

**Name:** Advance Directive Policy  
**Current Effective Date:** 9/24/09

<b>Scheduled Review Date:</b> 9/24/10		
<b>Date of Origin:</b> 6/28/07	<b>Date Removed:</b>	
<b>Responsible Department:</b> Medical Management		
<b>Approval(s):</b>	QM/UM Committee	Lipa Board
<b>Distribution:</b>	All Staff, Providers	

## ***A. Purpose***

Consistent with state and federal law, this policy describes requirements that: (1) Lipa inform plan members of their right to initiate an Advance Directive; and (2) Lipa providers prominently display in each member’s medical records whether the member has an advance directive.

## ***B. Policy***

### **1. Right to Initiate an Advance Directive**

- 1.1. As required by state and federal law, Lipa provides information to plan members about their right to be informed about, and to accept or refuse, any medical treatment recommended by a treating physician, and to initiate an advance directive stating their wishes in the event of serious illness or injury. When an advance directive is in place, the provider documents that information in the member's medical file.
- 1.2. Information about the advance directive is outlined in Lipa's member handbook. This information also advises of the right to revoke the advance directive and the right to file grievances concerning non-compliance with the advance directive requirements.
- 1.3. Lipa makes forms and information available at no cost or refers members to local hospitals or other agencies which assist individuals with advance directives. Neither Lipa nor Lipa providers discriminate against an individual based on whether or not the individual has executed an advance directive. Lipa educates its employees and providers regarding its policies and procedures on advance directives.
- 1.4. Should there be a change in state law, Lipa will inform members no later than 90 days after the effective date of the change.

### **2. Right of Member Who is Incapacitated at the Time of Enrollment**

- 2.1. If a Lipa plan member is incapacitated at the time of initial enrollment and is unable to receive information (due to the incapacitating condition or a mental disorder) or unable to articulate whether or not he or she has executed an advance directive, Lipa gives advance directive information to the enrollee’s family or surrogate in the same manner that it provides other materials about policies and procedures to the member's family or to a surrogate or other concerned person in accordance with State law. Lipa subsequently provides the material to the member once he or she is able to receive such information.

### 3. Provider Medical Record Documentation

- 3.1. Lipa requires that contracted providers maintain medical records in compliance with generally accepted standards. As part of this requirement all providers, regardless of specialty, are required to prominently display in their medical records whether patients over age 19 have an advance directive.

#### ***C. Related Material***

Name	Location
Medical Record Review of Contracted Providers Policy	Lipa Provider Website; SharePoint Policy and Procedure Central Database
Medical Record Review of Contracted Providers Procedure	Lipa Provider Website
Advance Directive Procedure	SharePoint P&P Central Database