

## Advantages to Advance Directives

### Shorter crisis period

- Receiving the services that meet your own desires and needs
- Tailoring services specific to your situation – reflecting what has worked in the past
- Obtaining better medical and mental health treatment
- Involving caregivers who will follow your Advance Directive instructions

### Faster healing, faster recovery, clear communication:

- The needed supports from caregivers and the necessary facility are already in place
- Protect individuals from ineffective, unwanted treatment
- Effective medications are already established
- Avoid Probate Court and involuntary commitment
- Write in your Advance Directive the procedures you would like to use for voluntary commitment

If you have questions about Advance Directives, would like copies of forms to use, or wish to report a complaint about a provider not following your Advance Directive, call Customer Service at 1-800-890-3712 (TTY 711).

If you have access to the internet, you can find information and download forms at following sites:

- Medical Advance Directives: [www.michigan.gov/advancedirective](http://www.michigan.gov/advancedirective)
- Psychiatric Advance Directives: [http://www.michigan.gov/mdhhs/0,5885,7-339-71550\\_2941\\_4868\\_41752---,00.html](http://www.michigan.gov/mdhhs/0,5885,7-339-71550_2941_4868_41752---,00.html)

If you have legal questions about Advance Directives you can call:

- Michigan Lawyer Referral Service at 1-800-968-0738
- Disability Rights Michigan at 1-800-288-5923

This pamphlet contains information and resources to assist you. It should not be considered as legal advice.

Southwest Michigan Behavioral Health complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex.

**Spanish:** ATENCIÓN: si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 800-890-3712 (TTY: 711).

**Arabic:** ملحوظة: إذا كنت تتحدث اذكر اللغة، فإن خدمات المساعدة اللغوية تتوافر لك بالمجان. اتصل برقم رقم هاتف 800-890-3712 (TTY:711).



# Advance Directives

Information on how to plan for your medical and psychiatric care if you lose the ability to speak for yourself

Southwest Michigan Behavioral Health (SWMBH) represents:

- ❖ Barry County Community Mental Health Authority
- ❖ Riverwood Center (Berrien County)
- ❖ Pines Behavioral Health (Branch County)
- ❖ Summit Pointe (Calhoun County)
- ❖ Woodlands Behavioral Healthcare (Cass County)
- ❖ Integrated Services of Kalamazoo
- ❖ Pivotal (St. Joseph County)
- ❖ Van Buren Community Mental Health

June 2023

### What is an Advance Directive?

A legal document that lets you say what medical or psychiatric treatment you do or do not want in the future if you lose the ability to make decisions for yourself.

### Who can have an Advance Directive?

18 years of age or older who is of “sound mind” and does not have a legal guardian.

### Do I have to have an Advance Directive?

No. No one (including family members, friends, hospitals or insurance companies) can make you create an Advance Directive. No one can tell you what it should say. You cannot be denied medical/psychiatric care if you do not have an Advance Directive in place.

### Can I create an Advance Directive if I have a court-appointed legal guardian?

If you have a guardian appointed by the Probate Court to make medical or mental health treatment decisions for you, then you cannot designate someone else to make those decisions.

### What is the person that I give decision-making power called? Patient Advocate.

When does my Patient Advocate act on my behalf? Your advocate can only make decisions when you are unable to participate in medical or mental health treatment decisions yourself and understand the facts about your treatment options.

## Types of Advance Directives

### Medical Advance Directive

An advance directive in which you appoint another individual to make medical treatment decisions for you when you lose the ability to speak for yourself. The types of decisions they can make include hospital care, medications, and organ donation. This type of advance directive is known as a Durable Power of Attorney for Health Care.

### Psychiatric Advance Directive

An advance directive in which you appoint another individual to make mental healthcare decisions for you in the future, should you lose your ability to make decisions for yourself.

### Living Will

A living will is a written document in which you tell your doctors, family members, patient advocate, and others what type of medical treatment you want if you become terminally ill or permanently unconscious. It is different from a Durable Power of Attorney for Health Care because it focuses on *what* treatment you want, rather than on *who* can make treatment decisions for you. While Living Wills are not recognized by Michigan Law, they may be read as an expression of your treatment wishes.

### When might I become unable to participate in medical or mental health decisions?

You become unable to participate in medical or mental health decisions if you have a condition or situation in which you lose the ability to make or communicate decisions. Some examples of when this could happen include: a stroke, an accident that leaves you unconscious, dementia, or when mental health symptoms are so severe that you cannot give informed consent about your treatment options.

### Who determines that I cannot participate in my medical or mental health care decisions?

For medical care, the doctor treating you and one other doctor or psychologist will make the determination that you are unable to participate in medical treatment decisions. For mental health care, a doctor and another mental health practitioner must each determine that you are unable to give informed consent to mental health treatment.

### What does my Patient Advocate need to do before acting on my behalf?

Your Patient Advocate must sign an acceptance form. Michigan law requires the acceptance form to contain certain language. The form can be signed when you create the Advance Directive or at a later time, but must be signed before your Patient Advocate can act on your behalf.