

	Date Approved: <u>May, 31, 2004</u> By: <u>Marye Thomas, M.D.</u> Mental Health Director
POLICY: <u>ADVANCE DIRECTIVE</u>	Date Revised: <u>6/2/10</u> Policy No.: _____

**Policy Statement:**

Alameda County Behavioral Health Care Services (ACBHCS) and its Behavioral Health Plan (BHP) require that beneficiaries are provided with information about Advance Directive in accordance with Title 42, CFR, Section 422.128 and given additional information about their rights under California Law, Probate Code, Sections 4600-4678; 4695-4698; and 4735-4736. This policy applies to all county-operated and contracted providers and is effective May 31, 2004.

**Procedure:**

- Providers will give the information sheet or booklet entitled “Your Right to Make Decisions About Medical Treatment” to the beneficiary in the following situations:
  - Upon enrollment for services if age 18 and over
  - When the beneficiary turns 18 years of age
  - Upon request
  - For Mental Health Plan (MHP) beneficiaries, annual notification that the materials are available for their review (using the May 2010 “Informing Materials” packet).
- The “Your Right to Make Decisions About Medical Treatment” booklet contains all five threshold language translations.
- ACBHCS and its BHP are not required to assist with the execution of Advance Directive and, as providers, you are not required to do so.
- After informing the beneficiary, inquire if he/she previously executed an Advance Directive and document the beneficiary’s response in a prominent part of the beneficiary’s current clinical record. (MHP providers will document via the May 2010 “Informing Materials” packet.)
- The provision of care will not be conditional on whether or not beneficiaries have executed an Advance Directive, and beneficiaries are not discriminated against based on whether or not an Advance Directive has been executed.
- Beneficiaries are to be informed that complaints concerning non-compliance with Advance Directive requirements may be filed with the California Department of Health Services (DHS) Licensing and Certification by calling 1-800-236-9747 or by mail at P.O. Box 997413, Sacramento, CA 95899-7413.
- ACBHCS Administration offices will provide for community education regarding Advance Directive. This may be in the form of written materials as included in the “Your Right to Make Decisions About Medical Treatment” booklet or educational presentations to community members. The written materials are to be updated by ACBHCS no later than 90 days after the effective date of state law changes.