

PARTNERSHIP HEALTHPLAN OF CALIFORNIA

POLICY/ PROCEDURE

Policy/Procedure Number: MCQP1047 (previously MPQP1047)			Lead Department: Health Services	
Policy/Procedure Title: Advance Directives			<input checked="" type="checkbox"/> External Policy <input type="checkbox"/> Internal Policy	
Original Date: 06/17/2009		Next Review Date: 06/12/2025 Last Review Date: 06/12/2024		
Applies to:	<input checked="" type="checkbox"/> Medi-Cal		<input type="checkbox"/> Employees	
Reviewing Entities:	<input checked="" type="checkbox"/> IQI		<input type="checkbox"/> P & T	
	<input type="checkbox"/> OPERATIONS		<input type="checkbox"/> EXECUTIVE	
Approving Entities:	<input type="checkbox"/> BOARD		<input type="checkbox"/> COMPLIANCE	
	<input type="checkbox"/> CEO <input type="checkbox"/> COO		<input type="checkbox"/> CREDENTIALING	
			<input type="checkbox"/> COMPLIANCE <input type="checkbox"/> DEPARTMENT	
			<input type="checkbox"/> FINANCE <input checked="" type="checkbox"/> PAC	
			<input type="checkbox"/> DEPT. DIRECTOR/OFFICER	
Approval Signature: Robert Moore, MD, MPH, MBA			Approval Date: 06/12/2024	

I. RELATED POLICIES:

- A. MPQP1038 – Physician Orders for Life-Sustaining Treatment
- B. MPQP1022 – Site Review Requirements and Guidelines

II. IMPACTED DEPTS:

- A. Health Services
- B. Member Services

III. DEFINITIONS:

N/A

IV. ATTACHMENTS:

- A. N/A

V. PURPOSE:

To define member rights to have an Advance Health Care Directive (aka Advance Directive), and define practitioner and health plan responsibility to provide Advance Directive information to Partnership HealthPlan of California (Partnership) members who are adults or emancipated minors.

VI. POLICY / PROCEDURE:

A. Regarding Members

1. Partnership advises members about Advance Health Care Directives and their right to execute one. The Advance Directive form enables the individual to express his or her preferences for life-sustaining treatment and to elect an individual to make health care decisions in a situation where the individual is unable to make decisions for themselves. Members receive this information from Partnership in the Evidence of Coverage document on enrollment and information about Advance Directives is available on the Partnership website. Partnership will notify members within 90 days if there are changes in state law regarding Advance Directives. Partnership acknowledges that members have the right to not fill out part or all of the Advance Directive form as a matter of conscience. Partnership will not discriminate in any way against a member who chooses to not fill out part or all of an Advance Directive form. If a member is incapacitated at the time of initial enrollment and unable to receive information (due to the incapacitating condition or to a mental disorder) or articulate whether they have executed an Advance Directive, Partnership will give Advance Directive information to the member's family or surrogate in the same manner that we issue other materials about policies and procedures. When the incapacity has resolved, Partnership

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Care Coordination staff will discuss advance care planning with the member, including the recommendation to complete an Advance Directive.

B. Regarding Practitioners

1. Partnership regularly provides education on Advance Directives to all contracted providers for whom advance care planning is an appropriate part of their scope of practice. Partnership encourages its clinicians to discuss the right to execute an Advance Directive and to honor the Advance Directive of any individual who completes the form. The primary care provider (PCP) and/or specialist should periodically review the Advance Directive with the patient to ensure the elections made on the form continue to reflect the current wishes of the individual. The PCP should keep a copy of an executed Advance Directive in the medical record. PCPs should not condition the provision of care or discriminate against an individual based on whether the patient has executed an Advance Directive or on the contents of that Advance Directive. Partnership acknowledges that health care providing organizations, and individual clinicians practicing in each organization, may conscientiously object to implementing parts of executed Advance Directives. In such cases, it is expected that the organization and/or individual practitioner will inform the member that they cannot implement those portions of the Advance Directive to which there is conscientious objection. The member should be offered the right to switch their care to an organization or practitioner who will follow the requests in their Advance Directive.
2. Partnership Facility Site and Medical Record Review (see MPQP1022) on primary care provider sites determines if providers offer Advance Directive information. Documentation in the medical record should indicate if the PCP discussed Advance Directives with the patient and/or if the patient executed or refused an Advance Directive. Evidence of a discussion of the Advance Directive is sufficient to meet site review requirements.

C. Regarding Partnership Staff

1. Partnership provides education of its staff regarding our policies and procedures about Advance Directives.

D. Regarding the Community

1. Partnership, in partnership with various community organizations, encourages community education regarding Advance Directives, emphasizing that they are designed to enhance individual's control over their medical treatment plans.

VII. REFERENCES:

- A. Title 42, Code of Federal Regulations, Sections 422.128 and 489.100
- B. California Probate Code, Sections 4670 through 4743
- C. Medi-Cal Handbook / Evidence of Coverage
- D. Medicare Managed Care Manual
- E. Partnership website: <http://www.partnershiphp.org/Members/Medi-Cal/Pages/California-Advance-Health-Care-Directive.aspx>
- F. Multiple Advanced Directive options can be found on the California Coalition for Compassionate Care website: <https://coalitionccc.org/CCCC/Resources/ACP-Tools-Resource-List.aspx>

VIII. DISTRIBUTION:

- A. Partnership Department Directors
- B. Partnership Provider Manual

IX. POSITION RESPONSIBLE FOR IMPLEMENTING PROCEDURE: Chief Medical Officer

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X. REVISION DATES:

Medi-Cal

08/18/10; 05/21/08; 05/20/09; 10/17/12; 10/16/13; 10/15/14; 10/21/15; 10/19/16; 04/19/17; *06/13/18;
06/12/19; 06/10/20; 06/09/21; 06/08/22; 06/14/23; 6/12/24

*Through 2017, Approval Date reflective of the Quality Utilization Advisory Committee meeting date. Effective January 2018, Approval Date reflects that of the Physician Advisory Committee's meeting date.

PREVIOUSLY APPLIED TO:

Partnership Advantage:

PAQI 101 – 06/21/2006 to 05/21/2008

PAQP1036 – 05/21/2008 to 10/17/2012

MPQP1047 – 10/17/2012 to 01/01/2015