



## Policy 6.7

<b>POLICY TITLE:</b>	<b>ADVANCE DIRECTIVES</b>	<b>POLICY #6.7</b>	<b>REVIEW DATES</b>	
<b>Topic Area:</b>	<b>CUSTOMER SERVICE</b>			
<b>Applies to:</b>	LRE Staff, Member CMHSPs and Network Providers	<b>ISSUED BY:</b> Chief Executive Officer  <b>APPROVED BY:</b> Board of Directors		
<b>Developed and Maintained by:</b>	LRE CEO			
<b>Supersedes:</b>	<b>N/A</b>	<b>Effective Date:</b>	<b>Revised Date:</b>	

### I. POLICY

It is the policy of Lakeshore Regional Entity (LRE) that in accordance with 42 CFR 422.128 and 42 CFR 438.6, the Lakeshore Regional Entity and Member CMHSP shall maintain written policies and procedures for advance directives.

### II. PURPOSE

To ensure that adult beneficiaries served by Lakeshore Regional Entity receive information on advance directives in accordance with 42 CFR 422.128 and 42 CFR 438.6.

### III. APPLICABILITY AND RESPONSIBILITY

Lakeshore Regional Entity delegates the responsibility for providing adult beneficiaries with information related to advance directives to its Member CMHSPs.

Member CMHSP must maintain written policies and procedures concerning advance directives with respect to all adult individuals receiving care by or through the organization or contracted network providers.

CMHSPs shall provide adult beneficiaries with written information on advance directive policies and a description of applicable state law and their rights under applicable laws. This information must be continuously updated to reflect any changes in state law as soon as possible but no later than 90 days after it becomes effective.

The CMHSP/contracted provider must inform individuals that grievances concerning noncompliance with the advance directive requirements may be filed with Lakeshore Regional Entity Customer Services. This must include prohibiting LRE/Member CMHSP from conditioning the provision of care based on whether or not the individual has executed an advance directive. The Member CMHSP/Contracted Provider will educate staff concerning the policies and procedures on advance directives.

#### IV. MONITORING AND REVIEW

This policy will be reviewed annually by the LRE

#### V. DEFINITIONS

**Advance Directive** - A written instruction, such as a living will or durable power of attorney for health care, recognized under state law (whether statutory or recognized by the courts of the state, and relating to the provision of such care when the individual is incapacitated. (See 42 USCA 1396a (w) (4)). Under Michigan law this includes, but is not limited to, rights asserted by designation of a patient advocate, durable power of attorney for health care, a do-not-resuscitate order or assertion of rights under the Michigan Dignified Death Act. M.C.L.A. 333.5651, et seq.

**CMHSP** – Community Mental Health Service Program. Member CMHSPs are directly under contract with PIHP LRE to provide services and/or supports through direct operations or through the CMHSP's subcontractors.

**LRE** – Lakeshore Regional Entity is the PIHP for Medicaid Behavioral Health Services in Region 3

**PIHP** – Prepaid Inpatient Health Plan

#### VI. REFERENCES AND SUPPORTING DOCUMENTS

- The Medicaid Managed Specialty Supports and Services Concurrent 1915 (b)/(c) Waiver Program Contract with the Michigan Department Health and Human Services, Part II 7.10.5 Advance Directives 2.
- Balanced Budget Act 438.6(i)
- Michigan Mental Health Code 330.1433 & 330.1469a
- 42 CFR 422.128 – Information on Advance Directives
- 42 CFR 438.6

#### VII. RELATED POLICIES AND PROCEDURES

N/A