

What is an Advance Directive?

An advance directive outlines a person's wishes in the event that he or she is incapacitated or unable to express wishes for health care and treatments. Under federal law, any facility receiving Medicare or Medicaid reimbursements is required to use advance directives. Individuals with a physical and behavioral health illness are covered under this mandate.

Behavioral Health Advance Directive

In a behavioral health advance directive, people are able to express their preferences on where to receive care and what treatments they are willing to undergo. They are also able to identify an agent or representative who is trusted and legally empowered to make healthcare decisions on their behalf. These decisions may include the use of all or certain medications, preferred facilities, and listings of visitors allowed in facility-based care. Advance directive laws may vary across states. Therefore, it is important to be sure that any advance directive form meets the requirements of a given state.

Common Components of a Behavioral Health Advance Directive

- A statement of one's intent in creating an advance directive for behavioral healthcare decision-making
- The designation of another person to make decisions for an individual if he or she is determined to be legally incompetent to make choices. Generally, this designation also includes provisions for who should be appointed as guardian if a court decides to name one.
- Specific instructions about preferences for hospitalization and alternatives to hospitalization, medications, electroconvulsive therapy, and emergency interventions, including seclusion, restraint, medication, and participation in experimental studies or drug trials
- Instructions about who should be notified immediately if and when the person is admitted to a psychiatric facility. Instructions should also include who should be prohibited from visiting and who should have temporary custody of minor children or pets.
- Personal rights to suspend or terminate an advance directive while incapacitated, if allowed by the law in the state
- A signature page with two witnesses and a notary who sign the advance directive