



Advance Directives Policies and Procedures

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| Company: Advanced Health | Approved by: Dr. Kent Sharman, M.D. Title: Chief Medical Officer |
| Department: Medical Management | |
| Policy: Advance Directives | Creation Date: July 31, 2019 |

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1.0 Purpose

1.1 To provide opportunity for, and educate Members about, their right to be involved in decisions regarding their care, including documentation of Advance Directives and allowance of the Member’s Representative to facilitate care or make treatment decisions when the Member is unable to do so.

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2.0 Scope

2.1 These Advance Directives Policies and Procedures apply to Advance Health, and by extension to its Network Providers, with respect to Advance Directives for Adult Members.

3.0 Policies

3.1 Advanced Health will ensure that its Network Providers are providing written information to all Adult Members receiving medical care with respect to their rights under State law (whether statutory or recognized by the courts of the State) to make decisions concerning their medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate Advance Directives and information regarding the implementation of such a directive.

3.2 Neither Advanced Health nor its Network Providers will condition the authorization or provision of care or otherwise discriminate against a Member based on whether or not the Member has executed an Advance Directive. The Plan will facilitate communications between a Member or Member's Representative and the Member's Provider if and when the need is identified to ensure that they are involved in decisions to withhold resuscitative services, or to forgo or withdraw life-sustaining treatment.

3.3 Advanced Health will remain informed about changes in State (and, as applicable, federal) Laws relating to Member rights with respect to Advance Directives, and will keep Members informed in accordance with applicable Law. Advanced Health will support Network Providers in their efforts to provide information to Members.

4.0 Procedure

4.1 Upon Enrollment, all new Members receive a Member Handbook containing information regarding Advance Directives that includes the following information. Information being given to members will be given in their preferred language or alternate format.

4.1.1 The Member's right to accept or refuse treatment;

4.1.2 Advanced Health's policies for implementation of Advance Directives including the Member's right to complete an Advance Directive and how to implement that right;

4.1.3 Any limitations if Advanced Health cannot implement an Advance Directive as a matter of conscience, including the State legal authority permitting such objection, and a description of the range of medical conditions, procedures and limitations affected by the conscience objection;

4.1.4 Clarification of differences between institution-wide conscientious objections and those that may be raised by Network Providers; and

4.1.5 Information regarding filing complaints concerning noncompliance with Advance Directive requirements through the State's complaint hotline and OHA.

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4.2 If a Member is incapacitated at the time of initial Enrollment or at the time that medical care is initiated and is unable to receive information (due to the incapacitating condition or a mental disorder), or articulate whether or not he or she has executed an Advance Directive, Advanced Health may give Advance Directive information to the Member's family or Member's Representative in accordance with State law. If the Member's incapacitating condition is temporary in nature, Advanced Health will communicate this information directly to the member once he or she is no longer incapacitated.

4.3 A summary of Advanced Health's policy regarding Advance Directives is included in the Provider Manual and details are available upon request. Documentation of a Member's executed Advance Directive must be maintained in a prominent part of the Member's current medical record. The medical record shall also contain documentation on whether or not the Member has executed an Advance Directive.

4.4 Advanced Health does not have any conscientious objections related to medical conditions or procedures and the Members' Advance Directives. These Policies and Procedures shall be revised in the event that Advanced Health adopts such objections, and in that case it shall inform OHA and shall abide by all legal rulings issued by the CMS or OHA regarding conscientious objection decisions.

4.5. If a Member contacts Advanced Health with complaints regarding a Provider's noncompliance with an Advance Directive, the Plan shall inform the Member that he or she may file a complaint with OHA.

4.6 Neither Advanced Health nor its Network Providers shall condition a Member's care on whether he or she has an Advance Directive. Neither Advanced Health nor any Network Provider shall otherwise discriminate against a Member based on whether or not the Member has executed an Advance Directive. Providers identified as noncompliant with a Member's Advance Directive or treatment decision are referred by the CMO and the Credentialing and Access Committee for review.

4.7 The CMO shall ensure that information provided to Members and Providers is current and reflects changes in State law as soon as possible after those changes are effective, but in no event later 90 calendar days after the effective date of the change. Advanced Health Care Management employees will receive training concerning the policies and procedures for Advance Directives, including training regarding any changes as necessitated by changes in State law. Advanced Health shall also provide community education regarding advance directives either directly or in concert with other providers or entities.

4.8 If Advanced Health contracts with another entity for the functions described in these Policies and Procedures, Advanced Health will remain ultimately accountable for ensuring that Advance Directive requirements are being met and will provide oversight pursuant to the contract with the entity and Advanced Health's compliance procedures.

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5.0 Reference Sources

- 5.1 42 CFR 422.128
- 5.2 ORS 127.505 – 127.531
- 5.3 OAR 410-141-3585(10)(s)
- 5.4 CCO Contract, Exhibit E, Section 14.

6.0 Responsibilities

- 6.1 The Chief Medical Officer (CMO) has primary responsibility for development, implementation and updating of these Policies and Procedures.
- 6.2 The CMO shall work collaboratively with the Care Management, Member Services and the Health Information Systems Departments to ensure that Members receive appropriate information with respect to Advance Directives and that Members' Advance Directives are properly maintained in the Members' health records.

7.0 Related Documents

| # | Doc # | Document Title |
|-----|------------------|--|
| 7.1 | | Member Handbook |
| 7.2 | | Provider Handbook |
| 7.3 | [in development] | Advance Directives for Mental Health Treatment Policies and Procedures |
| 7.4 | 1022238 | Advanced Health – Definitions Relating to all Policies and Procedures. |

8.0 Acronyms and Definitions

- 8.1 Unless specifically defined in these Advance Directive Policies and Procedures, all capitalized terms have the meaning assigned to them in “Advanced Health – Definitions Applicable to all Policies and Procedures.” The words “include” and “including” and their derivatives are deemed to be followed by the phrase “without limitation.” All pronouns are deemed to include masculine, feminine, gender-neutral or gender-multiple, and singular and plural, as the identity of the person(s) requires.

9.0 ATTACHMENTS

- 9.1 None

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10.0 APPROVALS

Document Owner: Dr. Kent Sharman, M.D.

Approved: _____ *Kent Sharman, MD* _____

Signature

Title: Chief Medical Officer

Date: 8/14/2020 _____

Original Effective Date: July 31, 2019

Review Schedule: Annual _____

(Check all that apply)

Bi-Annual: _____

Upon CCO Contract Amendment: _____

Revision Dates: 1. August 5, 2020

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