

**San Bernardino County
Department of Behavioral Health**

Advance Health Care Directive Policy

Effective Date 5/04
Revision Date 05/03/2016  CaSonya Thomas, Director

Policy It is the policy of the Department of Behavioral Health (DBH) to ensure that department employees and contract providers inform adult mental health (MH) clients of their fundamental right to control decisions relating to their own health care under the auspices of an advance health care directive, as defined by State and Federal regulations.

Purpose To ensure adult MH clients receiving services through DBH are provided information commensurate with requirements specified by Title 42 of the Code of Federal Regulations and California Probate Code.

Definitions **Advance Health Care Directive or Advance Directive:** an individual health care instruction or power of attorney for health care services.

Health Care: Any care, treatment, service, or procedure to maintain, diagnose, or otherwise affect a patient's physical or mental condition.

Providing Written Information to Clients DBH and contract providers must provide written information in threshold languages that describes advance health care directives to MH clients when the MH client begins services at a DBH or provider facility for specialty mental health services.

The written information utilized by DBH is contained in the [Advance Health Care Directive Client Brochure-\(Spanish\)](#). The brochure provides the MH client with a description of his or her rights under California law including the right to accept or refuse treatment, and the right to formulate an advance health care directive.

Documenting Delivery of Written Information After a DBH MH client receives the written brochure that outlines the advance health care directive and has an opportunity to ask questions, the DBH clinic or contract provider must document in a prominent part of the client's medical record whether or not an advance health care directive has been executed by the utilization of the [Advance Health Care Directive Notice-\(Spanish\)](#).

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Non-Discrimination

DBH will not condition care or receipt of services based on whether or not the MH client executes an advance health care directive. DBH will not otherwise discriminate against the MH client based on whether or not they have executed an advance health care directive.

Complaints

If a MH client has a complaint concerning advance health care directive non-compliance, they may contact:

California Department of Health Services,
Licensing and Certification Division
P.O. Box 997413
Sacramento, CA 95899-1413
(800) 236-9747

DBH Employee and Contract Provider Responsibility

All DBH employees and providers shall familiarize themselves with the content of this policy. Any questions concerning this policy may be directed to DBH Office of Compliance at (909) 388-0879. To ensure compliance with Federal and State regulation, each DBH employee shall:

1. Sign the [Advance Health Care Directive Acknowledgment Form](#).
2. Provide the completed Advance Health Care Directive Acknowledgment Form to immediate supervisor.
3. The supervisor shall forward the signed acknowledgment form to Human Resources (HR).
4. HR shall send notification to DBH Office of Compliance of any employee acknowledgment form not received to ensure follow up of timely receipt.

All newly hired DBH employees will receive the Advanced Health Care Directive Policy at New Hire Orientation and will sign the required Advanced Health Care Directive Acknowledgment Form as part of the new hire packet.

Community Education

DBH will provide community education regarding the advance health care directive by:

- Placing the [Advance Health Care Directive Client Brochure-\(Spanish\)](#) on the DBH intranet website at www.sbcounty.gov/dbh.
 - Providing [Advance Health Care Directive Client Brochure-\(Spanish\)](#) brochures at all community outreach events attended by DBH.
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References

California Probate Code, Sections 4600-4678, 4695-4698, and 4735-4736
Code of Federal Regulations, Title 42, Sections 422.128, 438.6 (i)(1)(3)(4),
and 489.100

**Related
Documents**

[COM005: Advance Health Care Directive Acknowledgment](#)
[COM018 E: Advance Health Care Directive Notice \(Client\)](#)
[COM018 S: Advance Health Care Directive Notice \(Client\)-Spanish](#)
[COM028 E: Advance Health Care Directive Client Brochure](#)
[COM028 S: Advance Health Care Directive Client Brochure-Spanish](#)
