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CLARK COUNTY
WASHINGTON

Clark County Regional Support Network Policy Statement

Policy No.: CR04

Policy Title: Advance Directives

Effective Date: September 1, 2001

Policy: Clark County Regional Support Network and its sub-contracted providers shall respect and utilize Advance Directives for adult Medicaid consumers who have completed a Mental Health Advance Directive, in the provision of mental health services. Providers shall inform consumers who have not completed a Mental Health Advance Directive about their right to complete one, the available resources for doing so, and offer general information about Mental Health Advance Directives.

CCRSN and its sub-contracted providers shall protect against the provision of mental health services conditioned upon execution of an Advance Directive and protect against discrimination against an individual based on whether or not the individual has executed a Mental Health Advance Directive.

Reference: WAC 388-865-0430 (3), 42 CFR 422.128, Subpart I of part 489, 42 CFR 438.10 (g), 438.6 (i), RCW 71.32, RCW 11.94, Washington Mental Health Division RSN Contract, CCRSN Policy and Procedure CR01 Consumer Rights and Responsibilities, QM21 Clinical and Administrative Record Review.

Definition: *Advance Directive* - a written instruction, in which the individual makes a declaration of instructions or preferences or appoints an agent to make decisions on behalf of the individual regarding the individual's mental health treatment. This is a legal document that specifies an individual's choice and preferences regarding psychiatric treatment and care in the event the individual becomes incapacitated or incapable of making their own treatment choices. Advance Directives for psychiatric care are intended to be activated throughout the life span of the individual and utilized during "the most severe and disabling episodes of mental illness."

Procedure:

1. CCRSN-contracted providers shall ask all adult consumers age 18 and over whether they have a Mental Health Advance Directive at the time of intake. Providers shall maintain documentation in each adult consumer's medical record about whether or not the individual has executed an Advance Directive.

2. If a consumer is incapacitated at the time of intake and unable to articulate whether or not he or she has a completed Advance Directive, the provider shall make an inquiry about the Advance Directive as soon as the person is able to provide a response. The information shall be documented in the consumer's clinical record.

3. If a consumer indicates he or she has an Advance Directive, the intake clinician shall ask for a copy so it can become part of the clinical record. A consumer's refusal to provide a copy shall be documented in the clinical record.

4. CCRSN-contracted providers shall offer all adult consumers with written information about Mental Health Advance Directives and available resources for completing one in their primary language and in a format that may be easily understood. Providers shall also offer a verbal explanation of the procedure. This should be documented in the individual's clinical record along with a signed statement by the consumer, indicating his or her choice about completing an Advance Directive.

   a) Providers shall give Advance Directive information to the consumer's family or surrogate in the same manner that other materials about Mental Health Advance Directives are issued to a consumer.
   b) If a person is incapacitated at the time of intake, the provider shall ensure that information about Advance Directives is given to the consumer at an appropriate time (i.e., once he or she is no longer incapacitated or unable to receive such information).

5. CCRSN-contracted providers must act in accordance with provisions of a consumer's Mental Health Advance Directive to "the fullest extent possible," unless:

   a) violates accepted standards of care
   b) requests treatment not available
   c) compliance would violate applicable law
   d) compliance would endanger anyone
   e) inconsistent with purpose of court order relating to commitment (e.g. ITA)

6. CCRSN-contracted providers shall have a written policy to inform consumers that complaints concerning non-compliance with the Advance Directive may be filed with the Washington State Mental Health Division by contacting the Quality Improvement and Assurance section at 1-888-713-6010.

7. A consumer may revoke a Mental Health Advance Directive in writing if he or she elected this option when competent and indicated such in an executed Advanced Directive. A copy of the written revocation shall be filed the individual's clinical record and made available to mental health treatment providers.

8. CCRSN-contracted providers shall ensure that all existing and new staff are educated about the CCRSN Advanced Directive policy and procedure, all provisions of Washington laws and rules concerning Mental Health Advance Directives, and resources available to consumers who wish to complete an Advance Directive.

9. CCRSN-contracted providers shall review with consumers their rights, including the right to execute a Mental Health Advance Directive, at least annually. The review of rights shall be documented in the consumer's clinical record.

10. CCRSN shall provide notice to consumers if state law changes about Advance Directives as soon as possible, but no later than 90 days after the effective date of the change.

11. CCRSN shall review the staff training materials, new service recipient enrollment packet information concerning rights and responsibilities to ensure the written information meets federal, state, and CCRSN requirements.

12. CCRSN shall monitor provider compliance with federal, state, and CCRSN requirements through regular site visits and address compliance issues through its quality improvement process.

13. CCRSN shall monitor grievances concerning Mental Health Advance Directives and report identified trends to the CCRSN Quality Management Committee for review and evaluation of quality improvement opportunities.

Approved By: _____ Date: 5/25/05

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