

MAKING DECISIONS ABOUT YOUR HEALTH CARE

Information for Consumers/Clients and Answers to Frequently Asked Questions



This pamphlet tells you how you can make decisions about your health care.

*District of Columbia
Department of Behavioral Health
DBH*



**MAKING DECISIONS ABOUT YOUR HEALTH CARE
INFORMATION FOR CONSUMERS/CLIENTS**

This information is being given to you in compliance with a federal law called the Patient Self Determination Act. This law is designed, along with District of Columbia law, to protect your rights to make decisions about your own health care, including the right to accept or refuse life-sustaining medical treatment, and behavioral health treatment.

Your care will be provided whether or not you have written any of the documents discussed in this booklet.

AS AN ADULT, YOU HAVE THESE RIGHTS:

- You have the right to choose what medical treatment you want in the event of a terminal medical condition (living will).
- You have the right to appoint someone to make your health care treatment decisions for you if you cannot make those decisions yourself (durable power of attorney for health care).
- You also have the right to state the behavioral health treatment decisions that you prefer to be followed whenever you cannot make those decisions for yourself (advance instructions for mental health and/or substance use disorder treatment).
- You can make your decisions about your health care known by telling your family, close friends, doctor, nurse, or others, or by putting your directions in writing.
- You can change your mind at any time.

CHILDREN AND YOUTH under 18 years of age are encouraged to help in the advanced health care planning process, but the documents are only valid if a parent or legal guardian signs them.

**FREQUENTLY ASKED QUESTIONS AND
ANSWERS****WHY SHOULD I BE INVOLVED IN DECISIONS
ABOUT MY HEALTH CARE TREATMENT?**

Your health care affects **you** most of all, so **you** should be involved in any decisions about **your** treatment.

HOW CAN I BE INVOLVED IN DECISIONS ABOUT MY HEALTH CARE?

- Talk with your family, close friends, doctor, nurse, social worker, or community support worker/case manager about the decisions you want to make.
- Ask questions and let those involved in your care know what your wishes are.
- Talk to them about what you want now. But, also talk to them about what you would want in the future if you cannot make your own decisions.
- You can protect your rights by writing down your wishes and having two witnesses sign the document. Such a document is called an Advance Directive.

WHAT IS AN ADVANCE DIRECTIVE?

An advance directive is a document in which you say what you want done if you cannot make your own health care treatment decisions. There are three (3) kinds of advance directives.

- In a living will, you say what kind of treatment you do or do not want if you are unable to make your own health care treatment decisions. A living will applies only when you are in a terminal condition.
- In a durable power of attorney for health care, you appoint a person to make decisions for you about your health care treatment, including behavioral health care, when you are unable to make your own decisions.
- In advance instructions for behavioral health care, you state your wishes regarding mental health and/or substance use disorder treatment, for when you are unable to make your own decisions.

WHO DECIDES THAT I AM UNABLE TO MAKE HEALTH CARE TREATMENT DECISIONS?

By law, you are assumed to be able to make health care treatment decisions unless two (2) doctors (one must be a psychiatrist) agree that you are not able to understand treatment decisions.

WHO WILL MAKE TREATMENT DECISIONS FOR ME?

You may appoint a specific person to make health care treatment decisions for you in a durable power of attorney for health care.

If you have not appointed someone to make health care treatment decisions for you when you are unable to do so, District law authorizes a substitute decision maker to make health care decisions for you in the order of priority set forth below. Substitute decision makers include:

- (1) a court-appointed guardian or conservator or intellectual disability advocate of the consumer/client (within the scope of the advocate's appointment under DC Code 7-1304.13);
- (2) your spouse or domestic partner;
- (3) your adult child;
- (4) your parent;
- (5) an adult sibling;
- (5A) your religious superior (if you are a member of a religious order or a diocesan priest);
- (5B) a close friend; or
- (6) your nearest living relative.

District law requires that all substitute decision makers follow your wishes to the extent known.

Even if you decide not to make an advance directive, you still **should** discuss your wishes about health care treatment with your family and friends so they will be aware of your wishes.

WHAT SHOULD I SAY IN MY ADVANCE DIRECTIVE(S)?

You can say anything you want about your health care treatment wishes. One way to get started writing an advance directive is to think about the following questions. Your answers to these questions should be included in your advance directive(s).

For example, these are some of the things you might want to include in a living will:

- Do you want treatment to try to restart your heartbeat or breathing (resuscitation)?
- Do you want to be put on a breathing machine (ventilator or respirator) if you can't breathe on your own?
- Do you want to be fed by tubes (receive artificial nutrition and hydration) if you can't eat or drink on your own?

- Do you want to be kept as comfortable and free of pain as possible, even if such care prolongs your dying or shortens your life?

Things you might want to consider in your advance instructions for mental health and/or substance use disorder treatment:

- Do you prefer certain medications?
- What are your treatment preferences during an emergency or crisis?
- Who should be contacted to handle your personal business and take care of your children and belongings?
- Who should, or should not, be contacted in the event of an emergency?

Ask yourself the following questions when creating a durable power of attorney for health care:

- Who is the person who knows you best and will follow what you say?
- Who is the person you trust to make decisions in your best interest?

MUST I HAVE AN ADVANCE DIRECTIVE?

No, but it is a good idea to have so that your doctor, your family and others know what you want if you ever become unable to make health care treatment decisions for yourself.

HOW DO I WRITE AN ADVANCE DIRECTIVE?

Writing an advance directive takes serious thought. You can ask your doctor, nurse, social worker, or community support worker/case manager for a form(s), and someone will discuss this with you, upon request. You can also talk to anyone you trust about your advance directive and/or health care treatment wishes.

WHAT SHOULD I DO WITH MY ADVANCE DIRECTIVE(S)?

You should give a copy to the person you appoint to make treatment decisions for you, your doctor, your family, and anyone else who might be involved in making decisions about your treatment. You should keep the original(s) in a safe place.

HOW CAN I MAKE SURE MY ADVANCE DIRECTIVES ARE LEGAL?

DBH has developed forms for a living will, durable power of attorney for health care, and advance instructions for mental and/or substance use disorder health care that comply with federal and District law. You may obtain a copy of those forms from your behavioral health provider or the Office of Consumer and Family Affairs at (202) 673-4377.

You may also ask a lawyer to help you write your advance directive(s) or check one you have written. Possible resources may include, but are not limited to, University Legal Services (ULS), Legal Counsel for the Elderly (LCE), and Neighborhood Legal Services (NLS).

WHAT IF I WANT TO CHANGE MY ADVANCE DIRECTIVE(S)?

You can change or cancel your advance directive(s) at any time. You can write new advance directive(s), destroy the old ones, or tell those involved in your care that you have changed your mind. It is very important to let anyone involved in your health care, including behavioral health professionals, know that your wishes have changed.



If you feel that your rights have been limited, violated, or if you are dissatisfied with behavioral health services or supports provided, you may contact your behavioral health provider or call or visit the Office of Consumer and Family Affairs (OCFA) at:

(202) 673-4377

Location:

**64 New York Avenue, NE
3rd Floor**

Prepared by:

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