

## The Strength of Psychiatric Advance Directives

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Many people have heard the term advance directives but far fewer have heard about psychiatric advance directives (PAD). One of Disability Rights Ohio's goals this year is to advocate for the use of psychiatric advanced directives for individuals in state-licensed or state-operated behavioral healthcare facilities. PADs have sometimes also been called Mental Health Advance Directives.

The type of advance directives most people already know about are more commonly known as a "living will". Living wills are written documents that tell healthcare providers about a person's individual preferences for medical care and who is legally allowed (directed) to speak for that person about physical healthcare decisions if they become unable to speak for themselves.

A psychiatric advance directive is a very similar legal document that details a person's preferences for future mental health treatment and the types of treatment if the person is in a crisis and unable to make decisions or is deemed incompetent and incapacitated. It also typically names an individual designated by the person to make treatment decisions.

Psychiatric Advance Directives (PADs) are a nationally recognized legal rights protection document. PADs are a rights issue and are intrinsically connected to individuals' health and wellbeing. PADs help to increase individuals with lived experience voice and choice. They provide a way for individuals to pre-write and pre-think about having their wishes, preferences, and desires outlined. PADs are instructional documents that are portable, meaning they can go wherever the person with lived experience goes.

*A time of crisis is not the best time to need to make any sort of decisions.*

Creating a psychiatric advance directive includes sitting down with people and having honest conversations about what you want and what you want their role to be in the decision-making process about your treatment and care. The person who is the named decision maker is legally called an "agent". This is someone the person with lived experience has personally selected. This is someone they trust and most importantly believe will honor what they want to have happen with their treatment when they are unable to decide. An agent is someone who understands and is committed to following the voice of the individual with lived experience when they cannot use their voice on their own. They are someone who does not think first about what they want for the person but rather what the person wants and knows is best for themselves based on things that have and have not worked in the past. Sometimes people select a family member or close friend to be their agent. Sometimes people decide it is better to have someone a little more removed to be able to express and make hard decisions, as those closest to them may find it difficult to be objective. It is best for an agent to be someone the person knows will be available when they need them. Individuals with lived experience often select someone that lives close to them and that they are confident will be able and willing to come whenever needed.

If you don't have an agent that you want to name (appoint) in your psychiatric advance directives, your document can also contain only statements (or declarations) about your wishes. If you later have a person you want to name as your agent, you can update your PAD document in the future. While a person's direct behavioral healthcare providers (psychiatrist and others) cannot be their agent, they can provide helpful information to be included in the psychiatric advance directive. They may also be willing to be listed as someone the healthcare facility can consult with during a crisis. Peer supporters are also a group of individuals that are willing to talk with individuals with lived experience about creating a psychiatric advance directive. Other people with lived experiences understand first-hand that it may be triggering to think about crisis, but also have wisdom to share from their own personal experiences. Individuals who have psychiatric advance directives report being able to sleep better and experience a sense of peace of mind knowing they have a PAD in place.

Having a psychiatric advance directive gives an agent a sense of confidence to make decisions that honor the choices and autonomy of the person in crisis. Psychiatric advance directives are also a gift to family members, friends, supporters, and medical systems as they help to avoid disagreements and guessing. It is the way the person with lived experience states both their wishes and what works for them.

*"Advance directive opens a door to giving healthcare choices back to where it belongs - with you. It's the opportunity to make your choices at times when you might not be able to make those choices yourself. It puts you back in the driver seat." (Trish Risser, PAIMI Advisory Council Chair)*

If you are interested in learning more about Psychiatric Advance Directives, please check out the following resources:

- National Resource Center on Psychiatric Advance Directives: <https://nrc-pad.org/>
- Disability Rights Ohio Advance Directives: <https://www.disabilityrightsohio.org/advance-directives>
- State of Ohio Declaration of Mental Health Treatment: <https://probate.franklincountyohio.gov/PBCT-website/media/Documents/Forms/Advance%20Directives/State-of-Ohio-Declaration-for-Mental-Health-Treatment.pdf?ext=.pdf>
- Bazelon Center For Mental Health Law: Psychiatric Advance Directives: Template: <https://www.bazelon.org/wp-content/uploads/2017/04/PAD-Template.pdf>
- Wellness Recovery Action Plan (WRAP): <https://www.wellnesrecoveryactionplan.com/what-is-wrap/>

If you are interested in learning more about the PAIMI Advisory Council, please see the Disability Rights Ohio's website: <https://www.disabilityrightsohio.org/paimi-advisory-council>

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