

**Definitions:**

- I. “Advance directive” means a written instruction, such as a living will or durable power of attorney for health care, recognized under State law (whether statutory or as recognized by the courts of the State), relating to the provision of health care when the individual is incapacitated.
- II. “Adult” means an individual who is 18 years of age or older, who has been adjudicated an emancipated minor or who is married.
- III. “Health care” means diagnosis, treatment or care of disease, injury and congenital or degenerative conditions, including the use, maintenance, withdrawal or withholding of life-sustaining procedures and the use, maintenance, withdrawal or withholding of artificially administered nutrition and hydration.
- IV. “Health care decision” means consent, refusal of consent or withholding or withdrawal of consent to health care, and includes decisions relating to admission to or discharge from a health care facility.
- V. “Health care instruction” or “instruction” means a document executed by a member to indicate the member’s instructions regarding health care decisions.
- VI. “Health care representative” means:
  - A. An attorney-in-fact;
  - B. A person who has authority to make health care decisions for a member under the provisions of ORS 127.635 (2) or (3); or
  - C. A guardian or other person, appointed by a court to make health care decisions for a member.
- VII. “Incapable” means that in the opinion of the court in a proceeding to appoint or confirm authority of a health care representative, or in the opinion of the member’s attending physician, a member lacks the ability to make and communicate health care decisions to health care providers, including communication through persons familiar with the member’s manner of communicating if those persons are available. “Capable” means not incapable.

VIII. “Medically confirmed” means the medical opinion of the attending physician has been confirmed by a second physician who has examined the patient and who has clinical privileges or expertise with respect to the condition to be confirmed.

**Objective:**

- I. To ensure that Tuality Health Alliance (THA) maintains compliance with the Federal Patient Self Determination Act and the Oregon Revised Statutes under chapter 127 in the Oregon Revised Statutes.
- II. To ensure that adult members 18 years of age or older receive appropriate information regarding Advance Healthcare Directives.

**Policy:**

- I. THA staff and providers respect and support the rights of members to participate in and direct their own healthcare, including formulation of an Advance Healthcare Directive or a Declaration for Mental Health Treatment.
- II. Information regarding advance directives is provided through various methods including but not limited to the following:
  - A. Member handbook
  - B. Member newsletter
  - C. New member packets
  - D. Provider offices
  - E. Area hospitals
  - F. Case managers
  - G. Mental health care providers i.e., Tuality Geriatric Psychiatry and Washington County Department of Health and Human Services
- III. Information provided to members will include:
  - A. The member’s rights under Oregon Law including their right to accept or refuse mental, medical or surgical treatment and the right to formulate at the individual’s option an Advance Healthcare Directive or Declaration for Mental Health Treatment.

- B. That whether or not the member executes an Advance Healthcare Directive or Declaration for Mental Health Treatment will have no effect on the provision of their care and they will not be discriminated against in anyway.
  - C. Any limitation regarding the implementation of an Advance Healthcare Directive or Declaration for Mental Health Treatment is a matter of conscience by the provider or healthcare facility.
  - D. When requested, a copy of the Advance Healthcare Directive or Declaration for Mental Health Treatment will be sent to the member.
  - E. Should the member be incapacitated at the time of initial enrollment with THA and is not able to receive information (due to the incapacitating condition or a mental disorder) or articulate whether or not he or she has executed an Advance Directive or Declaration for Mental Health Treatment, THA may give information to the member's family in accordance with State law.
- IV. Physician offices should ask members if they have completed an Advance Directive. It is not mandatory that members have these documents completed.
- V. Documentation that existence of Advance Directives exists on a given member should be prominently displayed in the patient's medical record.
- VI. Existing Advance Directives are reviewed at the patients' request.
- VII. THA does not implement Advance Directives. THA provides only information on who may assist the member in completing Advance Directives or the Declaration for Mental Health Treatment.
- VIII. Tuality Healthcare supports provider and community education on Advance Directives.

**Subject: Advance Directives**

**Page 4 of 4**

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Refer:	THA Policy VII-1	Member Rights and Responsibilities
	THA Policy VII-2	Complaints and Grievances
	ORS 127.505-127-660	Healthcare Directives
	ORS 127. 700-127.737	Declarations for Mental Health Treatment

Formulated: November 2006

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**THA Plan Director**

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**THA Medical Director**