POLICY TITLE: ADVANCE DIRECTIVES	POLICY #6.7	REVIEW DATES	
Topic Area: CUSTOMER SERVICE	**ISSUED BY:** LRE Customer Services	5/19/22	12/20/22
Applies to: LRE Staff, Member CMHSPs and Network Providers		2/8/2023	4/10/24
		12/31/24	2/2/26
Developed and Maintained by: LRE CEO and Designee	**APPROVED BY:** Chief Executive Officer		
Supersedes: N/A	**Effective Date:** 4/18/2020	**Revised Date:** 2/8/2023	

I. PURPOSE

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

II. POLICY

Lakeshore Regional Entity (LRE) delegates the responsibility for providing adult beneficiaries with information related to advance directives to its Member Community Mental Health Service Programs (CMHSPs).

A. CMHSPs must:

1. 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.
2. Provide adult beneficiaries with written information on advance directive Policies.
3. Provide descriptions 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.
4. Document in a prominent part of the individual's current medical record whether or not the individual has executed an advanced directive.
5. Not condition the provision of care or otherwise discriminate against an
6. Individual based on whether or not the individual has executed an advance directive.
7. Educate staff concerning the policies and procedures on advance directives.
8. Inform individuals that grievances concerning noncompliance with the advance directive requirements may be filed with LRE Customer Services.

B. CMHSPs are **NOT** required:

1. To provide care that conflicts with an advance directive
2. To implement an advance directive if they cannot do so as a matter of conscience.

III. APPLICABILITY AND RESPONSIBILITY

This policy applies to LRE and member CMHSPs and provider network.

IV. MONITORING AND REVIEW

This policy will be reviewed by the Chief Executive Officer and Designee, on an annual basis.

V. DEFINITIONS

Advance Directive: Document(s) or documentation allowing a person to give directions about future medical care and/or psychiatric care or to designate another person(s) to make medical decisions if the individual loses decision making capacity. Advance directives may include living wills, durable powers of attorney for health care, do-not-resuscitate (DNRs) orders and right to die or similar documents listed in the Patient Self-Determination Act that express the individual's preferences.

VI. RELATED POLICIES AND PROCEDURES

N/A

VII. REFERENCE/LEGAL AUTHORITY

- MDHHS Medicaid Specialty Supports and Services Contract
- Balanced Budget Act 438.3(j)
- MI Mental Health Code 330.1433, 330.1469a
- 42 CFR 422.128
- 42 CFR 438.6

VIII. CHANGE LOG

Date of Change	Description of Change	Responsible Party
5/19/22	Add language from Contract	CEO and Designee
2/8/2023	Formatting changes	LRE Customer Services