**WOODLANDS BEHAVIORAL HEALTHCARE NETWORK**

**POLICY & PROCEDURE**

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| **Title:**  | **Section:** |
| Advanced Directives | Customer Services |
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| **Doc. Number:** | **Revised & Approved:** | **Effective Date:** | **Responsible Staff:** |
| 5-003 | 6/16, 3/18 & 1/22 | 10/15/06 | Customer Service Staff/WBHN Staff |
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**PURPOSE:** To provide guidelines regarding application of Michigan Law for Woodlands service recipients to make decisions concerning their medical care – including the right to accept or refuse medical treatment and to formulate “Advanced Directives.”

**POLICY:** Woodlands Behavioral Healthcare Network shall honor valid Durable Powers of Attorney as presented for medical and psychiatric care. Woodlands shall honor decisions made by Identified Patient Advocates unless unable or otherwise not required by law. Woodlands shall honor decisions regarding the terminal care of a patient, made by a legally designated patient surrogate, if person is terminally ill, including requests for hospice care. Woodlands shall honor valid Do-Not-Resuscitate Orders when required to do so by Michigan law.

**Definitions:**

1. Advance Directive: Written instruction such as a living will or durable power of attorney for health care, recognized under State Law (whether by statue or by the courts of the state) and relating to the provision of the health care when the individual is incapacitated.
2. Medial Advance Directive: Written instructions regarding physical/medical health care. Examples of decisions made include hospital care, medication regimes, Do not Resuscitate Orders, or organ/tissue donation.
3. Psychiatric Advance Directive: Written instructions regarding care for psychiatric/mental health care decisions. Examples may include psychiatric hospitalization, MH treatment participation, medication regimes, or any specific psychiatric treatments such as ECT.
4. Do-Not-Resuscitate Order: In the State of Michigan, established through MCLA 333.1051 et seq, individuals are able to execute a document directing that in the event that the individual’s heart and breathing should stop, no person shall attempt to resuscitate that individual.
5. Durable Power of Attorney: In regards to Healthcare Decisions, (DPOA) In the State of Michigan, established through MCLA 700.5506 et seq. the state of Michigan allows an adult 18 years of age or older to of sound mind to designate a Patient Advocate who is able to make decisions concerning the care, custody and medical treatment if that individual is unable to participate in his/her medical and/or mental health treatment decisions.
6. Plan for Difficult Times (Crisis Planning): A plan established by a customer of Specialty Mental Health Services within the context of their Person-Centered Plans (PCP). Education about this option is required by the Michigan Department of Health and Human Services (MDHHS). The plan is intended to direct care when a customer begins to experience increased difficulty in managing his/her life or becomes genuinely incapacitated and an appointed agent acts on his/her behalf.

**Standards and Guidelines:**

1. In accordance with Medicaid Managed Care Regulations (42 CFR 422.128 and 42 CFR 438.6), Woodlands will maintain written policies and procedures for advance directives.
2. Woodlands shall provide adult beneficiaries with written information on advance directive policies and a description of applicable state law and their rights under applicable laws.
3. The information must be continuously updated to reflect any changes in state law as soon as possible but no later than 90 days after in becomes effective.
4. Woodlands shall inform individuals that grievances concerning noncompliance with the advance directive requirements may be filed with Customer Services.
5. Woodlands will educate staff concerning policies and procedures on advance directives.
6. Woodlands will perform the following for the entire network of services provided:
7. Evaluation of Michigan laws to develop Woodland’s policies.
8. Development of educational materials to customers.
9. Develop and distribute training and educational materials to staff of the agency.
10. Specific Procedures utilized throughout Woodlands will be developed for implementation and will identify tasks/steps such as:
11. Asking customers and potential customers about their Advance Directive status at the time of enrollment in services and annually thereafter.
12. Providing Advance Directive information and forms to complete.
13. Offering assistance to complete Advance Directive documents.
14. Documenting Advance Directive designations in customer record.
15. Document in prominent part of customer’s record if they have executed an advance directive.
16. Honoring Advance Directive decisions as required.
17. Woodlands is not required to provide care that conflicts with an advance directive.
18. Woodlands is not bound to follow expressed desires of any directive(s) if any of the following apply:
19. In the mental health professional’s opinion, compliance is not consistent with generally accepted community practice standards of treatment.
20. The treatment requested is not reasonably available.
21. Compliance is not consistent with applicable law.
22. Compliance is not consistent with court ordered treatment.
23. In the mental health professional’s opinion, there is a psychiatric emergency endangering the life of the patient or another individual and compliance is not appropriate under the circumstances.
24. Woodlands will not:
25. Provide legal or medical advice or service if a customer expresses a desire to execute an Advance Directive.
26. Discriminate or condition the provision of treatment based on whether or not the individual has executed an Advance Directive.

**REFERENCES:**

1. Medicaid Managed Care Regulations: 42 CFR 422.128, 42 CFR 438.3(j), 42 CFR 438.6
2. MDHHS/PIHP Contract: General requirements (Q5) Advance Directives Compliance
3. The Michigan Do-Not-Resuscitate Procedure Act (MDNRPA)
4. MCLA 333.1051 et seq.
5. The Patient Advocate Act, Part 5 of the Estates and Protected Individuals Code (EPIC) MCLA 700.506 et seq.
6. SWMBH Operating Policy 6.03