

ST. CLAIR COUNTY COMMUNITY MENTAL HEALTH AUTHORITY**BOARD POLICY**Date Issued **03/20**Page **1**

CHAPTER Recipient Rights	CHAPTER 05	SECTION 001	SUBJECT 0030
SECTION Recipient Rights	SUBJECT Advance Directives		
WRITTEN BY Pattie Hayes	REVIEWED BY Telly Delor		AUTHORIZED BY SCCCMHA Board

I. APPLICATION:

- SCCCMHA Board
- SCCCMHA Providers & Subcontractors
- Direct Operated Programs
- Community Agency Programs
- Residential Programs
- Specialized Foster Care

II. POLICY STATEMENT:

It shall be the policy of the St. Clair County Community Mental Health Authority (SCCCMHA) Board that ~~recipients individuals receiving services are to b~~will be notified of their right to formulate advance directives.

III. DEFINITIONS:

- A. Adult Foster Care Facility: Includes licensed facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.
- B. Advance Directive: Means a written document recognized under State law whereby a competent individual (person 18 years of age or older and of sound mind) gives instructions about their health care, which will be implemented at some future date, in the event the individual is unable to make his/her own health care decisions. A psychiatric advance directive is a tool for making decisions before a mental health crisis in which a competent individual (18 years of age or older and of sound mind) becomes unable to make a decision about the kind of treatment they want and the kind of treatment they do not want. A psychiatric advance directive informs family members, friends, and service providers of the wishes of the individual when they are unable to speak for themselves.
- C. Do-Not-Resuscitate Order (DNR): Means a properly (legally) executed document directing that, in the event an individual suffers cessation of both spontaneous respiration and circulation in a setting outside of a hospital, resuscitation will not be initiated.
- D. Durable Power of Attorney for Healthcare: Is the means by which a competent individual can, in advance, designate how that individual wants health care decisions made when he/she is unable to participate in medical treatment decisions or is terminally ill. Durable Power of Attorney for Mental Health is intended to ensure the individual's desire to accept or refuse health care or mental health care is honored when the individual is unable to participate in medical decisions.

CHAPTER Recipient Rights	CHAPTER 05	SECTION 001	SUBJECT 0030
SECTION Recipient Rights	SUBJECT Advance Directives		

E. Health Professional: Is defined as a paramedic, emergency medical technician, emergency medical technician specialist, a physician, a nurse, a medical first responder, a respiratory therapist, or a physician's assistant.

F. Patient Advocate: Means an individual designated to exercise powers concerning another individual's care, custody, and medical or mental health treatment or authorized to make an anatomical gift on behalf of another individual. The inability to participate in medical treatment decisions must be determined by an attending physician and another physician, after an examination, in writing, and included as part of the person's file. While a person is unable to participate in medical treatment decisions, a physician may obtain informed consent from an individual's Patient Advocate.

F-G. Recipient: Means an individual who receives mental health services from the Michigan Department of Health and Human Services (MDHHS), a community mental health services program, or a facility, OR from a provider that is under contract with the MDHHS or a community mental health services program.

Formatted: List Paragraph, No bullets or numbering

IV. STANDARDS:

- A. At system access, the Region 10 Pre-Paid Inpatient Health Plan (PIHP) Access Center, shall:
1. Ascertain if the ~~recipient~~individual has executed a durable power of attorney for mental health care (psychiatric advance directive);
 2. Ascertain if the ~~recipient~~individual desires to obtain information on advance directives; and
 3. Inform the ~~recipient~~individual of the policies on advance directives by disseminating a copy of the Region 10 PIHP Customer Handbook.
- B. SCCCMHA shall ensure the Customer Handbook contains a summary of the policies on advance directives, and that such information is reflective of the most current State law.
- C. SCCCMHA shall inform the referral network provider, via transmittal of the initial service authorization (for documentation into a prominent location of the individual's medical record), should the Access Center identify an individual with an advance directive.
- D. SCCCMHA shall ensure designated staff members are trained on its policies and procedures regarding advance directives.
- E. SCCCMHA and its contracted providers shall have a process in place to ask ~~recipients~~ individuals with a psychiatric disorder if he or she wants to develop a psychiatric advance directive.
- F. Medical advance directives only apply in long-term care situations, which, for the purposes of this policy, include group homes.

CHAPTER Recipient Rights	CHAPTER 05	SECTION 001	SUBJECT 0030
SECTION Recipient Rights	SUBJECT Advance Directives		

- G. SCCCMHA and its contracted providers shall annually, at the time of renewing the informed consent for treatment, remind ~~recipients~~ ~~individuals~~ that information on advance directives is available.
- H. SCCCMHA and its contracted providers shall provide all adult beneficiaries with written information on the advance directives policy, including a description of applicable State laws when requested. Recipients shall be notified that they may revoke an advance directive at any time.
- I. SCCCMHA and its contracted providers shall document in the ~~recipient's~~ ~~individual's~~ record as to whether or not the beneficiary has executed a psychiatric advance directive.
- J. A ~~recipient n individual~~ who is 18 years of age or older and of sound mind, may execute a ~~Ddo-Nnot-Rresuscitate Oorder~~ on his or her behalf. A Patient Advocate of a ~~recipient n individual~~ who is 18 years of age or older may execute a ~~Ddo-Nnot-Rresuscitate Oorder~~ on behalf of the ~~recipient at individual~~ if given that authority in the Patient Advocate designation documents. A guardian, with the power to execute a ~~Ddo-Nnot-Rresuscitate Oorder~~ as determined by a Court, may execute a ~~Ddo-Nnot-Rresuscitate Oorder~~ on behalf of a ward after complying with the stipulations as detailed in Standard J.1. below.
1. The power of a guardian to execute, reaffirm, and/or revoke a ~~Ddo-Nnot-Rresuscitate Oorder~~ on behalf of a ward is subject to the court order for guardianship. If the court order empowers a guardian to execute, reaffirm, and/or revoke a ~~Ddo-Nnot-Rresuscitate Oorder~~, the guardian shall comply with the following standards:
 - a. A guardian shall not execute a ~~Ddo-Nnot-Rresuscitate Oorder~~ unless the guardian does all of the following:
 - (1) Not more than 14 days before executing the ~~Ddo-Nnot-Rresuscitate Oorder~~, the guardian shall visit ~~their~~ ward, and, if meaningful communication is possible, consult with ~~their~~ ward about executing the ~~Ddo-Nnot-Rresuscitate Oorder~~.
 - (2) The guardian shall consult directly with ~~their~~ ward's attending physician as to the specific medical indications that warrant the ~~Ddo-Nnot-Rresuscitate Oorder~~.
 - b. If a guardian executes a ~~Ddo-Nnot-Rresuscitate Oorder~~, not less than annually after the ~~Ddo-Nnot-Rresuscitate Oorder~~ is first executed, the guardian shall do all of the following:
 - (1) Visit ~~their~~ ward and, if meaningful communication is possible, consult with ~~their~~ ward about reaffirming the ~~Ddo-Nnot-Rresuscitate Oorder~~.
 - (2) Consult directly with ~~their~~ ward's attending physician as to specific medical indications that may warrant reaffirming the ~~Ddo-Nnot-Rresuscitate Oorder~~.

CHAPTER Recipient Rights	CHAPTER 05	SECTION 001	SUBJECT 0030
SECTION Recipient Rights	SUBJECT Advance Directives		

2. A ~~recipient n individual~~ who is 18 years of age or older, of sound mind, and an adherent of a church or religious denomination whose members depend upon spiritual means through prayer alone for healing may execute a ~~Do-Not-Resuscitate Order~~ on his or her own behalf. A Patient Advocate of a ~~recipient n individual~~ who is 18 years of age or older and an adherent of a church or religious denomination whose members depend upon spiritual means through prayer alone for healing may execute a ~~Do-Not-Resuscitate Order~~ on behalf of the ~~recipientat individual~~.
3. In those situations where a ~~recipient n individual~~ has properly executed a ~~Do-Not-Resuscitate Order~~ and if the ~~recipient individual~~ is enrolled in a licensed hospice program, the Adult Foster Care Facility can contact the licensed hospice program, and honor the DNR, if the ~~recipient individual~~ suffers cessation of both spontaneous respiration and circulation (breathing and heart stops).
4. The execution of a Do-Not-Resuscitate Order and/or Patient Advocate designation can be challenged in ~~the courts~~ if an interested party believes the ~~recipient individual~~ is not competent and of sound mind, did not voluntarily execute the order, or if the order was issued by a guardian that is contrary to the wishes or best interests of their ward.
5. The Do-Not-Resuscitate Order must be on an appropriate form and properly executed, meaning all necessary signatures, including attestation of witnesses, are present.

V. PROCEDURES:

Program Supervisor

1. Ensures the above standards are observed.

VI. REFERENCES:

A. The Michigan Do-Not-Resuscitate Procedure Act, Act 193 of 1996, as amended

A-B. -Code of Federal Regulations, Section 422.128

B-C. Estates and Protected Individuals Code, Act 386 of 1998, as amended

C-D. Adult Foster Care Facility Licensing Act, Act 218 of 1979, as amended

VII. EXHIBITS:

None Available

VIII. REVISION HISTORY:

Dates issued 08/05; 11/06; 06/09; 10/11; 03/13; 02/14; 01/15; 01/16; 03/17; 03/18; 03/19; 03/20; 03/21.

CHAPTER Recipient Rights	CHAPTER 05	SECTION 001	SUBJECT 0030
SECTION Recipient Rights	SUBJECT Advance Directives		

