



## 6.06 OPERATING POLICY & PROCEDURE

Subject: <b>Advance Directives</b>		Application: <b>All Departments</b>
First Effective 1/01/14	Revised 7/13/2020	Review 2/13/2023

### PURPOSE

To provide clear guidelines to meet the requirements of Michigan law as applied to advance directives.

### POLICY

Pivotal and Contract Providers shall honor:

- A. Valid Durable Powers of Attorney as presented for medical and psychiatric care.
- B. Decisions made by identified Patient Advocates – unless unable or otherwise not required by law.
- C. Decisions regarding terminal care by a patient or a legally designated patient advocate, if a person is terminally ill, including requests for hospice care.
- D. A valid Do-Not-Resuscitate Order when required to do so by Michigan law.

### PROCEDURES

- A. Pivotal staff and Contract Providers will not:
  - 1. Provide legal or medical advice or service to anyone who expresses a desire to execute an Advance Directive.
  - 2. Discriminate or condition the provision of treatment based on whether or not the individual has executed an Advance Directive.
- B. Materials related to Advance Directives – intended for persons served by the Pivotal - will be updated and distributed within 30 days after the effective date of a change in state law.
- C. Training
  - 1. Pivotal will design and provide training opportunities for all direct staff and staff of contract provider agencies.
  - 2. Advance Directives training requirements are contained within policy/procedure 2.09.
- D. Documentation

1. For emergent psychiatric situations, the person providing the clinical screen will document on the Pre-Admission Screen tool, if the individual has any Advance Directives in place, and who to contact as a Patient Advocate to carry out specific provisions.
2. At the time of any intake into the Pivotal service system, it will be documented in the record that persons served have been:
  - a. Asked if they have previously completed an Advance Directive relative to their care (if the answer is affirmative, see #3 below).
  - b. Provided with basic information about Advance Directives and offered an opportunity to ask questions and seek assistance from identified staff within the Pivotal provider system.
3. Any time a person receiving services indicates they have completed an Advance Directive regarding their medical or psychiatric care, Pivotal/Provider Agency will identify such in the record/file in a prominent place. Most significant to document will be the chosen Patient Advocate, types of powers granted to the Advocate, and how to contact the Advocate. Also collected and recorded will be the date the Advance Directive was initiated.
4. Each record/file with Advance Directive specific information will have that information recorded in an easily identified area of the demographic section.
5. Pivotal will suggest to individuals who enter into Advance Directive arrangements that they take steps to increase awareness of these arrangements.
  - a. For individuals who have initiated a Do-Not-Resuscitate Order, they may benefit from a bracelet that clearly states Do-Not-Resuscitate Order and gives the name and address of the person in question, and the name and phone number of their treating physician, if any.
  - b. Persons with other types of Directives in place may benefit from carrying a card or other type of identification and contact information for their Patient Advocate.
6. Members will be informed that they can file a grievance concerning non-compliance with advance directive requirements.

## REFERENCES

- M.C.L.A references noted throughout policy
- Southwest Michigan Behavioral Health (SWMBH) Policy 6.3 (Advance Directives)
- **Additional Information**
  1. Planning For Medical Care in the Event of Loss of Decision-Making Ability  
[www.michbar.org/elderlaw/adpamphlet.cfm](http://www.michbar.org/elderlaw/adpamphlet.cfm)
  2. [Psychiatric Advance Directives](http://www.michigan.gov/mdch/0,1607,7-132-2941_4868_41752---,00.html)
    - a. [http://www.michigan.gov/mdch/0,1607,7-132-2941\\_4868\\_41752---,00.html](http://www.michigan.gov/mdch/0,1607,7-132-2941_4868_41752---,00.html)
  3. If you have legal questions about Advance Directives, you can call:
    - a. Michigan Lawyer Referral Source at 1-800-968-0738
    - b. Michigan Protection and Advocacy Services at 1-800-288-592