

WHAT IS AN ADVANCE DIRECTIVE?

Individuals have the right under the law of the State of California to make decisions concerning healthcare, including the right to accept or refuse treatment and the right to formulate, at the individual's option, advance directive. The Shasta County Mental Health Plan has written policies respecting the implementation of those rights.

An Advance Directive is a legal document that allows people to direct their own healthcare even when they are in a coma, have dementia or are mentally incapacitated. A person can use an Advance Directive to spell out his/her wishes regarding physical and mental healthcare and to select someone to make healthcare decisions when he/she is unable to do so. Advance Directives cannot be used to force treatment.

In California, an Advance Directive includes (1) Appointment of a Healthcare Agent and (2) Individual Healthcare Instructions. A person may choose to complete either one or both of these parts. Either part is legally binding by itself.

Advance Directives are recognized in both the state and federal law.

WHY SHOULD I MAKE AN ADVANCE DIRECTIVE?

- An Advance Directive can empower you to make treatment choices prior to a time that you're incapable of making them.
- An Advance Directive can improve communication between you and your doctor. Completing an Advance Directive is a good way to open up discussion with your healthcare providers about treatment plans and the full spectrum of treatment choices.
- An Advance Directive can help prevent clashes with family members and healthcare providers because treatment discussions take place before a crisis.
- Completing an Advance Directive creates an opportunity for you to discuss your wishes in detail with family and friends. This may help them be a more effective advocate for you when you are unable to advocate for yourself.
- An Advance Directive may prevent forced treatment.
- An Advance Directive may reduce the need for long hospital stays.

ADVANCE DIRECTIVES HAVE THREE PRIMARY COMPONENTS:

- Designation of a Healthcare Agent
- Individual Healthcare Instructions
- Signature Pages

DESIGNATION OF A HEALTHCARE AGENT

A Healthcare Agent is a person you designate to be responsible for following your healthcare wishes. The Healthcare Agent will make healthcare decisions for you based on your specific instructions in the Advance Directive when you lose the ability to make decisions for yourself.

It is not necessary to name a Healthcare Agent in order to complete an Advance Directive. If you do not choose an agent, your healthcare provider is still required to follow your wishes as specially expressed in your Advance Directive.

INDIVIDUAL HEALTHCARE INSTRUCTIONS

Individual Healthcare Instructions are the way in which a person can tell his/her doctor, family or agent what his/her decisions are regarding physical and mental health treatment. A person can use Individual Healthcare Instructions to let his/her healthcare provider know

what they would like done under what circumstances. This may include agreeing to certain treatments or refusing specific treatment or services.

SIGNATURE PAGES

In order to be valid, an Advance Directive must have the person's signature, the date the Advance Directive was made and the signature of either two witnesses or an acknowledgement by a notary public.

WHEN DOES AN ADVANCE DIRECTIVE GO INTO EFFECT?

An Advance Directive goes into effect when the person's primary physician determines that the person lacks capacity to make healthcare decisions. The primary physician must note this determination in the person's healthcare record and tell the person and his/her agent of the determination. An Advance Directive is no longer in effect when the primary physician determines that the person has regained capacity.

WHEN DOES THE AGENT'S POWER GO INTO EFFECT?

Normally, an agent's authority to make healthcare decisions would go into effect only when the person was determined to lack capacity to make healthcare decisions. However, the person does have

the option of authorizing his/her agent to begin making healthcare decisions immediately. Because of the potentially far-reaching powers that a Healthcare Agent can have, it is essential that the person choose an agent that they know and trust.

WHO CAN MAKE AN ADVANCE DIRECTIVE?

Any adult who has the "capacity" to make healthcare decisions and is acting of his/her own free will may make an Advance Directive. An Advance Directive can designate an agent or it can stand alone as a legal document with expressed individual healthcare instructions. Beneficiaries will not be discriminated against based on whether or not they execute an Advance Directive.

COMPLAINTS

Complaints regarding non-compliance with the Advance Directive may be filed with the Department of Health Care Services, Licensing and Certification Division at 1-800-236-9747.

For assistance call Shasta County Mental Health Advocacy Services at (530) 225-5506.

Advance Directive

Don't wait! Make your healthcare decisions known today.

**For assistance call
(530) 225-5506**

