



Policy Title: Advance Directive Policy

Policy Statement:

Alameda County Behavioral Health Care Services (ACBHCS) and its Behavioral Health Plan (BHP) require that beneficiaries are provided with information about Advance Directive in accordance with Title 42, CFR, Section 422.128 and given additional information about their rights under California Law, Probate Code, Sections 4600-4678; 4695-4698; and 4735-4736. This policy applies to all county-operated and contracted providers and is effective [May 31, 2004](#).

Procedure:

- Providers will provide written information about the Advance Directive to the beneficiary (over age 18) when the beneficiary initially receives a Specialty Mental Health Service (Attachment A).
- ACBHCS and its BHP are not required to assist with the execution of Advance Directive and, as providers; you are not required to do so.
- After informing the beneficiary, inquire if he/she previously executed an Advance Directive and document in a prominent part of the beneficiary's current clinical record whether or not the beneficiary has previously executed an Advance Directive.
- The provision of care will not be conditional on whether or not beneficiaries have executed an Advance Directive, and beneficiaries are not discriminated against otherwise based on whether or not an Advance Directive has been executed.
- Beneficiaries are to be informed that complaints concerning non-compliance with Advance Directive requirements may be filed with the California Department of Health Services (DHS) Licensing and Certification by calling 1-800-236-9747 or by mail at Post Office Box, Sacramento, California 95899-1413.
- ACBHCS Administration offices will provide for community education regarding Advance Directive. This may be in the form of written materials as included in Attachment A or educational presentations to community members.
- A copy of an Advance Directive is enclosed and may be given to beneficiaries if requested.