

Advance Healthcare Directive

A federal law requires that Kern Mental Health Plan gives information regarding:

Your rights to make decisions about healthcare treatment



**BEHAVIORAL
HEALTH & RECOVERY**
S E R V I C E S

Usted puede preguntar para esta información en Español

What is an Advance Healthcare Directive?

An Advance Healthcare directive is a legal document. If for any reason you are unable to make decisions on your own, it is the best way to make sure that your healthcare wishes are known and considered. You do not need to wait until you are seriously ill to make these decisions.

In California, an Advance Healthcare Directive has two parts:

- Appointing another person to be your healthcare “agent”. You can appoint more than one agent.
- Writing down your healthcare instructions.

Who Can Make an Advance Healthcare Directive?



You can if you are over 18 years or older (or an emancipated minor) and capable of making your own healthcare decisions. “Capable” means you are able to understand the nature and consequences of your healthcare options.

When Does an Advance Healthcare Directive Go Into Effect?

When your primary physician decides you do not have the “capacity” to make your own healthcare decisions.

Who Decides About My Treatment?

Your primary care physician will give you information and advice about treatment. You have the right to choose. You have the right to say “yes” or “no” to treatment—even if the treatment will not keep you alive longer.

How Do I Know What I Want?

Your primary physician must tell you about your condition, about the different treatments available and the side effects from the treatments.

You may want to discuss those options with trusted family or friends to help you make a decision. It will ultimately be your decision on which treatment option is best for you.

How Long is an Advance Healthcare Directive in Effect?

In California, an Advance Healthcare Directive is indefinite. You can change your mind at any time, as long as you have the “capacity” to make decisions. It is a good idea to review your Advance Healthcare Directive every year or if your health condition changes to make sure your wishes are stated.

Where Can I Get More Information About Making an Advance Healthcare Directive?

- Your primary physician.
- An attorney.
- A legal service.
- Online sources.

Where Can I get the Advance Healthcare Directive Form?

- Stationery stores.
- An attorney.
- Your primary physician or hospital may have them.
- Online sources including but not limited to:

<https://ahcdr.cdn.sos.ca.gov/forms/sfl-461.pdf>

Can I Change My Mind After Completing an Advance Healthcare Directive?

Yes. You may change or cancel an Advance Healthcare Directive at any time.



Completing a new directive form will cancel the previous directives.

Who Should Have a Copy of the Previous Directive?

- You. Keep in a safe, easy to get to place.
- Your agent—the person you have appointed to make healthcare decisions if you are unable to do so.
- Each of your healthcare providers.

It is important that you keep track of who has a copy of your Advance Healthcare Directive in case you make changes in the document.

You may want to keep a card near your insurance card in your wallet saying whom your agent is and how to get in touch with your agent.

Do I Have to Have an Advance Healthcare Directive?

No. It is just a way of making your wishes known in writing while you are capable—in case you are ever in a position where you are incapable of telling someone if you would like a treatment or not.

Will I Still Be Treated If I Do Not Make an Advance Healthcare Directive?

Yes. You will still get treatment whether or not you have an Advance Healthcare Directive.

Are There Other Important Facts I Need to Know Before I Seek an Advance Healthcare Directive?

Yes. Without an Advance Healthcare Directive, you automatically have the following rights when you are receiving specialty mental health services provided by Kern Behavioral Health and Recovery Services and its contractors. You have the right to:

1. Make decisions concerning your treatment.
2. Accept or refuse treatment. Outpatient specialty mental health services are voluntary.

You also have the right to:

1. Have treatment that emphasizes that you and your support system have an active role in making a treatment plan to suit your needs, which includes your agreement to work toward clear goals.

2. Not be discriminated against whatever choice you make or if you complain.
3. Know your diagnosis, treatment and medication options as well as possible outcomes, benefits, side effects and costs—explained to you in a language you can understand.
4. Have a second opinion if you disagree.
5. Have treatment that is confidential and promotes the potential for you to be as independent as possible.
6. Have treatment in ways that respect your cultural and ethnic identity, color, national origin, any disability, religion, marital status, gender, age and sexual orientation.
7. Have treatment that encourages positive outcomes and protects you from harm, abuse, and neglect.

Remember, an Advance Healthcare Directive is for the time when your primary physician believes you are not capable of making healthcare decisions on your own.

What If I Believe Advance Healthcare Directive Requirements Are Not Being Addressed?

If you have a concern about an Advance Healthcare Directive that you feel is not being addressed by your current specialty mental health treatment team, you may contact any of the following to start the grievance process:

- Your Care Coordinator
- Your Care Coordinator's Supervisor OR
- Your treatment team's Administrator

You may also:

- Use a grievance flyer available in the clinic lobby where you receive specialty mental health services.
- Call the Patients Rights Advocate's Office at 844-360-8250.

Medi-Cal Beneficiaries may file a complaint regarding non-compliance with the Advance Healthcare Directive requirements by calling California Department of Human Services (DHS) Licensing and Certification at 1-800-236-9747 OR by mail at

P.O. Box 997413 Sacramento, CA 95899-7413