

Psychiatric Advanced Directive (PAD) Learning Series

Part One: What Is a PAD?


Presenters:

Sarah Humble, WF
Jenny Hill, ALWF



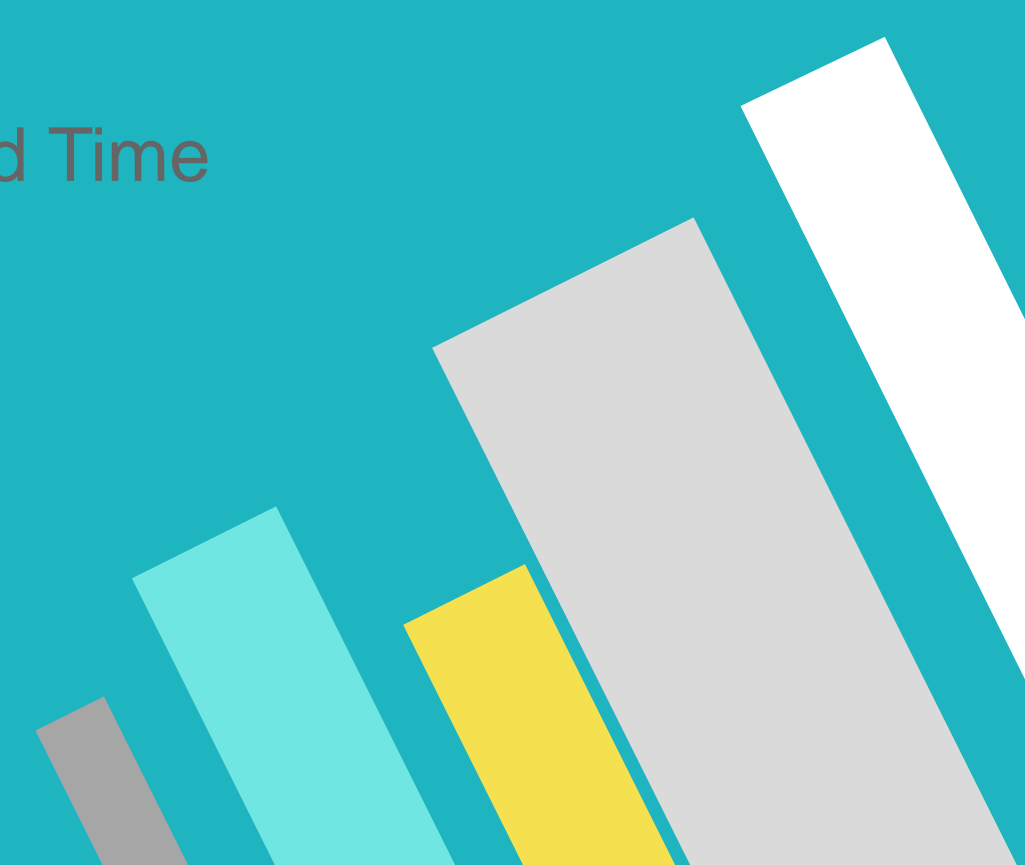


Welcome!

- **First Webinar of a 4 Session Learnings Series**
 1. What Is a PAD?
 2. Legal Aspects of Colorado PAD
 3. Supporting a Person who is Completing a PAD
 4. Resources to Complete a Colorado PAD
 - **Information is specific for use of a PAD in the State of Colorado**
 - **Each session is 30 minutes**
 - **Knowledge Checks**
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Resources Required


1. Pen or Pencil
 2. Paper or Notebook
 3. 30 Minutes of Uninterrupted Time
 4. Your Participation
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Colorado Mental Wellness Network

Our Mission:

Through education and advocacy, the Network seeks to provide opportunities for individuals to improve the quality of their lives, give back to the community through meaningful roles, and to change the perceptions of mental health.





Colorado Mental Wellness Network

Our Programs

Peer Support & Education

- » Peer Support Training
- » Continuing Education for Peer Support Specialists
- » Peer Pathways to Wellness

Advocacy & Leadership

- » Systems & Legislative Advocacy
- » Mental Health Equality in the Workplace

Wellness Recovery Action Plan


- » Seminar 1 Workshop
- » Facilitator Training

Visit us at www.cmwn.org





Our Learning Objectives:

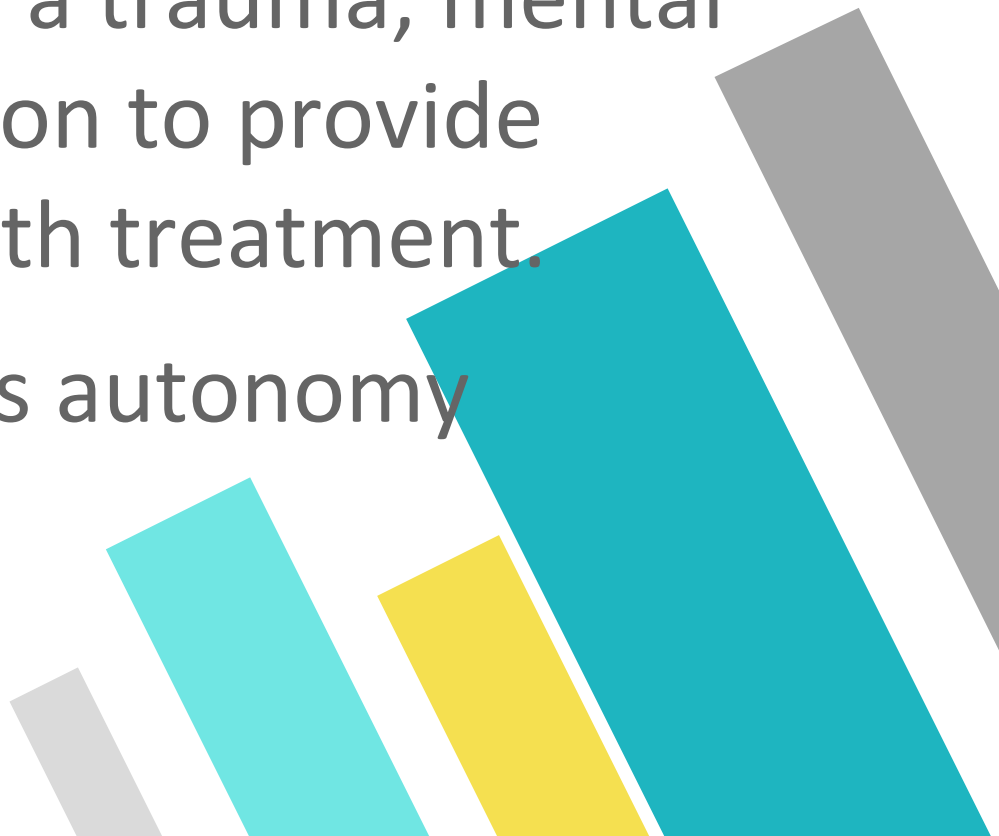
1. Understand definition of a Psychiatric Advance Directive (PAD)
 2. Understand the rights and concepts supporting PADs
 3. Explore the benefits of using a PAD
 4. Identify unique use of PAD in Colorado
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What is a PAD?

A psychiatric directive (PAD) in Colorado is a legal document that allows a person with a trauma, mental health and/or substance use condition to provide instructions for their behavioral health treatment.

They also serve to protect a person's autonomy and right to consent to their care.



PADS support the Right to Personal Autonomy

“No right is held more sacred, or is more carefully guarded by the common law, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law.”

- Minnesota Supreme Court, 1976

Right to Personal Autonomy

Right to Privacy

Right to Bodily Integrity

“The right of each human being, including children, to autonomy and self-determination over their own body”.

Right to Personal Autonomy

Right to Informed Consent

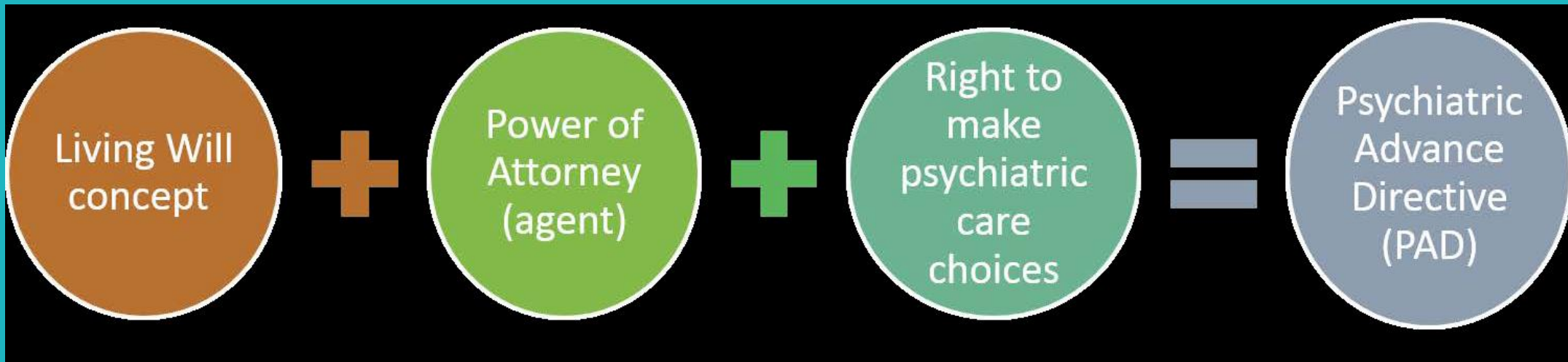
“Process of communication between a person and their healthcare provider that often leads to agreement or permission for care, treatment or services”

Right to Self-Determination

Patient Self-Determination Act

- Encourages all people to make choices and decisions about the types and how much medical care they want to accept, or refuse should they become unable to make those decision due to illness.
- Requires all healthcare agencies receiving Medicare and Medicaid reimbursement to recognize a living will and power of attorney as advance directives.
- Reaffirms the common-law right of self-determination guaranteed by the Fourteenth Amendment of the United States Constitution.

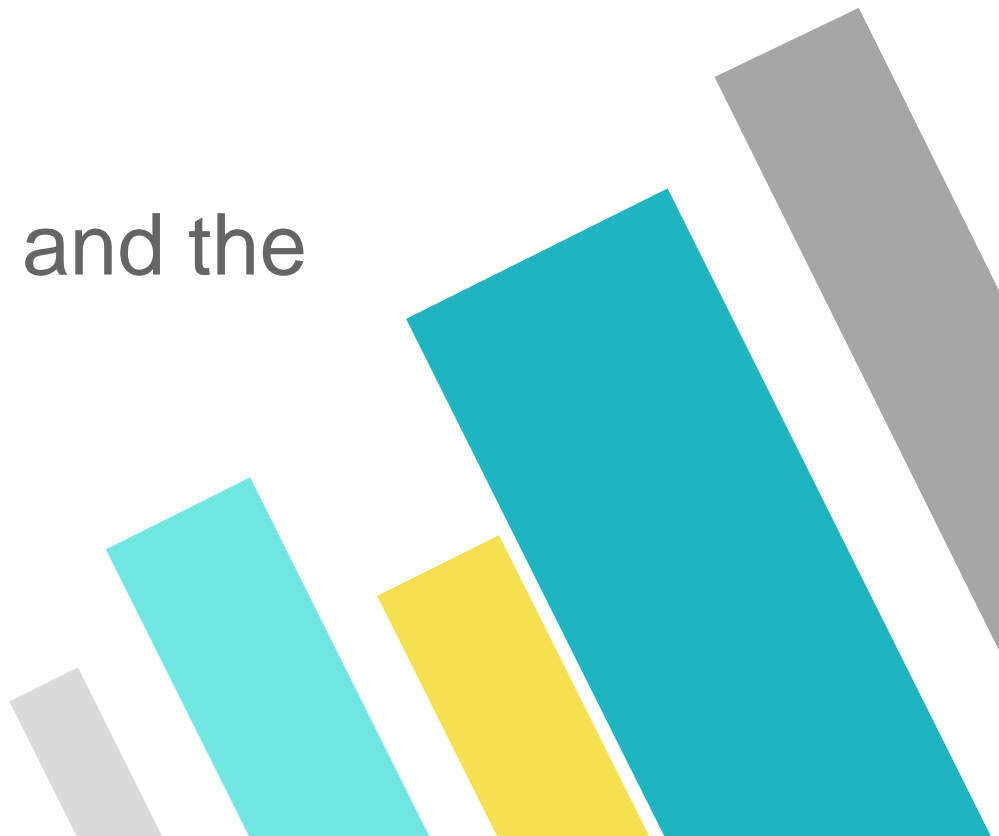
PADs are Anchored in Constitutional Rights





Check Your Knowledge

Answer True Or False

1. A PAD assists a person provide informed consent for behavioral health treatment.
 2. A PAD is NOT based on rights, laws and the Constitution.
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Answers

1. TRUE

PADs assist a person provide consent for behavioral health treatment.

2. FALSE

PADs are based on legal rights, laws and the 14th Amendment of the United States Constitution.



PAD in Colorado

- **Colorado a PAD can be used for mental health and substance use conditions.** It is not necessary to have a separate PAD for each condition.
- **A PAD is in effect when a person and two disinterested witnesses sign the form.**
- **A Colorado PAD covers Outpatient, Emergency Room, Crisis Stabilization, and Inpatient treatment.**


Colorado PAD & Involuntary Procedures

- **Cannot use PAD to avoid involuntary procedures** including M-I hold (Emergency Hold or “72-hour hold”), Emergency Medications, Short & Long-term commitments.
- **If treated involuntarily or under civil commitment laws, the PAD’s instructions are still to be followed by providers.**
- **A PAD must have instructions that are reasonable,** promote health or wellbeing of a person and can be followed by healthcare providers in accordance with Colorado laws.



Check Your Knowledge

Answer True Or False

1. A person can avoid involuntary procedures or civil commitment by writing this instruction in a PAD.
 2. A PAD is a wish list. A person should expect all instructions to be followed.
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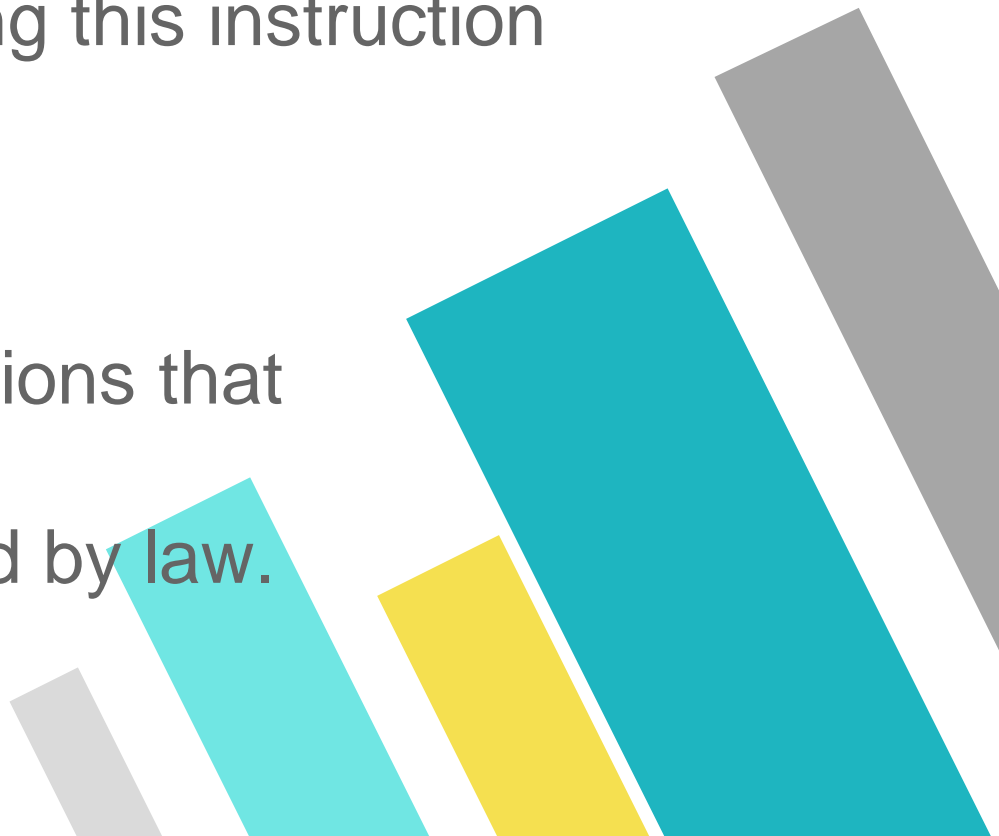
Answers

1. FALSE

In the state of Colorado a person cannot avoid involuntary procedures or civil commitment by writing this instruction in their PAD.

2. FALSE

A PAD must contain reasonable instructions that healthcare professionals can provide according standard medical practice and by law.



Why Use a PAD?

- Effective communication tool between people and their providers for effective treatment.
- Helps in time of crisis and when it may be hard to give information or self-advocate with healthcare providers.

Why Use a PAD?

- **Informed consent** is a process of communication between you and your health care provider that often leads to agreement or permission for care, treatment, or services.
- Every person has the right to get information and ask questions before procedures and treatments.

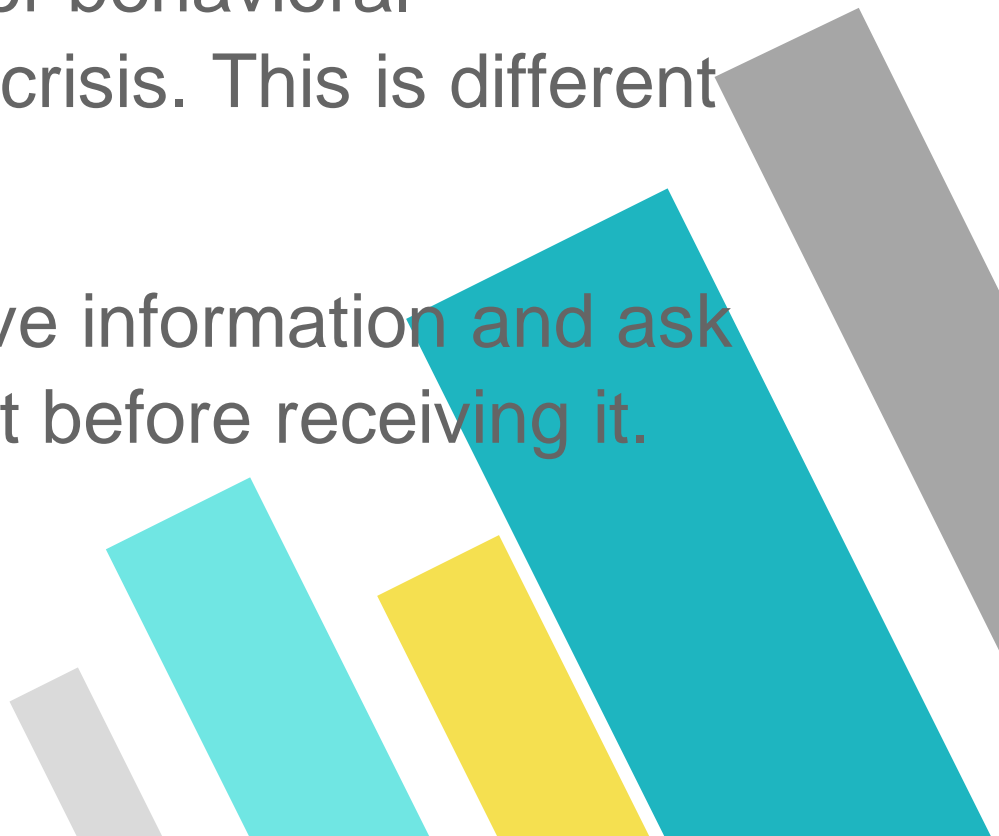
Why Use a PAD?

- Self-determination and choice are important parts of life in recovery and living resiliently.
- When a person and their provider (s) agree on treatment it is more likely to be followed by a person.
- Informed consent and shared decision-making improve the quality of a person's life as well as their treatment outcomes.
- Learning about all treatment options and taking responsibility to plan for our behavioral health care leads to an improved quality of life.



Check Your Knowledge

Answer True Or False

1. In Colorado, a PAD provides instructions for behavioral healthcare even when a person is not in a crisis. This is different from how PADs are used in other states.
 2. A person does not have the right to receive information and ask questions about their behavioral treatment before receiving it.
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Answers

1. TRUE

In Colorado, a PAD provides instructions for maintenance care and crisis treatment in outpatient settings, crisis centers, crisis stabilization unit, emergency room or inpatient hospitalization.

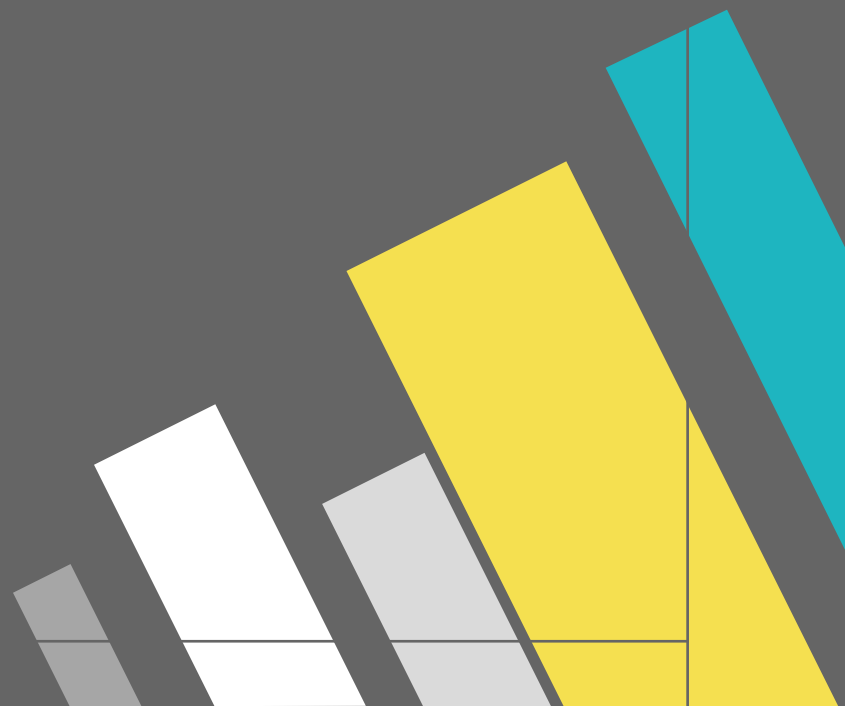
2. FALSE

The right to informed consent means all people can ask questions about treatments and receive information from healthcare providers including for behavioral health treatment.






When to Write a PAD?

- Best to write when you are well .
 - Can be written even when a person is under a civil commitment and receiving treatment.
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When to Write a PAD?


Two disinterested witnesses sign the PAD
acknowledging a Person is "free from coercion (force),
and is currently aware of risks and consequences of
the decisions made in this form"





Check Your Knowledge

Answer True Or False

1. It is best to write a PAD when you are in the middle of a crisis and feel overwhelmed.
 2. Two disinterested witness are required to sign a PAD and attest that a person is free from coercion and understand the consequences of the decisions made on the PAD form.
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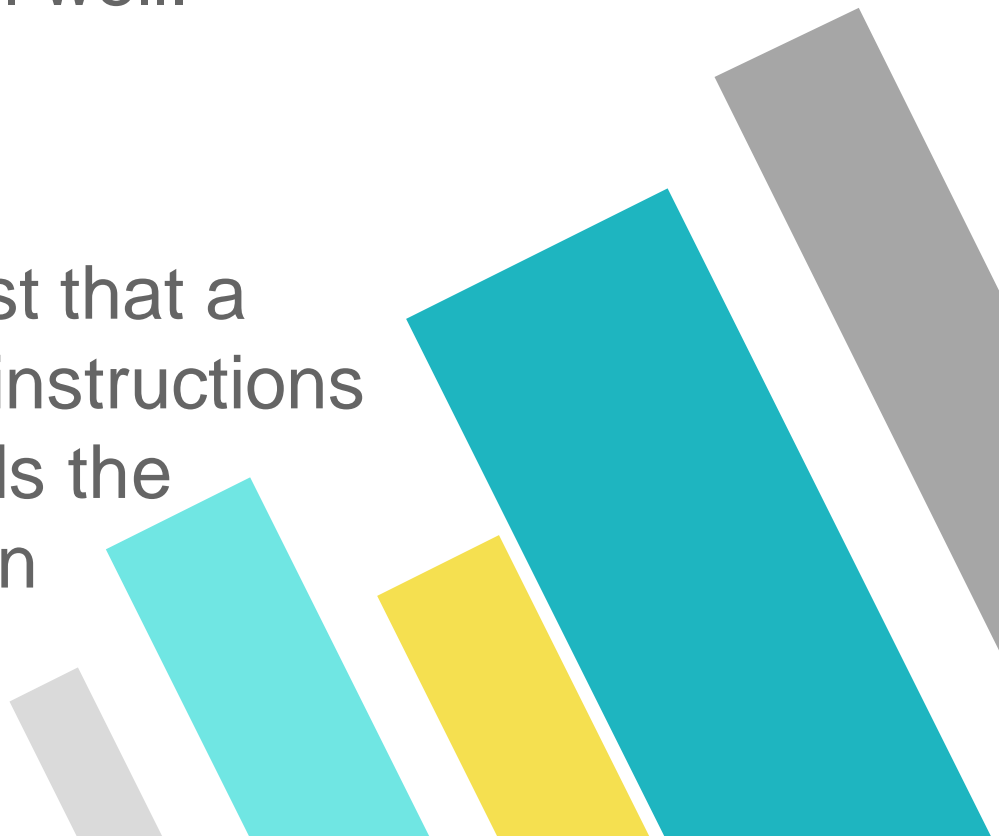
Answers

1. FALSE

It is best to right a PAD when you feel well.


2. TRUE

The two disinterested witnesses attest that a person has not been forced to write instructions that they do not want and understands the consequences of the decisions written in their PAD.






History of PAD Development in Colorado

- A group of advocates with lived experience of trauma, mental health and substance use conditions began discussing how to use Psychiatric Advanced Directives as far back as 2006. Conversations continued for over a decade.
 - In 2018, Mental Health Colorado convened multiple stakeholders including the Colorado Mental Wellness Network to begin the process of developing legislation to implement use of Psychiatric Advance Directives in Colorado.
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History of PAD Development in Colorado

- In January of 2019, Representative Tracy Kraft-Tharpe introduced Colorado House Bill 19-1044 “Concerning Behavioral Health Orders for Scope of Treatment” also known as Behavioral Health Orders Form or Psychiatric Advance Directive (PAD)
 - The bill passed unanimously through both the State House and Senate.
 - It was signed by Governor Jared Polis on March 28, 2019
 - The law went into effect August 2, 2019.
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History of PAD Development in Colorado

- Following the bill becoming law three sub committees formed to develop a PAD form for Colorado, trainings for providers, for the public and for peer support specialists.
 - Colorado Mental Wellness Network secured funding from the Office of Behavioral Health to develop a website and peer support specialist training.
 - The Mountain Plains Mental Health Technology Transfer Center provided funding to bring Pat Seibert, an expert on Psychiatric Advance Directives, to provide training and information to peer supporters, clinical providers, and legal experts.
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Thank you for attending this webinar!

Next session:

Legal Aspects of Colorado PAD

