

Information in this brochure is not legal advice. If you have questions and would like more information on Advance Health Care Directives, please contact your therapist or case manager at the following:

Washington County
474 West 200 North
St. George, UT 84770
(435) 634-5600

Iron County
245 East 680 South
Cedar City, UT 84720
(435) 867-7654

Beaver County
75 West 1175 North
Beaver, UT 84713
(435) 438-5537

Kane County
445 North Main
Kanab, UT 84741
(435) 644-4520

Garfield County
609 North Main, Suite 6
Panguitch, UT 84759
(435) 676-8176

Advance Health Care Directive Treatment



A Directive for When You Are Incapable of Making Treatment Decisions for Yourself

This brochure contains information that can help you participate with your family and your psychiatrist in making decisions in advance about your physical or mental health treatment in the event you become unable to communicate them.

Southwest Behavioral Health Center, acting in compliance with the Patient Self Determination Act of 1990 and Utah law, recognizes a patient's right to give written and verbal instructions to Treatment providers regarding their physical or Mental health treatment.

Answers to Questions

Q. What is an Advance Health Care Directive?

- A. Your Advance Health Care Directive includes two parts:
- Living Will – refers to your treatment wishes, such as, what you do and do not desire in the way of treatment or services.
 - Attorney-in-Fact – A person to whom you have given the power to make decisions for you when it is determined that you are unable to make decisions for yourself.

This person is also referred to as a *proxy*, *durable power of attorney*, or *substitute decision maker*.

Q. Who may act as my Attorney-in-Fact?

- A. You may appoint any person you choose, except your attending psychiatrist, an employee of the Utah State Division of Substance Abuse and Mental Health, or any staff member of Southwest Behavioral Health Center.

If you do not want to ask a relative or friend to act as your Attorney-in-Fact, you may appoint a volunteer from your local chapter of NAMI of Utah, the Utah Mental Health Association, a religious leader, etc.

Q. What are the responsibilities of an Attorney-in-Fact?

- A. • To see that your Advance Health Care Directive is carried out correctly.
- To make decisions on desires not stated in your Advance Health Care Directive that he/she believes, in good faith, to be in your best interest.

Your Attorney-in-Fact has the same rights as you do to receive information regarding your proposed mental health treatment. An Attorney-in-Fact is not personally liable for the cost of treatment provided to you. Your Attorney-in-Fact has the right to withdraw from acting for you in this capacity at any time, just as you have the right to revoke your appointment of him/her at any time, as long as you are mentally capable. Your Attorney-in-Fact will not be subject to criminal prosecution or civil liability for any action taken in good faith based on your Advance Health Care Directive.

Q. **How do I fill out my Advance Health Care Directive?**

- Obtain an Utah Advance Health Care Directive form from your SBHC case manager or therapist.
- Thoughtfully consider the treatment you wish to receive for psychoactive medications, convulsive therapy, and the hospitals you prefer to go to in the event you are incapacitated.
- Decide whom you wish to appoint as your Attorney-in-Fact.
- Ask two individuals whom you know to serve as witnesses. They will affirm that you are personally known to them, that you signed your Advance Health Care Directive forms in their presence, that you appear to be of sound mind, and that you do not appear to be under duress.

Q. **When am I eligible to fill out my Advance Health Care Directive?**

- A. You are eligible if you are an adult, aged 18 or older, and are mentally capable at the time to declare your instructions regarding your physical or mental health treatment.

Q. **What if I want to add more information about my wishes to be carried out during a time I am incapable?**

- A. You may add to, amend, revoke, or cancel your Advance Health Care Directive at any time, as long as you are determined capable.

Q. **How do I cancel or revoke my Advance Health Care Directive?**

- A.
- Tell your treatment provider you have changed your mind.
 - Tear up your Advance Health Care Directive and throw it away.
 - Tell your family members of your new desires.
 - Complete a new Advance Health Care Directive at anytime in the future when you wish to do so.

Q. **How long will my Advance Health Care Directive be in effect?**

- A. Your Advance Health Care Directive will be effective for three (3) years, unless you remain incapable beyond that time, or until you revoke it.

Q. **Do I need a lawyer to execute a valid Advance Health Care Directive?**

- A. No. A lawyer is not needed.

Q. **At anytime that I need physical or mental health treatment, will my Advance Health Care Directive be in effect?**

- A. No. If you are capable, you will make your own physical or mental health treatment decisions. If you are incapable, your Attorney-in-Fact will act for you.

Q. **To whom should I give copies of my Advance Health Care Directive?**

- A. Deliver a copy to your attending psychiatrist, your Attorney-in-Fact, and any other person whom you wish to have a copy.

Q. **Do I have to have an Advance Health Care Directive?**

- A. No. Utah law does not require you to have an Advance Health Care Directive. Even if you become incapable of making your own decisions, you may still request treatment.

If you become incapable of making your own decisions, and refuse treatment, and/or are a serious danger to yourself or others, Utah law provides a way for you to receive involuntary hospitalization services. Even under these circumstances, Southwest Behavioral Health Center will include you, as much as possible, in all treatment decisions about your care.

Checklist

- Talk with your spouse, adult children, family, friends, religious leader, and doctors about** what would be important to you.
- Ask someone you trust and can count on to be your Attorney-in-Fact.** Discuss your wishes with this person. Select another person to act as your alternative Attorney-in-Fact.
- Complete an Utah Advance Health Care Directive form.**
- Have two individuals you know witness your signature.**
- Inform family, friends, and doctors that you have an Advance Health Care Directive** and that you expect them to honor your wishes. Keep them informed about your current wishes.
- Give copies of the Advance Health Care Directive** to your Attorney-in-Fact, health care providers, family, close friends, religious leader, and any other individuals who might be involved in your care.
- Have copies placed in your medical files.**
- Keep a copy in an easy-to-find place in your home** (not in a safety deposit box). You could leave a note on the refrigerator to tell people where your important documents are so that they can be found when they are needed.
- You may **designate “Advance Health Care Directive” on your driver’s license or state identification card** to indicate that you have completed an Advance Health Care Directive and wish it to be honored.