

Can I change or revoke my mental health advance directive?

As long as you have capacity you can change or revoke your mental health advance directive at any time. If you are incapacitated, you can only change or revoke your directive if it is already written in. Changes need to be made in writing. Be sure to tell everyone who has a copy if you revoke or change your directive.

What if I already have a living will or other durable power of attorney?

If there is a conflict between a mental health advance directive and any other directive, like a living will, the newer document will have legal priority. To reduce confusion, it is probably best to have one person act as your mental health advance directive agent and durable power of attorney.

Where can I go for more information about mental health advance directives?

- To create a mental health advance directive go to:
www.dshs.wa.gov/dbhr/advdirectives.shtml.
- Read the law, Revised Code of Washington (RCW) 71.32 on-line at <http://www.leg.wa.gov>.
- Call your local mental health provider or ombuds service.
- Call the Division of Behavioral Health and Recovery's (DBHR) office of Consumer Partnerships at 1-800-446-0259, ext. 7.

Mental Health Advance Directives



Information for Consumers

What is a mental health advance directive?

A mental health advance directive (MHAD) is a written document that describes your directions and preferences for treatment and care during times when you are having difficulty communication and making decisions. It can inform others about what treatment you want or don't want, and it can identify a person called an "agent" who you trust to make decisions and act on your behalf.

Should I have a mental health advance directive?

There are advantages to having a mental health advance directive:

- You have more control over what happens to you during periods of crisis.
- Providers and others will know what you want even if you can't express yourself well.
- Your directive can help your case manager and others who are involved in your mental health treatment.
- The law requires providers to respect what you write in a mental health advance directive to the fullest extent possible.

What's included in a mental health advance directive?

Anything that might be involved in your treatment can be a part of a mental health advance directive. For example:

- consent for, or refusal of, particular medications or inpatient admission;
- who can visit you if you are in the hospital;
- who you appoint to make decisions and take actions for you (your agent);
- anything else you want or don't want in your future care.

Should I have an agent?

You have the option of naming an agent:

- Who is at least 18 years old.
- Who knows you and knows what you want when you are doing well.
- Who can inform treatment providers about your preferences and can advocate for you.

By law, your agent cannot be your doctor, your case manager or your residential provider unless that person is also your spouse, adult child, or sibling.

Who should get a copy of my mental health advance directive?

If you name an agent, that person must be given a copy. After that, it is up to you who you give a copy to. Think about giving one to your current mental health provider, your lawyer (if you have one) and trusted family members. Bring a copy if you are being admitted to a mental health facility. Any treatment provider who gets a copy is required to make it a part of your medical record.

Will everything in my mental health advance directive be followed?

Here are the instances in which your mental health advance directive may not be followed:

- Your instructions are against medical standards or are unavailable.
- Following your directive would violate state or federal law.
- You are hospitalized under the Involuntary Treatment Act, or are in jail.

What can I do if I feel my mental health or medical health advance directive is not followed?

If you feel your mental health or medical health advance directive was not followed, you can receive information or file a complaint with the Washington State Department of Health (DOH):

- You may call DOH at 1-360-236-2620;
- You may email DOH at HSQAComplaintINtake@doh.wa.gov; or
- You may go online to DOH at www.doh.wa.gov

All complaints are reviewed by DOH to decide if there is a violation of the law or if DOH has authority to take legal action. If there is a violation of the law and authority to take legal action DOH conducts an investigation.

How do I create a mental health advance directive?

You can find the form at:

www.dshs.wa.gov/mentalhealth

