

# Welcome

This module  
provides  
information on  
Mental Health  
Advance Directives

START ➞

## What are Mental Health Advance Directives?

- Legal documents that allow competent persons to:
  - Refuse or give consent to future mental health treatment.
  - Authorize another person to make future decisions about mental health care on behalf of the mentally ill person, if he/she becomes incapacitated.



## In Plain Language...

A Mental Health Advance Directive is a legal document that allows individuals to state their mental health care wishes in advance for occasions when they may become unable to communicate their wishes or to make their wishes known.





## Goals of a Mental Health Advance Directive

- To ensure patients are treated according to their wishes.
- To encourage a more informed and open dialogue between patients and their treatment providers.



## What is Oregon's Mental Health Advance Directive?

In Oregon you can obtain and complete a specially designed form called the *Declaration for Mental Health Treatment (DMHT)*.



## Where Can I Find the Form Needed to Make a Declaration?

- Forms and instructions for completing a Declaration are available on the State of Oregon's website at:
  - <https://www.oregon.gov/oha/amh/forms/declaration.pdf>
- You may also request this form by calling the State of Oregon at:
  - 503-945-5763 (voice)
  - 971-239-5702 (TTY)



## Who Can Sign the Declaration for Mental Health Treatment Form?



To be valid and effective the form must:

- Contain the person's name.
- Be signed and dated by the person.
- Be signed and dated by two witnesses who were present when the person signed the Declaration. *They must believe the person was mentally competent at the time they signed the form.*
- Contain the person's instructions about mental health treatment.






## How Long Does a Declaration for Mental Health Treatment Remain Valid?


A Declaration for Mental Health Treatment is valid for three (3) years, unless a person is deemed incompetent to make decisions at the time the Declaration would normally expire. The Declaration will remain valid until the person regains competence.



## Can a Declaration for Mental Health Treatment Be Changed?



Individuals may revoke their Declaration in whole or part at any time as long as they are not deemed incompetent at that time, by communicating that intention to their provider(s).



If an individual makes a new Declaration within three (3) years of their last one, and are competent to do so at that time, it automatically revokes the old Declaration.





## Documenting the Conversation



- The patient must give their completed Declaration to their primary mental health provider, primary care provider, and the person they name to make decisions for them.
- A copy of the Declaration for Mental Health Treatment should be placed in the patient's medical record.



## What are the Benefits of a Mental Health Advance Directive?

Allow patients to make treatment preferences known.

Are vehicles for promoting the patient's voice, self-directed care, and self-determination.

Provide a tool for patients and providers to better understand interventions that patients find helpful.

Can be used to facilitate engagement and partnership in the treatment planning process.



## How are Mental Health Advance Directives Helpful Recovery Tools in Treatment Planning?

- Empowering patients to make their own decisions for care in advance.
- Providing context for patient-driven treatment planning.
- Encouraging patients to plan proactively for their recovery.
- Setting the stage for on-going partnering relationship with care providers.



## What Should Providers/Staff Do with Mental Health Directives?

- Must make it part of the medical record.
- Must act in accordance with the Directive when the patient is determined to be “incapable.”
- May notify all other providers to follow Directive.



## What Does “Incapable” Mean?



“...in the opinion of a physician or eligible psychologist the person currently lacks sufficient understanding or capacity to make and communicate mental health treatment decisions.”





## What is Civil Commitment?

A Civil Commitment is a process used in Oregon to protect individuals' civil rights when they will not or cannot consent to hospitalization, but need psychiatric hospitalization or other mental health treatment.

Individuals can be committed when a judge decides that they are a danger to themselves or others or are unable to care for themselves due to an alleged mental disease or defect. A Civil Commitment lasts no more than 180 days.



## Can a Mental Health Directive Become Invalid?

Involuntary civil commitment is a separate process with different standards and protocols. There may be provisions of the Mental Health Directive that are inconsistent with either the purpose of the commitment or any court order relating to the commitment and those provisions may be treated as invalid.



## Do Providers Need to Follow Mental Health Directive Instructions?

- Providers may disregard instructions when:
  - Not consistent with “general accepted community practice standards.”
  - Treatment requests are not feasible or are unavailable.
  - Treatment requests would interfere with treating an emergency.
  - Involuntary inpatient commitment occurs.
  - Conflicts with other law.



## Can Instructions Be Changed?

Generally, instructions may be changed whenever the patient is “competent” or “capable.”



## **Mental Health Directives Should Regularly Be Reviewed!**



- Think about automatic triggers to ensure reviews happen regularly.
- Make sure that medical updates, such as medications, are current in the Mental Health Advance Directive.





## Module End

Thank you for  
completing the Mental  
Health Advance  
Directive Module

