

## NORTHPOINTE BEHAVIORAL HEALTHCARE SYSTEMS

**POLICY TITLE:** Advance Directives/DPOA/ Plan for Difficult Times

**PAGE:** 1 of 2

**MANUAL:** Clinical

**SECTION:** Entry to Care

**ORIGINAL EFFECTIVE DATE:** 11/1/03

**BOARD APPROVAL DATE:** 9/26/13

**REVIEWED/REVISED ON DATE:** 2/9/17

**CURRENT EFFECTIVE DATE:** 3/1/17

**REVISIONS TO POLICY STATEMENT:**  YES  NO

**OTHER REVISIONS:**  YES  NO

**APPLIES TO:** All individuals receiving services from Northpointe or contract provider of Northpointe.

### **POLICY**

Northpointe (NBHS) has the responsibility to provide adult service recipients with written educational information on advance directives policies for both medical and mental health care and include a description of applicable State law. NBHS will develop written materials for the education of staff and individuals or their legal representatives as to the specific advance directive options available to them. An individual may choose to use a form of their choosing in order to implement an Advanced Directive for mental health care. Northpointe will assist the individual if they desire to establish an advance directive for their mental health care needs.

### **PURPOSE**

This policy describes the relationship and responsibilities between direct providers and Medicaid individuals regarding the creation of medical/mental health directives to guide the individual's care should they become unable to participate in making their medical decisions. Northpointe Behavioral Healthcare Systems (NBHS) has the responsibility to educate individual members of their rights and how to enact advance directives.

### **DEFINITIONS**

Advance Directive means a written instruction such as living will or durable power of attorney for healthcare, recognized under State law (whether statutory or as recognized by the courts of the State), relating to the provision of health care when the individual is incapacitated. There are two types of Advanced Directives: one for medical healthcare and one for mental healthcare.

Do Not Resuscitate Order directs that in the event that a declarant's heart and breathing should stop, no person shall attempt to resuscitate the declarant.

Durable Power of Attorney(DPOA) in the State of Michigan is established in Act 386 of 1998, Part 5 Sections 700.5501 through 700.5513 and Section 700.5520, amended by 2004PA 532. Section 5506(1), as amended in 2004 states: an individual 18 years of age or older who is of sound mind at the time a patient advocate designation is made may designate in writing another individual who is 18 years of age or older to exercise powers concerning, care, custody, and medical or mental health treatment decisions for the individual making the patient advocate designation.

Forms for Advanced Directives – There is no one form that is mandated by law. The forms listed meet all the legal requirements and are available at the Northcare Website [www.northcare-up.org](http://www.northcare-up.org).

- **Michigan Advanced Directive for Mental Health Care** is a form and a set of questions and answers developed by Michigan Department of Health and Human Services (MDHHS) and service recipient representatives of the statewide Recovery Council. The form is specifically for mental health care and a separate document would be required for medical health care needs. The documents are available at the MDHHS website [www.michigan.gov/mdhhs](http://www.michigan.gov/mdhhs), under Mental Health and Substance Abuse.
- **Plan for Difficult Times (Crisis Planning)** is a form that may be completed by an individual within the context of their IPOS. Education about this option is required by MDHHS and is documented in the individual's IPOS or Periodic Review. The plan is intended to direct care when an individual begins to experience increased difficulty in managing his/her life or becomes genuinely incapacitated and an appointed agent acts on his/her behalf. A regional form is available in the electronic medical record to utilize if an individual chooses to create a plan for managing their illness during a crisis. By having this form signed by two (non-CMH) witnesses and entered into their medical record, this plan would be legally binding as an Advance Directive. The individual may choose to use a different format or the DPOA form endorsed by the State Bar of Michigan.

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- **Psychiatric Advanced Directive** is a form and set of directions prepared by the national Bazelon Center for Mental Health Law. This form is more complex than the two listed above but the directions provide information that may be useful to staff and service recipients. It is available at the website <http://bazelon.org.gravitatehosting.com/Where-We-Stand/Self-Determination/Advanced-Directive.aspx>

### **PROCEDURE**

- A. NBHS's role will be to assist in accessing the necessary legal resources that allow the guardian to participate in the decisions regarding the provision of medical care in these "extraordinary" procedures. NBHS will develop procedures for educating staff and service recipients and to implementing an Advanced Directive if they so choose. This is done in the context of the Person-Centered Planning process and requires:
  1. Staff training on this policy and its implementation.
  2. The development and utilization of educational materials for the individuals receiving services.
  3. ELMER Clinical Directives to guide staff
    - The education of individuals and assisting individuals in developing an Advance Directive for Mental Health Care, if requested.
    - The opportunity to fully develop the Advanced Directive for Mental Health Care
    - To update the plan as desired by the individual
    - Coordination of Care with hospitals if an emergency admission is necessary.
    - Documentation of the individual's education and efforts to create such a plan.
- B. The NorthCare Handbook (which includes information on advance directives) is provided to all individuals when they attend an initial assessment to determine eligibility for specialty mental health services.
- C. The NBHS care manager will be responsible for documenting in the individual plan of service the desire to develop an Advance Directive and the specific steps taken to facilitate the task.
- D. Northpointe will initiate resuscitative measures for any service recipient unless specifically indicated by a valid Do Not Resuscitate (DNR) order. Northpointe is responsible for communicating these decisions to appropriate healthcare professionals involved in the service recipient's care.

### **CROSS REFERENCES:**

Balanced Budget Amendment of 1997, section 438.6(i)

The Michigan Do-Not Resuscitate Procedure Act (MDNRPA), 1996PA 193, MCL 33.1051 *et seq*; MSA 14.15(1051) *et seq* as amended by 2004 PA552

The Patient Advocate Act, 1998 PA 386, Part 5 of the Estates and Protected Individuals Code (EPIC) sections 700.5501 through 700.5513 and Section 700.5520 as amended by 2004 PA 554

MDHHS Specialty Prepaid Health Plan Application for Participation, 2002

AFC Licensing

Code of Federal Regulations, 42 CFR Parts 4387, Subpart A 438.6 (i)

Michigan Advanced Directives for Mental Health Care, [www.michigan.gov/mdch](http://www.michigan.gov/mdch)

Michigan Dignified Death Act, 1978 PA 368, MCL333.5651, *et seq*, as amended by 2004 PA 551

Michigan's Mental Health Code Act 258 of the Public Acts of 1974 as amended by 2001, as amended by 2004 PA 554, 555, 556, 557, 553 Imd. Eff. And 2004 PA 496, 497, 498, 499 effective March 30, 2005

Northcare Network Policy on Inclusion and Prevention of Relapse in Section: Agency Practices

Psychiatric Advanced Directive, [www.bazelon.org/issues/advanceddirectives](http://www.bazelon.org/issues/advanceddirectives).