

Mental Health (MH) Advance Care Directive

Your Right To Make Decisions About Mental Health Treatment: Advance Directives

- What is an MH Advance Care Directive?

A MH Advance Care Directive is a legal document that tells care providers your wishes about treatment for psychiatric or mental health care. All mental health consumers have the right to create an MH Advance Care Directive, if they want.

MH Advance Care Directives may be used to:

- Tell a doctor, institution or judge what types of confinement and treatment you do – or do not – want;
- Appoint a friend or family member as “agent” to make mental health decisions for you if you are incapable of making them for yourself.
- Can improve communication between you and your treatment team.

- What is the law about MH Advance Care Directives?

The law states that consumers have the right to be informed about MH Advance Care Directives by their mental health providers.

Federal Law: “Patient Self-Determination Act” (PSDA) 42 U.S.C ## 1395cc(f) and 1396a(w). Regulations written pursuant to the PSDA are found at 42 C.F.R ## 489.100 and 489.102.

California Law: “Health Care Decisions Law”, California Probate Code # 4600 et seq.

- How do I Create a MH Advance Care Directive?

If you decide to create an MH Advance Care Directive we have a manual that takes you through the process of making one. TCBHS staff can help you go through the decisions that you will need to consider, and put it into an understandable format. You will have to have this document notarized, or signed by two separate witnesses to make it legally binding.

Please, tell us if you already have an MH Advance Care Directive.

We need to know what your wishes are and include a copy of your MH Advance Care Directive in your chart.