



CCSM Mental Health Advanced Directives Second Draft 7-2021

This Issue Statement attempts to address the need in Maine for education and technical assistance to offer the option for peers to draft their own mental health advanced directive when needed in a time of distress. This should be a policy priority for the Office of Behavioral Health (OBH) to work in collaboration with the CCSM to engage peers and providers to assist in the drafting and notarizing of their mental health advanced directive. This returns the power to the person versus others speaking on their behalf. General medical advanced directives have been in place for a long period of time and work well to keep a person's wishes for their care in place.

What is an advance directive? It is a legal written document (when notarized) that expresses your wishes in advance about what types of treatments, services, and other assistance you want during a personal mental health crisis. A directive provides a clear statement of your medical treatment preferences and other wishes or instructions. You can also use it to grant legal decision-making authority to another person to be your advocate and agent until the crisis is over.

What are the benefits of having an advance directive?

A psychiatric advance directive can:

- Promote your autonomy and empowerment;
- Enhance communications between you, your doctor, treatment team and family;
- Protect you from ineffective, unwanted or possibly harmful treatment or actions;
- Help prevent crisis situations and reduce the use of involuntary treatment or safety interventions, such as restraint or seclusion.

Recommendations:

1. A curriculum needs to be developed so that peer support specialists, other peers and allies could assist in the drafting of a mental health care advanced directive document.
2. When lawyers are needed, CCSM with partners (like Disability Rights Maine, DRM) could develop a list of pro-bono attorneys that could review and advise on the final document(s).
3. All mental health providers should be talking with the people they serve about the importance of having a mental health advance directive as part of their care. Providers should connect peers to places where they could get their directives completed.
4. OBH to have a prominent place on their website to discuss the importance of mental health advance directives and have links to all the resources on this page.



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5. The CCSM in collaboration with DRM to research the root cause of why providers do not always follow legal directives and potentially submit legislation in the next session to address the barriers to following MH advanced directives.

Expected Outcomes:

The CCSM believes strongly that helping peers to develop their own mental health advance directives for themselves will make sure to the extent possible that in a time of crisis they have a personal legal document that is developed in a time of wellness to guide their care. This will squarely put consumers in the driver seat during times when they might not be able to stand up and/or speak for themselves.

Here is a link to Advance Directives for Mental Health Care from Disability Rights Maine:

<https://drme.org/resources/advance-directives-mh>

We would like to Hear from You:

To submit feedback, ideas or a personal story relating to this issue statement, please send to the CCSM either by mail at: 219 Capitol St. Suite 7 Augusta, ME 04330 or email at vmccarty@maineccsm.org

DEADLINE TO RESPOND August 9, 2021

Thank you.
