

Information about Advance Health Care Directives

This document explains how you can plan now for your health and mental health 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 treatment.

What is an Advance Health Care Directive?

You have the right to make decisions concerning your health and mental health care, including the right to accept or refuse treatment, and the right to formulate an advance health care directive. An advance health care directive is a document that provides a way for you (any person 18 years or older or legally emancipated minor who has the capacity to make health care decisions) to direct your own health and mental health care decisions even when you are incapacitated and unable to communicate. You can use an advance health care directive to describe your wishes regarding health and mental health care and to select someone to make health and mental health care decisions in the event you are unable to do so.

You have the right to revoke an advance health care directive at any time. You can do so orally and by destroying the original document and informing everyone who has a copy that you have canceled the advance directive. If you do not revoke the advance health directive, it remains in effect indefinitely.

An advance health care directive has two parts. The first part allows you to appoint an individual to act as your agent for health and mental health care decisions if you become incapable of making your own decisions and the second part lets you give specific instructions about any aspect of your health and mental health care, even if you do not appoint an agent. You may choose to complete either one or both or none of these parts.

If you appoint a health care agent, that person is responsible for making health and mental health care decisions should you lose the ability to make these decisions for yourself. The agent is responsible for carrying out your wishes as you have described them in your Advance Directive or in discussions with you. However, the agent cannot commit you to a mental health facility or consent to electro-convulsive treatment, psychosurgery, sterilization, or abortion for you.

While advance health care directives have traditionally been used to address end-of-life issues in medical care, you may use a directive to reflect your wishes regarding mental health care. San Mateo County's Mental Health policy for advance health care directives states the following intent:

- To empower individuals to take control and responsibility for their lives.

- To promote recovery for people diagnosed with mental illness.
- To improve communication between the individual and the provider.

Where Can I Learn More about Advance Health Care Directives?

We have provided an Advance Health Care Directive form from the California Healthcare Association that provides more information including step-by-step instructions for completing an advance health care directive. All hospitals provide Advance Health Care Directive forms and information to members of the public upon request.

San Mateo County's Mental Health patients' rights and advocacy program holds periodic information sessions regarding mental health care advance directives. For information about attending one of these sessions, call (800) 497-1889.

If you already have an advance health care directive:

Give a copy of the signed and completed form to any health and mental health care providers you may have, and to any institution at which you are receiving care, and to any agents you have named. Also inform those providers if you decide to revoke or change your advance health care directive.

You may register complaints concerning compliance with advance directive requirements 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, California 95899-1413.

Legal Authority: Code of Federal Regulations, Title 42 § 422.128 and 438.6(i)(1), (3) and (4); Federal patient Self-determination Act 42 U.S.C. 1395cc(f) and 1396a(w); CA Health Care Decisions Law (Probate Code § 4600 et seq).