

SAN MATEO COUNTY HEALTH SYSTEM
BEHAVIORAL HEALTH AND RECOVERY SERVICES

DATE: May 25, 2004

BHRS POLICY: 04-07

SUBJECT: Advance Health Care Directives

AUTHORITY: Code of Federal Regulations, Title 42 Sec. 422, 438, 489, 417, 431, and Federal Patient Self-determination Act 42 U.S.C. 1395cc(f) and 1396a(w); CA Health Care Decisions Law (Probate Code § 4600 et seq); California Department of Health Care Services Contract with County

AMENDED: June 2, 2004; Technical Edits March 12, 2014; January 30, 2017; Technical Edits Attachment A 4/21/17

ATTACHMENTS:

- A. Advance Health Care Directive Acknowledgement Form and Fact Sheet - English
- B. Advance Health Care Directive Acknowledgement Form and Fact Sheet - Spanish

PURPOSE:

The purpose of this policy and procedure is to be consistent with regulatory requirements and to ensure that adult clients of Behavioral Health and Recovery Services (BHRS) are provided information concerning their legal rights regarding Advance Health Care Directives.

The Advance Health Care Directive is a legal document, such as a living will or power of attorney for health care that allows people to direct their own health care even when they are mentally or physically incapacitated.

POLICY:

It is the policy of BHRS and its Mental Health and AOD/SUD (Alcohol and Other Drug/Substance Use Disorder) contracted providers to give the attached Fact Sheet and Acknowledgment Form to each adult client and each legally emancipated minor upon admission, unless the client is too incapacitated to receive and understand this information. However, when the client regains capacity, this information should be provided. This information should also be provided whenever it is requested by the client.

If the client presents a completed properly executed Advance Health Care Directive it will be placed in their electronic health record.

BHRS does not condition the provision of care or otherwise discriminate against an individual based on whether or not the individual has executed an Advance Health Care Directive.

This policy provides education for the staff and contracted providers. It is the responsibility of clinical staff and supervisors to familiarize themselves with the content of this policy and the relevant procedures for Advance Health Care Directives every three years.

PROCEDURE:

- Clinical staff will give each adult client and each legally emancipated minor the attached fact sheet and explain the content at the time of the first face-to-face service and thereafter upon request.
- Clinical staff will ask each client to sign the acknowledgment form. The acknowledgment form will be placed in the medical record. Information will be maintained in compliance with existing California State Law and will be updated to reflect any changes within 90 days of the implemented change.
- The most recent Advance Health Care Directive is followed, if more than one exists.

Approved: _____ *(Signature on file)*
Stephen Kaplan, LCSW
BHRS Director