions that you might have for healthcare, especially when you are terminally ill or if you are in an unconscious condition and are not likely to recover.

Part One asks what kind of healthcare you would like if you suffer from an incurable illness or injury and you are likely to die soon. If, when you are terminally ill, you would not want to have your doctors keep you alive by using feeding tubes or breathing machines, check the first box. If, when you are terminally ill, you would want your doctors to keep you alive by using feeding tubes or breathing machines, check the second box. This part of the form also allows you to write down any special desires that you have. If you choose not to add any special instructions, cross through the blank lines or write “no special instructions”.

Part Two of this section asks what kind of healthcare you would like if you are likely to be unconscious for the rest of your life. If, when you are in a permanent coma (also called a persistent vegetative state), you would not want to have your doctors keep you alive by using feeding tubes or breathing machines, check the first box. If, when you are in a permanent coma, you would want your doctors to keep you alive by using feeding tubes or breathing machines, check the second box. If, when you are in a permanent coma, you would want the doctors to keep you alive for a short time, but then to take away artificial feeding or breathing machines if you do not

wake up, check the third box and indicate the length of time that you would want to wait before the life prolonging care is removed. This part of the form also allows you to write down any special desires that you have. If you choose not to add any special instructions, cross through the blank lines or write “no special instructions”.

### Section Three: Anatomical Gift

This is your chance to become an organ donor or to donate your body to medicine, upon your death. Like your driver's license, this section constitutes legally binding consent. To become an organ donor, check the first box. If you want to donate your body to science for research or education, check the second box.

Be certain to provide any special instructions that you might have in the space provided. If you do not want to donate certain organs, for instance, make that clear. If you want something other than organ donation to be done with your body, make that clear. Be aware, however, that “donating your body to science” is not always simple. If you want your body to be used for any specific research purpose or to go to any particular medical school, you will have to make arrangements in advance. Once you have done so, make note of that fact in the space provided. If you leave no special note, it will be assumed that you consented to having all of your useful organs and tissue made available for transplant.

### Witnesses and Storage

Your advance directive must be signed by two adult witnesses. Any two adults, including family members, can be witnesses to your document. These people are not taking any responsibility for your care or for the cost of your care. They are not verifying any of the things that you put in your advance directive. These witnesses are only witnessing your signature, and saying that you are the person who completed the form. You do not need a lawyer or a notary public to complete this form.

Once you have completed your advance directive, you should store it in a place where you loved ones can easily find it when they need it. Do not put it in a safety deposit box. It is better to keep it in a file cabinet or drawer at home and to tell your loved ones where you have put it. You can also make copies of the document and give one to your doctor and another one to the hospital. The important thing is that people know that you have an advance directive and that they can find it when they need it.

### Important Definitions:

- Terminal Illness is defined as a situation involving disease, injury or illness in which it has been reasonably determined that no recovery is possible and that death is imminent, or that the patient is in a Persistent Vegetative State.



- Persistent Vegetative State is defined as a state of unconsciousness with no behavioral evidence of self-awareness or awareness of surroundings in a learned manner, other than reflex activity of muscles and nerves for low level conditioned response, and from which, to a reasonable degree of medical probability, there can be no recovery.
- Life Prolonging Care is defined as any treatment that is designed to prolong a patient's life when it is recognized that recovery is unlikely and that death is imminent, or that the patient is in a Persistent Vegetative State. Such treatments might include CPR, intubation, artificial provision of nutrition and hydration, or the provision of drugs or surgery. ■

*Michael Gillette, President of Bioethical Services of Virginia, is a medical ethicist from Lynchburg. A well-known expert on medical ethics, we were fortunate to have him as our featured speaker on April 29 at our Lynchburg Spring Forum.*

### In The Coming Weeks...

We will be implementing a state of the art email encryption system which will add another layer of protection for emails from The Trust Company that contain your personal information. The first time we send you an encrypted email you will receive instructions on how to log in to our authentication site and establish a password that will open all future encrypted emails.”

Soon, we will launch our new TCVA website with many improved features including tablet and cell phone compatibility.

## Unlock the borrowing power of your assets at The Trust Company

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Through our banking partner, Bancorp, we offer our clients the ability to acquire a line of credit secured by the assets in their account at The Trust Company. If you would like to know more about this service, contact your account administrator or go to our Services page on our website: [tcva.com](http://tcva.com).

## Retirement Plan Services

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At The Trust Company of Virginia we handle investments and trusts for individuals, families and endowments. To address the needs of our business clients and friends, we have partnered with The Trust Company of Knoxville in order to offer retirement plan services for businesses and their employees. This includes qualified 401(k), Profit Sharing and Pension Plans. If you would like to know more about this service, contact your account administrator or go to our Services page on our website: [tcva.com](http://tcva.com).

## Events around the Company

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- On April 29, Lynchburg clients and friends met at Boonsboro Country Club for lunch and a presentation by Michael Gillette, Ph. D. on Medical Ethics. Mike gave a lively presentation on a somewhat somber topic: Advanced Medical Directives and who needs one – basically anyone over 18 years of age. We found his talk so compelling, we asked him to write an article for this newsletter and hope any of our readers who do not have a medical directive will follow the instructions in his article.
- Williamsburg clients and friends enjoyed lunch at Le Yaca on April 30. Following lunch Linda Taylor, Executive Director of Hospice House & Support Care of Williamsburg and Bell Jo Rodgers, Hospice Nurse, shared their insights about hospice and end-of-life issues.
- May 20 is the date set for our Roanoke Spring Forum, a luncheon to be held at the Shenandoah Club. The topic at this Roanoke event is “Cyber Security Awareness: Keeping Yourself Safe in the Digital Age.” Christopher Fielder, our speaker, is the Department Chair for IT Programs, American National University.
- Our Richmond clients and guests will be treated to a presentation by Julia Reed, an author and speaker on all things Southern. This event will be held at Lewis Ginter Botanical Gardens on May 22 and several of the hors d’oeuvre will taken directly from Ms. Reed’s collection of essays and recipes, “Ham Biscuits, Hostess Gowns, and Other Southern Specialties: An Entertaining Life.”