



Promise Health Plan

POLICY & PROCEDURE Medical Services

Policy Title: Advance Directives

Policy No: 70.2.78

Original Date: 1/03

Effective Date: 12/18

Revision Date: 6/11, 2/14, 12/18

Revision No: 3

Department Head:

Date:

Medical Services/P&T Committee:

Date:

P&P Committee:

Date:

Department(s):

UM

PURPOSE:

To assure that a patient understand their rights to make advance directives, and that the facilitator or attending physician understand their responsibilities in assisting the patient, and for documentation and compliance with Federal and State regulations.

POLICY:

1. Advance Directives. Written or verbal statements made by the patient indicating treatment wishes in the event the patient becomes incapacitated. Advance Directives may include Living Wills, Durable Powers of Attorney, or similar documents conveying the patient's preferences. As an example, if an individual elects to donate organs at the end of life, they may state that request in an Advance Directive. Blue Shield Promise Health Plan is not required to provide care that conflicts with an Advance Directive.
2. Living Will. A document that expresses an individual's wishes to those providing care, if they become incapacitated. Its primary purpose is to set limits. The Living Will addresses such issues as: preferences regarding life-sustaining treatment, cardiopulmonary resuscitation, artificial or invasive measures, kidney dialysis, mechanical or artificial respiration, blood transfusion, surgery, and antibiotics. The individual may indicate any preferences regarding dying at home.
3. Natural Death Act. Allows an adult individual to sign a declaration declining life-sustaining treatment, including artificially administered nutrition and hydration, if they become terminally ill or permanently unconscious. A written Natural Death Act Declaration instructs a designee (i.e., such as a caregiver), to make decision on behalf of the declarant if they become incapable or incompetent. Some statutes include penalties if these declarations are ignored. Such laws help solve the problem that the health services system encourages application of new technology, but does less well in discontinuing it. The natural death act statutes are limited to circumstances in which the person is

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terminally ill. The Declaration is legally recognized in California and is accepted as an Advanced Directive for adults.

4. Durable Power of Attorney for Health Care (DPAHC). The DPAHC designates an individual to make health care decisions for them if the principal becomes incapacitated. Powers of attorney are a legal means by which persons delegate authority to someone. The DPAHC is legally recognized in California and is accepted as an Advanced Directive for adults. The principal further gives the designee the authority to act in their best interest, and to interpret their Living Will.
5. The Patient Self Determination Act. This act become effective December 1, 1991 and requires that all individual receiving medical care must be given written information about their rights, under state law, to make decisions about medical care, including the right to accept or refuse medical or surgical treatment. The Act also requires notification of Advanced Directives.

PROCEDURE:

It is essential that physicians, caregivers, or other facilitators or organizations (hereafter referred to as “caregivers”), become well informed about Advanced Directives and take an active role in assisting patients to understand the benefits of these documents. Patients shall be given information about their right to formulate Advanced Directives.

Primary Care Sites shall develop a system to ensure that Advance Directives information is available to members upon request or on an as needed basis. Although the Act does not require facilities to provide patients with actual forms, providers may wish to offer such forms to patients. These forms may be obtained through the California Medical Association or similar medical societies.

Advanced Directives indicate the treatment wishes of the patient if they should become incapacitated or incompetent, and may include a Living Will, Durable Power of Attorney, or Natural Death Act Declaration. Caregivers are to be in compliance with the Patient Self Determination Act, which requires notification of Advance Directives, and be prepared to provide the patient/member with written information about their rights to make decisions about medical care, including the right to accept or refuse medical or surgical treatment. The Declaration is legally recognized in California and is accepted as an Advanced Directive for adults. The caregiver may be named as the designee by the patient.

Physicians’ responsibilities include appropriate documentation for life sustaining procedures.

Blue Shield Promise Health Plan educates Utilization Management/ Case Management/ Disease Management personnel concerning policies and procedures regarding advanced directives.

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Blue Shield Promise Health Plan allows members who are incapable of making decisions concerning their health care due to mental or physical incapacity to have a representative who is permitted to make such decisions for them.

IMPLEMENTATION GUIDELINES:

Complete documentation is essential whenever life-sustaining procedures are withheld or withdrawn.

1. Patient diagnosis and prognosis, including test results or other evidence for forming the conclusion or the attending physician and the second, confirming physician.
2. Whether or not the patient is likely to regain mental function and the factors upon which the determination of the patient's mental incapacity was based, if applicable.
3. A statement that the patient or surrogate has been fully informed of the facts and the consequences of withholding or withdrawing life-sustaining procedures and that the surrogate decision-maker has consented to the withholding or withdrawing of such procedures.
4. A copy of any durable Power of Attorney, Declaration or Living Will, signed by the patient
5. Desires orally expressed by the patient, a description of any discussion with family members or other surrogate.
6. A copy of a certified letter of guardianship or conservatorship when applicable
7. Clear written orders to withhold or withdraw specific medical procedures.

STRAFF TRAINING

Annually, UM staff and Member Services are given inservice training and education concerning members' rights and responsibilities on advance directives.

REFERENCES/AUTHORITIES:

- Section 2410 to 2444, inclusive, of the California Civil Code (Durable Power of Attorney for Health Care Decisions)
- NCQA Standards and Guidelines

ATTACHEMENTS:

- Living Will (sample – attachment)
- Written Natural Death Act Declaration (sample – attachment)
- Durable Power of Attorney for Health Care Decisions (sample – attachment)