
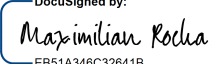


<b>BHS Policies and Procedures</b>	
	<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> City and County of San Francisco  Department of Public Health  San Francisco Health Network  BEHAVIORAL HEALTH SERVICES </div> <div style="width: 35%; text-align: right;"> 1380 Howard Street, 5<sup>th</sup> Floor  San Francisco, CA 94103  (628) 754-9500  FAX (628) 754-9585 </div> </div>
<b>Policy or Procedure Title: <i>Advance Health Care Directives</i></b>	
<p>Issued By:   <small>EB51A346C32641B...</small></p> <p>Maximilian Rocha, LCSW  Director of Systems of Care</p> <p><b>Date: March 23, 2017</b></p>	<p>Manual Number: 3.13-01</p> <p>References: 42 CFR§422.128; 42 CFR §§ and 438.3(j)(1)-(3), 42 U.S. Code § 1395cc(f), California Probate Code § 4600 et seq.</p>

**Technical Revision.** Last Reviewed Date: October 8, 2025

**Equity Statement:** Behavioral Health Services (BHS) is committed to prioritizing intersectionality, including race, gender identity, sexual orientation, age, class, nationality, language, and ability. BHS strives to become an anti-racist and trauma informed organization. We are committed to ensuring that every policy and procedure leads with an equity lens. We are dedicated to ensuring that our providers are equipped to respond to our members' diverse needs and lived experiences.

**Purpose:**

The purpose of this policy and procedure is to align with the requirements of Title 42, Code of Federal regulations, Section 422.128, to ensure adult Medi-Cal members, 18 years old and above, and emancipated minors, served by San Francisco Behavioral Health Services (BHS) are provided with information concerning their rights under California state law regarding Advance Health Care Directives (AHCD), and to ensure the information is current when there are changes in State law.

California law defines an advance health care directive as either an oral or written individual health care instruction or a power of attorney. The federal regulations, however, only require that policies, procedures and information for members address *written* advance health care directives, consistent with Title 42, CFR, Section 422.128, which define an advance health care directive as a written instruction such as a living will or durable power of attorney for health care recognized under State law.

The information on advance health care directives must describe the members' rights under California law governing advance directives, which is found in the Probate Code, Sections 4600-4678; 4695-4698; and 4735-4736. These rights include the right to make decisions concerning treatment, including the right to accept or refuse treatment, and the right to formulate, at the member's option, an advance health care directive.

**Scope:**

This policy is applicable to all Medi-Cal members, ages 18 and older, as well as emancipated minors, receiving services through Behavioral Health Services. If a member is under a court-ordered conservatorship, they themselves are not able to sign and execute an Advance Health Care Directive.

**Policy:**

It is the policy of BHS that all BHS providers inform adult and emancipated minor members of their right to an Advance Health Care Directive, and if a member already has an executed AHCD, the provider is required to document in their medical record. Whether or not a member has an executed AHCD will have no impact on the provision of care.

**Procedure:**

1. BHS staff and/or contracted providers shall provide written information regarding Advance Health Care Directives at the first face-to-face service contact with a member upon assessing that they meet medical necessity criteria to become a member within the Systems-of-Care, and thereafter, upon a request from the member. Provision of this information shall be documented in the member's electronic health record or by using the Acknowledgement of Receipt of Materials form (BHRD 84)<sup>1</sup>.
2. Informing material regarding Advance Health Care Directives shall be maintained in compliance with existing California State law and will be updated to reflect changes in State law within 90 days of the implementation of a change.
3. In the event a Medi-Cal member presents a completed, appropriately witnessed and signed executed Advance Health Care Directive to staff members of civil service BHS programs and/or contracted providers of the BHS, the document shall be scanned into the member's electronic health record. For members whose records are not on Epic, staff should contact Health Information Management (HIM) for support by emailing: [DPH-HISDM@sfdph.org](mailto:DPH-HISDM@sfdph.org). Hard paper copies shall be placed and noted prominently in the chart by a stamp, indicating "Advance Health Care Directives," on the chart cover.

Providers will not discriminate against members based on whether or not they execute an advance health care directive.

In the event that a member under conservatorship has a valid signed executed Advance Health Care Directive, the powers granted to the agent by the AHCD supersede those of the conservator, unless a court order rules otherwise.

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<sup>1</sup> For those receiving services under the Mental Health Plan, documentation of the provision of information on Advance Health Care Directives is a component of the San Francisco Health Network Consent for Treatment form, which is scanned onto Epic.

**Definitions:**

Agent: the person designated and empowered by an executed Advance Health Care Directive (AHCD) to make medical decisions on behalf of the person who signed and executed said AHCD if they become unable to make decisions for themselves. The agent is to ensure that the signatory's healthcare wishes are respected when they cannot communicate them directly.

**Authority:**

1. California Probate Code Section 4600 et seq
2. California Probate Code Section 4677
3. California Probate Code Section 4678
4. California Probate Code Section 4686
5. California Probate Code Section 4689
6. California Probate Code Section 4695
7. California Probate Code Section 4730
8. California Probate Code Section 4731
9. California Probate Code Section 4732
10. California Probate Code Section 4740
11. California Probate Code Section 4742

**Contact Person(s):** Director, Adult & Older-Adult Systems of Care;  
Deputy Medical Director, Behavioral Health Services

**Attachment(s):**

**"Your Right to Have an Advance Health Care Directive"**

[\*\*BHRD 84: Acknowledgement of Receipt of Materials\*\*](#)

**Distribution:**

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## **Your Right to Have an Advance Health Care Directive**

You have the right to have an advance health care directive. An advance directive is a written instruction, such as a living will or durable power of attorney for health care, recognized under California law. It usually states how you would like health care provided or say what decisions you would like to be made, if or when you are unable to speak for yourself.

California law defines an advance directive as either an oral or written individual health care instruction, or a power of attorney (a written document giving someone permission to make decisions for you). All Behavioral Health Plans are required to have an advance directive policy in place. This means your county is required to provide you, or any adult member, with written information on their advance directive policies and a description of applicable State law, should you request it.

An advance directive is designed to allow a person to have control over one's own treatment, especially when one is unable to provide instructions about one's own care. It is a legal document that allows a person to say, in advance, what one's wishes would be, should one become unable to make health care decisions. This may include such things as the right to accept or refuse medical treatment, surgery, or make other health care choices. In California, an advance directive consists of two parts:

1. Appointment of an agent (a person) for health care; and
2. The individual health care instructions

If you have a complaint about advance directive requirements, you may contact the California Department of Health Care Services, Licensing and Certification Division, 1 (800) 236-9747.

For more information on the advance health care directive and how to fill one out, go to this site: <https://prepareforyourcare.org/en/prepare-for-your-care/advance-directive/advance-directive-welcome>.