

Client Name: _____

Advance Directive for Mental Health Treatment

Maryland law gives the right to anyone 18 years of age and over to be involved in decisions about their mental health treatment. However, a parent or guardian of a person under the age of 18 years may authorize treatment, even over the objection of the minor. The law also notes that at times, some persons are unable to make treatment decisions. Maryland law states that you have the right to make decisions in advance, including mental health treatment decisions, through a process called advance directive. An advance directive can be used to state your treatment choice or can be used to name a health care agent. A health care agent is someone that will make health care decisions for you. There are several important things to note about an advance directive:

1. If you are a person with a mental illness, this document provides you the chance to take part in a major way in your mental health care decisions when you are not able to. This document allows you to express your consent or refusal to medications for your mental illness and other health care decisions, including use of seclusion and restraints. Please know that Maryland law allows a health care provider to override your refusal for medication for a mental disorder in limited situations if you are involuntarily committed to a psychiatric hospital.
2. This document may be completed by any individual 18 years of age and has not been determined to be not capable of making an informed decision. An advance directive may be oral or written. If written, it must be signed and dated. Two witnesses must also sign the document. The health care agent may not be a witness. And, at least one witness may not be a person who is knowingly entitled to benefit by your death, for example inherit money, insurance benefits. The witnesses must sign the document stating that the person making the directive is personally known to them and appears to be of sound mind. If the directive is made orally, it must be made in the company of your attending physician and one witness.
3. You can also make an advance directive naming a person as your health care Agent, to make mental health decisions when you are not able to do so. The agent must make choices in line with any desires you have expressed in this document, or if your wishes are not expressed and are not known by the agent, the agent must act in good faith in what he/she believes to be in the best interest for you. It is your job to inform the agent that the agent has been named in your advance directive, and to make sure he/she agrees to be your agent. It is important that your health care agent be informed about your mental illness and the decisions you have made in your advance directive. It is highly recommended that you discuss the contents of your advance directive with your family and close friends, as well as your mental health providers.
4. Maryland law does not allow a person to sign another adult into a psychiatric hospital. Therefore, a health care agent may not sign you into a psychiatric hospital.
5. Maryland law allows giving a medication for the treatment of a mental disorder over the person's expressed wishes or placing a person in seclusion or restraints against the person's expressed wishes, under certain conditions.

I was given information on Advance Directives for Mental Health Yes ___ No___

I would like to complete Advance Directive for Mental Health Yes___ No___

I have already completed Advance Directive for Mental Health prior to this. Yes_No_

I will provide a copy of completed Advance Directives for Mental Health Yes___No___N/A___

Client Signature: _____ Date: _____

Therapist Signature: _____ Date: _____