Up a Creek Without a Paddle: The Colorado Psychiatric Advance Directive

Ashley Trumpie, B.S., OMS II
Christine Wahlmeier, B.A., OMS II
Madison Brown, B.S., OMS I

Learning Objectives

• Understand the history of PADs in Colorado and other states.
• Describe why patients might want to use a Psychiatric Advanced Directive (PAD)
• Understand how the Colorado PAD form is constructed
• Describe situations in which physicians and other clinicians would be impacted by a PAD

What is a Psychiatric Advance Directive?

• A psychiatric advance directive (PAD) is a legal document that describes a person’s preferences for future mental health treatment and allows the appointment of a health proxy to interpret those preferences during a crisis.
• PADs may be drafted when a person is well enough to consider preferences for future mental health treatment.
• PADs are used when a person becomes unable to make decisions during a mental health crisis.
California Natural Death Act 1976
Cruzan v. Director, Missouri Department of Health 1990
Patient Self Determination Act 1990
27 states enact instructional PAD statutes
Colorado creates House-Bill 19-1044 describing requirements for a PAD in March 2019
Form implemented in early 2020

**History of PADs in Colorado and Other States**

**When to Use a PAD?**

**WHO**
- Mental health illnesses
- Family history
- Previous involuntary holds
- Example situations:
  - Paranoïd schizophrenia
  - Acute psychosis
  - Mania
  - Delirium

**WHY**
- Benefits for patients include:
  - Autonomy in care
  - Personalized medicine
  - Expediency of treatment
  - Conflict prevention

**Completing a PAD- the Physician's Role**

- Explain Limitations:
  - Cannot be used to refuse involuntary procedures or to prevent being committed
  - Equity of services provided
  - Check box to agree to maintenance medication adjustments
- Should I sign the form?
  - Physician Signature not required to make form valid
  - Do not sign as a "Disinterested Witness"
Medical Information and Treatment Instructions

• Informed consent for ECT
• Section VI describes location and personal preferences

HIPAA Release and Agent Signature

• HIPAA release to allow both agent and witnesses to be given protected health information
• Section IX is the Agent signature
• Agent = Proxy
• Physicians should not sign to be an agent

Witness and Person Signatures

• DO NOT SIGN witness statement.
• What to tell someone who is asked to sign as a Disinterested Witness
  • Can revoke and amend
  • Lasts 2 years
  • Person may not be legally competent, but they must be able to give informed consent in the moment
  • Best to have a baseline knowledge
Patient:
• Patients’ wishes known
• Facilitate dialogue
• Better outcomes

Physician:
• Avoiding harmful coercive actions
• Faster treatment
• Legal protection

Helpful Links
• https://www.nrc-pad.org/states/colorado-faq/

Impacts of the PAD
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Physician:
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Citations: