



DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT ADVANCE HEALTH CARE DIRECTIVES	POLICY NO. <p style="text-align: center;">200.3</p>	EFFECTIVE DATE <p style="text-align: center;">06/01/04</p>	PAGE <p style="text-align: center;">1 of 2</p>
APPROVED BY: <div style="text-align: center; margin-top: 10px;"> </div> <p style="text-align: right; margin-top: 10px;">Director</p>	SUPERSEDES	ORIGINAL ISSUE DATE	DISTRIBUTION LEVEL(S) <p style="text-align: center;">2</p>

PURPOSE

- 1.1 The purpose of this policy and procedure is to be consistent with the requirements of Title 42, Code of Federal Regulations, Section 422.128 to ensure adult Medi-Cal beneficiaries served by the Los Angeles County Mental Health Plan (MHP) are provided with information (see Attachment I) concerning their rights under California State Law regarding Advance Health Care Directives and to ensure the information is updated when there are changes in State Law.

POLICY

- 2.1 It is the policy of the Los Angeles County Department of Mental Health (LACDMH) that all Medi-Cal beneficiaries over the age of 18 be given information concerning their rights under California State Law regarding Advance Health Care Directives at their first face-to-face contact for services and thereafter upon request by a Medi-Cal beneficiary.
- 2.2 In the event a beneficiary presents a specific completed, properly executed Advance Health Care Directive, the document shall be placed in the beneficiary's mental health medical record.
- 2.3 Provision of care is not conditioned on whether or not a beneficiary has executed an advance directive.

PROCEDURE

- 3.1 Medi-Cal beneficiaries, 18 years of age and older, shall be provided written information regarding Advance Health Care Directives at the time of the first face-to-face service contact and thereafter upon request.
- 3.2 Informational material regarding Advance Health Care Directives shall be maintained in compliance with existing California State Law and will be updated to reflect changes in State Law within 90 days of the implementation of a change.
- 3.3 In the event a Medi-Cal beneficiary presents a completed, properly executed Advance Health Care Directive to staff members of a directly operated or contracted provider, the Advance Health Care Directive shall be placed in the beneficiary's mental health record.



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3.4 Agencies shall document in a prominent part of the beneficiary's current health care record whether or not an Advance Health Care Directive has been executed.

REFERENCES

California Probate Code, Sections 4600 et seq, 4677, 4678, 4686, 4689, 4695, 4730, 4731, 4732, 4740, and 4742

ATTACHMENT

Attachment I Information Regarding Advance Health Care Directives

REVIEW DATE

This policy shall be reviewed on or before August, 2009.

ADVANCE HEALTH CARE DIRECTIVES FACT SHEET

What is an Advance Health Care Directive?

An Advance Directive is a legal document that allows an individual to state in advance their wishes should they become unable to make healthcare decisions.

In California, an Advance Directive consists of two parts: (1) appointment of an agent for healthcare; and (2) individual health care instructions.

What can an Advance Health Care Directive do for a person with a psychiatric disability?

- It allows you to make treatment choices now in the event you need mental health treatment in the future. You can tell your doctor, institution, provider, treatment facility, and judge what types of treatment you do and do not want.
- You can select a friend or family member to make mental health care decisions, if you cannot make them for yourself.
- It can improve communications between you and your physician.
- It may reduce the need for long hospital stays.
- It becomes a part of your medical record.

Who can fill out an Advance Health Care Directive?

Any person 18 years or older who has the "capacity" to make health care decisions. "Capacity" means the person understands the nature and consequences of the proposed healthcare, including the risks and benefits.

When does an Advance Health Care Directive go into effect?

An Advance Health Care Directive goes into effect when the person's primary physician decides the person does not have the "capacity" to make their own healthcare decisions. This means the individual is unable to understand the nature and consequences of the proposed healthcare.

The fact that a person has been admitted into a psychiatric facility does not mean the person lacks "capacity".

How long is an Advance Health Care Directive in effect?

In California, an Advance Health Care Directive is indefinite. You can change your mind at any time, as long as you have the "capacity" to make decisions. It is a good idea to review your Advance Health Care Directive yearly to make sure your wishes are stated.

Do I have to have an Advance Health Care Directive?

No. It is just a way of making your wishes known in writing, while you are capable. Your choices are important.

Where do I get legal advice about an Advance Health Care Directive?

Your Attorney
Protection and Advocacy, Inc.
Mental Health Association of Los Angeles
(213) 250-1500, Ext. 19

Where can I get the Advance Health Care Directive Forms?

Stationary Stores
Mental Health Association of Los Angeles
(213) 250-1500, Ext 19
Your Attorney

Who should have a copy of the Advance Health Care Directive?

- You. Your Advance Health Care Directive should be kept in a safe place, but easily accessible.
- Your agent; the person designated to make health care decisions if you are unable to do so.
- Each of your health care providers;
- Each of your mental health providers.

It is important that you keep track of who has a copy of your Advance Health Care Directive in case you make changes in the document.

Complaints concerning non-compliance with the advance directive requirements may be filed with the California Department of Health Services (DHS) Licensing and Certification by calling 1-800-236-9747 or by mail at P.O. Box 997413, Sacramento, California 95899-1414.