

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE	EFFECTIVE DATE 08/20/1993	NUMBER 03.04.107
	SUBJECT ADVANCE DIRECTIVES FOR HEALTH CARE	
SUPERSEDES PD-DWA-42.09		AUTHORITY MCLA 700.496 et. seq.
ACA STANDARDS 3-4354; 3-4372; 3-4377; 3-4378; 3-4379		
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POLICY STATEMENT:

To provide compliance with "The Patient Self-Determination Act," and to comply with the wishes of the prisoner regarding the type of care s/he desires, should s/he become incapacitated and unable to communicate her/his desires.

DEFINITION:

For the purpose of this policy, "Advance Directives" means written instructions, recognized under State law and relating to the provision of health care when the individual is incapacitated and unable to communicate her/his desires, such as a durable power of attorney for health care.

POLICY:

- A. Written information shall be provided to each prisoner concerning the individual's right under State law to make decisions concerning medical care, including the right to accept or refuse medical or surgical treatment, and the right to formulate an advance directive.
- B. Health care staff will inquire of each prisoner at the time initial health care contact and for existing prisoners during annual health screening whether or not s/he has executed an advance directive, and will document the response in the health record.
- C. The provision of care will not be conditional or otherwise discriminatory against the prisoner based on whether or not the individual has executed an advance directive.
- D. A durable power of attorney for health care designates an individual(s) to make decisions (as specified in the "Durable Power of Attorney," CHJ-233, 234, 235). A designation shall be executed in the presence of and signed by two witnesses. The witnesses shall not be the prisoner's spouse, parent, child, grandchild, sibling, presumptive heir, physician, patient advocate or an employee of a health facility that is treating the patient.
- E. The person given durable power of attorney is known as the patient advocate. Before acting as a patient advocate, the proposed patient advocate shall sign an acceptance to the designation as specified on CHJ-236. A prisoner may not be a patient advocate, or sign as a witness for "Durable Power of Attorney," for another prisoner.
- F. A copy of the advance directive for health care shall become part of the prisoner's health record and record office file. The provisions of the document will be incorporated into the medical treatment and decision-making process as soon as the prisoner becomes physically or mentally incapable of self-determination as it relates to the health care decision-making process. This provision does not apply to prisoners on a hunger strike as set forth in 04.06.120, "Hunger Strike."
- G. The health record shall reflect the place, date, and the time the advance directive goes into effect, as well as the clinical condition of the prisoner that causes the execution of the provisions specified in this directive.

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OPERATING PROCEDURE

- H. Medical directors, in consultation with Wardens, shall be responsible for developing operating procedures, to implement this policy, within 60 days, and shall forward these operating procedures to BHCS.

KLM:OPH:08/20/93