



*“The California Consortium on Patient Self-Determination prepared the preceding text, which has been adopted by the California Department of Health Services to implement Public Law 101-509.”*

You will not be discriminated against based on whether or not you have executed an Advance Directive

202 N. Eighth Street, El Centro, CA 92243

## **Advance Directives**

### **What is an Advance Directive?**

An Advance Directive is a legal document that allows an individual to state in advance their wishes should they become unable to make health care decisions.

In California, an Advance Directive consists of two parts: (1) appointment of an agent for health care; and (2) individual health care instructions.

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## **What can an Advance Directive do for a person with a psychiatric disability?**

- It allows you to make treatment choices now in the event you need mental health treatment in the future. You can tell your doctor, institution, provider what treatment you do and do not want.
- You can select a friend or family member to make mental health care decisions, if you cannot make them for yourself.
- It can improve communications between you and your physician.
- It may prevent forced treatment.
- It may reduce the need for long hospital stays.
- It becomes a part of your medical record.

## **Your Right to Make Decisions About**

**Medical Treatment:** This brochure explains your right to make health care decisions and how you can plan now for

to participate in health care decisions. We comply with California law regarding Advance Directives and care is not based on the presence or absence of an Advance Directive. Our policy protects your rights as a patient. If you feel your rights have been violated regarding implementation of Advance Directive requirements, you may contact 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, California 95899-1413.

## **Where can I get the Advance Directive Forms?**

- Stationary Stores
- Imperial County Behavioral Health Access Unit at 1-800-817-5292
- Your Attorney

## **Who should have a copy of the Advance Directive?**

- You. Your Advance Directive should be kept in a safe place, but easily accessible.
- Your agent.
- Each of your health care providers.
- Each of your mental health providers.

It is important that you keep track of who has a copy of your Advance Directive in case you make changes in the document.

## **Imperial County Behavioral Health**

**Services Policy:** All of us at Imperial County Behavioral Health Services want our patients to understand their rights

your medical care if you are unable to speak for yourself in the future.

A federal law requires us to give you this information. We hope this information will help increase your control over your medical treatment.

## **Who decides about my treatment?**

Your doctors or other treating staff will give you information and advice about treatment. You have the right to choose. You can say “Yes” to treatments you want. You can say “No” to any treatment that you do not want - even if the treatment might keep you alive longer.

**How do I know what I want?** Your treating staff must tell you about your medical condition and about what different treatments can do for you.

Many treatments have side effects. Your treating staff must offer you information about problems that medical treatment is likely to cause you.

Often, more than one treatment might help you - and people have different ideas about which is best. Your treating staff can tell you which treatments are available to you, but your treating staff cannot choose for you. That choice is yours to make and depends on what is important to you.

**Can other people help with my decisions?** Yes. Patients often turn to their relatives and close friends for help in making medical decisions. These people can help you think about the choices you face.

yourself. You can also let your agent make decisions earlier, if you wish.

- You can create an Individual Health Care Instruction by writing down your wishes about health care or by talking with your doctor or treating staff and asking them to record your wishes in your medical file. If you know when you would or would not want certain types of treatment, an Instruction provides a good way to make your wishes clear to your treating staff and to anyone else who may be involved in deciding about treatment on your behalf.

**Where do I get legal advice about an Advance Directive?**

- Your Attorney
- Senior Legal Services (for caregivers and Adults 60 years of age and over)

**Do I have to have an Advance Directive?**

No. It is just a way of making your wishes known in writing, while you are capable. Your choices are important.

**Will I still be treated if I do not make an Advance Directive?**

Absolutely. You will still get medical treatment. We just want you to know that if you become too sick to make decisions, someone else will have to make them for you. Remember that the following two types of Advance Health Care Directives may be used together or separately.

- A Power of Attorney for Health Care lets you name an agent to make decisions for you. Your agent can make most medical decisions - not just those about life sustaining treatment when you can't speak for

**Can I choose a relative or friend to make health care decisions for me?**

Yes. You may tell your doctor or other treating staff that you want someone else to make health care decisions for you. Ask the treating staff to list that person as your health care “surrogate” in your medical record. The surrogate’s control over your medical decisions is effective only during treatment for your current illness or injury or, if you are in a medical facility, until you leave the facility.

**What if I become too sick to make my own health care decision?**

If you have not named a surrogate, your closest available relative or friend will be asked to help decide what is best for you. Most of the time that works. But

sometimes everyone doesn't agree about what to do. That's why it is helpful if you can say in advance what you want to have happen if you cannot speak for yourself.

**Do I have to wait until I am sick to express my wishes about health care.**

No. In fact, it is better to choose before you get very sick or have to go into a hospital, nursing home or other health care facility. You can use an Advance Health Care Directive to say *who* you want to speak for you and *what* kind of treatments you want. These documents are called "advance" because you prepare one before health care decisions need to be made. They are called "directives" because they state who will speak on your behalf and what

makes health care decisions on your behalf - a health care agent, a surrogate whose name you gave to your treating staff, or a person appointed by a court to make decisions for you. All are required to follow your Health Care Instructions or, if none, your general wishes about treatment, including stopping treatment. If your treating wishes are not known, the surrogate must try to determine what is in your best interest.

The people providing your health care must follow the decisions of your agent or surrogate unless a requested treatment would be bad medical practice or ineffective in helping you. If this causes disagreement that cannot be worked out, the provider must make a reasonable effort to find another health care provider to take over your treatment.

**What if I change my mind?** You can change or cancel your Advance Directive at any time as long as you can communicate your wishes. To change the person you want to make your health care decisions, you must sign a statement or tell the treating staff in charge of your care.

**How long is an Advance Directive in effect?** In California, an Advance Directive is indefinite. You can change your mind at any time, as long as you have the “capacity” to make decisions. It is a good idea to review your Advance Directive yearly to make sure your wishes are stated.

**What happens when someone else makes decisions about my treatment?**

The same rules apply to anyone who

should be done.

In California, the part of an Advance Directive you can use to appoint an agent to make health care decisions is called a Power of Attorney for Health Care. The part where you can express what you want done is called an Individual Health Care Instruction.

**Who can fill out an Advance Directive?**

Any person 18 years or older and emancipated minors who have the “capacity” to make health care decisions. “Capacity” means the person understands the nature and consequences of the proposed health care, including the risks and benefits.

**Who can I name as my agent?** You can choose an adult relative or any other person you trust to speak for you when medical decisions must be made.

**When does an Advance Directive go into effect?** An Advance Directive goes into effect when the person's primary physician decides the person does not have the "capacity" to make their own health care decisions. This means the individual is unable to understand the nature and consequences of the proposed health care. The fact that a person has been admitted into a psychiatric facility does not mean the person lacks capacity.

**How does my agent know what I would want?** After you choose your agent, talk to that person about what you want. Sometimes treatment decisions are hard

to make, and it truly helps if your agent knows what you want.. You can also write your wishes down in your Advance Directive.

**What if I don't want to name an agent?** You can still write out your wishes in your Advance Directive, without naming an agent. You can say that you want to have your life continued as long as possible. Or you can say that you would not want treatment to continue your life.

Even if you have not filled out a written Individual Health Care Instruction, you can discuss your wishes with your doctor or treating staff and ask them to list those wishes in your medical record. Or you can discuss your wishes with your family members or friends. But it will probably be easier to follow your wishes if you write them down.