

Advance Directives

It is the policy of Legacy Behavioral Health Center, Inc. (Legacy) to recognize that every competent adult has the fundamental right of self-determination regarding decisions pertaining to his or her own health, including the right to choose or refuse medical treatment (Chapter 765, Florida Health Care Advance Directive Law).

PURPOSE:

To communicate the wishes and advanced directives of recipients of mental health services to the appropriate medical professionals.

DEFINITIONS:

Advanced Directive – A witnessed written document designating a surrogate and in which instructions are given by a person concerning any aspect of the person's health care. A person is presumed by law to be capable of making his/her own health care decisions unless he/she is determined to be incapacitated. Incapacity cannot be inferred from the person's voluntary or involuntary hospitalization for mental illness or mental retardation.

PROCEDURE:

During the intake/screening process, recipients will be asked if they have an advanced directive regarding their medical condition should they become incapacitated. If they furnish a copy of the durable power of attorney, living will, or other document, it will be maintained as part of the medical record. If the recipient does not have an advance directive, the intake clinician will offer the individual a copy of the "Mental Health Advance Directives" information sheet and a blank advance directive form. The advance directive must be signed by the recipient in the presence of two (2) adult witnesses (a person unable to sign may direct another person to sign his/her name). A person named as a surrogate cannot act as one of the witnesses and one of the witnesses must not be either the person's spouse or blood relative. An exact copy of the advance directive must be given to the surrogate. The advance directive can also designate an alternate surrogate who would assume his/her duties if the original surrogate is unwilling or unable to perform his/her duties.