

# Psychiatric Advance Directive

## What is it?

A psychiatric advance directive (PAD), also known as a mental health advance directive, is a written document that describes what a person wants to happen if at some time in the future he/she is judged to be suffering from a mental disorder in such a way that he/she is deemed unable to decide for themselves or to communicate effectively.

It can inform others about what treatment he/she wants or doesn't want from psychiatrists or other mental health professionals and it can identify a person who has been given decision-making authority.

# Prairie Ridge

PSYCHIATRIC ADVANCE DIRECTIVES IN IOWA

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# Questions & Answers

## **Can I write a legally-binding psychiatric advance directive (PAD)?**

Yes, by appointing an agent, Iowa's Durable Power of Attorney for Health Care statute allows you to appoint an agency (called an "Attorney in fact") to make healthcare decisions for you if you become incompetent to make those decisions for yourself. A recommended form for this purpose, called a Durable Power of Attorney, is available at the front desk or from your counselor. The form is not mandatory but it is recommended.

## **Can I write advance instructions regarding psychiatric medications and/or hospitalizations?**

The Iowa statute does not allow you to write advance instructions for your psychiatric care in a freestanding document. However, if you fill out a Durable Power of Attorney, you may wish to specify how you would like your Attorney in fact to make decisions for you. If there are particular matters that you wish your Attorney in fact to make clear to your treating physicians, it is advisable to discuss them with him/her and document them on, or in pages attached to, the Durable Power of Attorney form.

## **Does anyone have to approve my advance instructions at the time I make them?**

No, but you must have them acknowledged by a notary in the state of Iowa or witnessed and signed by 2 adult witnesses at the same time as you sign it. Your witnesses must be people other than employees of your healthcare provider. Your Attorney in fact cannot be a witness and one witness must be someone other than a relative of yours.

## **If I become incompetent, can my agent make decisions for me about medications and/or hospitalizations?**

Yes. However, your provider may decline to follow the Attorney in fact's instructions in an emergency. An "emergency" includes a situation in which a person is considered a danger to him/herself or others.

## **Does my agent have to make decisions he/she thinks I would make or does he/she have to make them in my "best interests"?**

Your Attorney in fact must act accordingly to your instructions you have documented and your wishes as far as he/she otherwise knows. If your wishes are not known, he/she must act in your best interests, taking into account your condition and prognosis.

## **Before following my PAD, would my mental health care providers need a court to determine I am not competent to make a certain decision?**

No. The statute does not specify any particular procedure by which your PAD goes into effect. In practice, your PAD will be followed whenever your providers consider that you are unable to understand or communicate treatment decisions yourself.

## **How long does my PAD remain in effect?**

Your Durable Power of Attorney remains valid until revoked. You may revoke it at any time, orally or in writing.