

POLICY: ADVANCE DIRECTIVES

POLICY STATEMENT: It is the policy of the Division of Developmental Disabilities and Rehabilitative Services (DDRS) to support Individuals receiving supported living services in their decisions related to advanced directives.

DETAILED POLICY STATEMENT:

Adherence to federal and Indiana statutes:

Nothing in this policy shall be used to subvert or otherwise avoid compliance with federal and Indiana statutes.

Legal requirements for completion of advance directives:

Advance directives are legally binding when prepared by a competent adult, 18 years or age or older, including a legal guardian.

Individualized support team discussion of advance directives:

- A. The individual's case manager shall:
 1. Ensure that the individualized support team (IST) for an individual meeting requirements to complete advance directives:
 - a. discusses advance directives with the individual or legal guardian if indicated:
 - i. annually at the individual's individualized support plan (ISP) meeting; and
 - ii. upon notification to the individual of a terminal diagnosis;
 - b. assists the individual in selecting a trusted other who will work with the individual to better understand advance directives and, if the individual so chooses, prepare advance directive documents.
 2. Ensure that the individual and all members of the individual's IST understand that any advance directive signed by the individual is voluntary and may be cancelled by the individual at will.
 3. Document in case notes and in the ISP, the IST discussion of advance directives, including identification of a trusted other when the individual so chooses.

When an individual elects to prepare advance directives

- A. Upon the decision by the individual to prepare advance directives, the individual's case manager shall:
 1. collaborate with the trusted other chosen by the individual to ensure the individual is assisted with:
 - a. understanding advance directive options as described the Indiana State Department of Health's document titled "Advance Directives, Your Right to Decide";
 - b. completing one or more of the following advance directive documents per the individual's choosing, including the signatures of witnesses as indicated:
 - i. Indiana Appointment of Health Care Representative;
 - ii. Living Will Declaration;
 - iii. Life Prolonging Procedures Declaration;
 - iv. Organ Donor Card;
 - c. understanding:

- i. that any or all of the advance directive documents may be cancelled if the individual changes their mind about any advance directive decision; and
 - ii. how to cancel one or more of the advance directive documents upon deciding to do so ;
2. call a team meeting should the individual wish to execute a Health Care Power of Attorney advance directive option, and discuss the need for an attorney's services to do so;
3. ensure copies of all signed advance directive documents are provided to the individual's:
 - a. health care representative, if indicated;
 - b. immediate family members;
 - c. personal physician;
 - d. medical specialists providing services to the individual;
 - e. the individual's attorney, if indicated;
 - f. all supported living services providers;
- B. The individual's supported living services providers shall ensure employees providing services to the individual are trained on the individual's advanced directives.

Executing advance directives:

- A. All entities providing services to the individual shall comply with the advance directives the individual has put in place.

DEFINITIONS:

"BDDS" means Bureau of Developmental Disabilities Services as created under IC 12-11-1.1-1.

"Competent adult" means a person 18 years or older having the ability to manage their own affairs.

"DDRS" means the division of disability and rehabilitative services as established by IC 12-9-1-1.

"Individualized Support Team" or "IST" means a team of persons, including:

1. an Individual;
2. the Individual's legal representative, if applicable;
3. the Individual's Providers;
4. the Individual's Case Manager, if indicated;
5. a BDDS representative; and
6. other persons identified by the Individual or the Individual's legal representative, if applicable,

who assist the Individual in a significant manner, or in the development and implementation of the Individual's Individualized Support Plan (ISP).

"Trusted other" means a person selected by an individual to assist the individual in understanding advance directives and, when the individual so chooses, to prepare advance directives documents per the individual's preferences and decisions.

REFERENCES:

Indiana State Department of Health, 2004. Advance Directives - Your Right to Decide
IC 29-2-16.1: Revised Uniform Anatomical Gift Act
IC 16-36: Medical Consent
IC 16-36-4: Living wills and Life Prolonging Procedures
IC 30-5-5: Powers
460 IAC 6: Supported Living Services and Supports
460 IAC 7: Individualized Support Plan
Indiana Appointment of Health Care Representative
Living Will Declaration
Life Prolonging Procedures Declaration

Approved by: Julia Holloway, DDRS Director -

