

QRTips

August 2016

What is an Advance Health Care Directive and why is it important?

An Advance Directive is a written instruction, such as a living will or durable power of attorney for health care, recognized under State law (whether statutory or as recognized by the courts of the State), relating to the provision of health care when the individual is incapacitated. (42 C.F.R. § 489.100). Advance care directives allow consumers to provide instructions about their preferences regarding the care they would like to receive if they develop an illness or a life-threatening injury and are unable to express their preferences. Advance care directives can also designate someone the patient trusts to make decisions about medical care if the client becomes unable to make (or communicate) these decisions. This is called **designating “power of attorney”** (for health care).”

Federal law requires hospitals, nursing homes, and other institutions that **receive Medicare or Medicaid funds to provide written information** regarding Advance Directives to all consumers when they initiate treatment. For more information see the California Attorney Generals website: http://oag.ca.gov/consumers/general/adv_hc_dir

For all Mental Health Plan (County and County Contract) providers:

-Providers shall provide written information regarding Advance Directives to **adult consumers** when they **have their first face-to-face service contact** with the consumer, when the consumer turns 18 and, thereafter, upon request from a consumer.

-Material provided shall be the [Advance Health Care Directives Information Sheet](#). -Provision of this material shall be documented in a progress note and on the [Intake/Advisement Checklist](#).

-For consumers **18-years and older** it is required that the “Advance Directive Information sheet” be presented during the **first initial contact following the 18th birthday** and documented on **Intake/Advisement Checklist**.

I (or if non-driving minor, the accompanying adult) was advised of and provided written information on the Car Seat regulation	<input type="checkbox"/>	<input type="checkbox"/>
I was offered Voter Registration. If I am under 18, it was offered to the accompanying adult.	<input type="checkbox"/>	<input type="checkbox"/>
Advance Directive (Consumers 18 years old and older)		
(For CYBH Consumers: Complete this section at the first review after client turns 18 yrs old)		
	Yes	No
I was given the Advance Directive Information Sheet	<input type="checkbox"/>	<input type="checkbox"/>
Date Given (ADIS): _____/_____/_____		
I gave the MHP staff my Advance Directive today	<input type="checkbox"/>	<input type="checkbox"/>
Consumer/Legal Guardian Signature: _____	Date signed: _____	
MHP Staff Signature: _____	Date signed: _____	

When the consumer presents their Advance Directive, the consumer checks the “yes” box and date is required in this section of the Intake/Advisement form.

On the front of the chart, a red label will be placed and the BHS Staff and/or County Contracted provider will indicate “Yes” or “No” if the consumer provided an Advance Directive. In the BHS Electronic Health Record (EHR), the BHS Staff will indicate if the consumer has an Advance Directive on file with HCA. This information will appear on the consumer Banner Bar in BHS EHR. In the event an adult consumer presents a completed, appropriately witnessed and signed executed Advance Directive to BHS staff and/or county contracted providers, the Advance Directive will be filled in the paper chart or scanned into the appropriate sub-folder titled, “Legal – Advance Directive”, of the consumer’s chart within the EHR.

CYS/AQIS has **Advance Health Care Directives Information sheets** in all threshold languages available on the [CYS QRT download](#) page and on http://ohealthinfo.com/bhs/about/medi_cal.

Advance Directive Policy and Procedure 02.06.01 is available and the updated version will be posted soon.