

DEVELOPMENTAL DISABILITIES ADMINISTRATION
Olympia, Washington

TITLE: MENTAL HEALTH ADVANCE DIRECTIVES 18.08

Authority: [Chapter 71.32 RCW](#) Mental Health Advanced Directives
[RCW 7.70.060](#) Consent form—Contents—Prima facie evidence—Shared decision making—Patient decision aid—Failure to use
[RCW 7.70.065](#) Informed consent—Persons authorized to provide for patients who do not have capacity—Priority—Unaccompanied homeless minors.
[RCW 7.70.068](#) Informed consent—May be contained in mental health advance directive.
[Chapter 71.34 RCW](#) Behavioral Health Services for Minors
[RCW 71.32.040](#) Presumption of capacity

PURPOSE

This policy supports the rights of youths to formulate a mental health advance directive prior to a youth becoming incapacitated per [Chapter 71.32 RCW](#).

SCOPE

This policy specifically applies to youth at least 13 years of age or older admitted to a Youth Transitional Care Facility and the clinical treatment team reviewing and executing a mental health advance directive.

DEFINITIONS

Authorized agent means the youth’s parents or person has identified as acting in their best interests (guardian or other person legally able to make decisions on the youth’s behalf).

Clinical treatment team means members of a multi-disciplinary team, which in this policy is inclusive of the cottage program director (psychologist), clinical director, attending psychiatrist, primary medical provider, psychiatric social worker, and registered nurse at its core, other disciplines as necessary (speech pathologist, occupational therapist, recreational therapist,

dietitian, transition case manager, etc.), and the youth, youth's parent, designated agent, or persons the youth identifies as a participant.

Mental health advance directive (MHAD) means a written document in which a youth specifies their instructions or treatment preferences for healthcare providers or appoints an agent to make decisions on the youth's behalf.

Youth transitional care facility or **YTCF** means the staff-secure and voluntary facility offering specialized treatment for suitable youth.

POLICY

- A. During the admissions meeting, youth and their authorized agent must be informed of their rights concerning Mental Health Advance Directives (MHAD).
- B. The facility must honor the youth's mental health advance directives to the extent possible.
 - 1. Any provision of the MHAD is not valid when the clinical treatment team determines it is not consistent family-initiated treatment, conditional release, less restrictive release, or other related issues. Remaining provisions of the directive must be followed.
 - 2. Facility employees are not required to comply with the MHAD if the clinical treatment team determines:
 - a. The instructions violate state law or ethical or professional practice standards;
 - b. The specified treatment involves illegal or unapproved drugs; or
 - c. The treatment is beyond the facility's resources.
- C. The existence or lack of an advance directive does not determine or affect a youth's right to access care, treatment, and services.

PROCEDURES

- A. Admissions
 - 1. The psychiatric social worker must document evidence of an advance mental health directive on the *Social Work Intake* form in the electronic health record.

2. If an MHAD exists:
 - a. The admitting psychiatrist must review the directive to determine if the facility can comply with the provisions of the directive and document results of the review on the *Psychiatric Intake* in the electronic health record.
 - b. The psychiatric social worker must upload the directive to the legal section of the youth's electronic medical record.
3. If a youth who is over age 13 does not have a MHAD:
 - a. The psychiatric social worker must explain what an MHAD is and what it does in a manner the youth and the youth's authorized agent are able to understand.
 - b. The psychiatric social worker must inform the youth of their right to execute an MHAD and document in the Progress Note Section of the electronic health record the youth has been informed of this right.
4. If the youth requests to execute a directive:
 - a. The psychiatrist must assess the youth within 48-hours pursuant to [RCW 71.32.040](#), and complete Section 2 of the *Mental Health Advance Directives Assessment* in the electronic health record.
 - b. The psychiatric social worker must refer the youth to a legal service or Ombudsman and complete Section 3 of the *Mental Health Advance Directives Assessment* in the electronic health record.

B. Provisions of Mental Health Advance Directives

1. The psychiatric social worker and attending physician must inform all members of the clinical treatment team and direct care staff providing care to the youth of the provisions of the MHAD that the facility must follow.
2. The clinical team must document MHAD provisions in the youth's treatment plan.
3. When there are provisions in the MHAD that cannot be followed, the youth's attending physician must notify the youth and authorized agent which provisions of the MHAD cannot be followed and the reasons. The attending physician must document in the Progress Notes Section of the electronic health record:
 - a. The contact date and time of the conversation with the youth and their

- authorized agent;
- b. The provisions of the directive that cannot be followed;
 - c. The reasons each of the provisions in the directive cannot be followed;
and
 - d. The youth's and authorized agent's comments.
- 4. The attending physician must electronically sign and date the entry in the electronic health record.
 - 5. If the youth has an authorized agent in their directive, the authorized agent is notified of all actions taken, including whether the facility is or is not complying with provisions of the directive.

EXCEPTION

Any exception to this policy must have the prior written approval of the Deputy Assistant Secretary or designee.

SUPERSESSON

None.

Approved:



Deputy Assistant Secretary
Developmental Disabilities Administration

Date: July 1, 2024