

**SANTA CRUZ COUNTY
Behavioral Health Services**

POLICIES AND PROCEDURE MANUAL

**Subject: BHS Notification of Right to a
Advance Medical Directive**

Policy Number: 3225

Date Effective: 11/13/20

Pages: 2

Prior Version: 12/27/2018

**Responsible for Updating:
Quality Improvement**

Approval: _____

Behavioral Health Director

Date

11-20-2020

BACKGROUND:

Santa Cruz County Behavioral Health Services (BHS), which comprises of Mental Health Plan (MHP) and Drug Medi-Cal Organized Delivery System (DMC-ODS) network providers, is committed to providing beneficiaries with guidance regarding how to provide written health care instruction such as a living will or durable power of attorney for health care. We adhere to federal and state requirements regarding Advance Medical Directives.

SCOPE:

Providers who render MHP and DMC-ODS services shall adhere to this policy and ensure beneficiaries are aware of their rights to execute an Advance Medical Directive to document personal healthcare choices concerning treatment, including the right to accept or refuse treatment.

PURPOSE:

To establish procedures to inform Medi-Cal beneficiaries of their rights regarding Advance Medical Directives consistent with federal regulations and California state law.

POLICY:

MHP and DMC-ODS staff and contracted providers shall provide all adult Medi-Cal beneficiaries with information concerning their rights regarding Advance Medical Directives.

DEFINITIONS:

Advance Medical Directive: A written instruction for individual health care, living will or durable power of attorney for health care to ensure those wishes are carried out should the person be unable to communicate them due to illness or incapacity.

PROCEDURES:

1. Beneficiary Notification:

All behavioral health providers shall give adult Medi-Cal beneficiaries the Behavioral Health Advance Medical Directive brochure, **Your Right to Make Decisions about Medical Treatment** at the first contact for services or upon request by a Medi-Cal beneficiary.

2. Provision of Services

- a. The provision of behavioral health services shall not be conditioned on whether beneficiaries have executed an advance directive.
- b. Beneficiaries shall not be discriminated against based on whether they have executed an advance directive.

3. Brochure Contents

- a. The brochure will include beneficiaries' rights regarding advance directives, including the right to:
 - i) Make decisions concerning treatment
 - ii) Accept or refuse treatment
 - iii) Formulate, at the beneficiary's option, advance directives
- b. The brochure will contain information about where the beneficiary may obtain more specific information about writing and executing an Advance Medical Directive.
- c. The brochure will also inform beneficiaries where they may file complaints concerning noncompliance with advance directive requirements with the California Department of Health Care Services.

4. Updating Brochure

The Advance Medical Directive brochure shall be maintained in compliance with existing California state law and will be updated to reflect changes in state law within 90 days of the implementation of a change.

5. Placement in Medical Record

- a. The beneficiary's current medical record shall contain prominent documentation indicating whether the beneficiary has executed an advance directive.
- b. When a beneficiary presents a specific completed, appropriately witnessed, signed and executed Advance Directive to any behavioral health staff member, the document will be scanned into the beneficiary's medical record.

6. Staff Education

Behavioral Health staff and contract providers shall be informed of advance directive requirements through dissemination of this policy and discussion during staff meetings and orientation of newly hired staff.

7. Community Education

Health Clinics in north and south county sites will inform beneficiaries regarding the right to make an Advance Directive verbally and in writing.

PRIOR VERSIONS: 12/27/2018, 9/26/2016, 10/3/2004

REFERENCES: Code of Federal Regulations, Title 42, Section 422.128

FORMS/ATTACHMENTS: **Your Right to Make Decisions about Medical Treatment**
(Advanced Medical Directive Beneficiary Brochure)