

## POLICY AND PROCEDURE

<b>POLICY NAME:</b> Mental Health Declaration	<b>POLICY ID:</b> OR.MM.BH.117
<b>BUSINESS UNIT:</b> Trillium Community Health Plan	<b>FUNCTIONAL Area:</b> Utilization Management, Population Health and Clinical Management
<b>EFFECTIVE DATE:</b> 8/22/2017	<b>PRODUCT(S):</b> Medicaid, Trillium OHP
<b>REVIEWED/REVISED DATE:</b> 2/19/2018, 12/17/2018, 10/17/19, 11/6/2020, 02/05/2021, 02/02/2022, 2/19/2023, 2/5/2025	
<b>REGULATOR MOST RECENT APPROVAL DATE(S):</b>	

**POLICY STATEMENT:** Trillium Community Health Plan will follow Mental Health Declarations as indicated in the Oregon Administrative Rules and Oregon Revised Statutes.

**PURPOSE:** This policy describes requirements that Trillium Community Health Plan will follow in regards to a mental health declaration from the member.

### SCOPE:

Population Health and Clinical Management. This Policy applies to the Lane/Douglas/Linn County OHP service area, and to the Multnomah/Washington/Clackamas County OHP service area.

### DEFINITIONS:

Declaration for Mental Health Treatment - a written statement of an individual's decisions concerning his or her mental health treatment. The individual makes the declaration when they are able to understand and make decisions related to treatment that is honored when the individual is unable to make such decisions.

### POLICY:

An adult of sound mind may make a declaration of preferences or instructions regarding mental health treatment. The preferences or instructions may include consent to or refusal of mental health treatment.

A declaration for mental health treatment continues in effect for a period of three years or until revoked. The authority of a named attorney-in-fact and any alternative attorney-in-fact named in the declaration continues in effect as long as the declaration appointing the attorney-in-fact is in effect or until the attorney-in-fact has withdrawn. If a declaration for mental health treatment has been invoked and is in effect at the expiration of three years after its execution, the declaration remains effective until the member is no longer incapable.

A declaration is effective only if it is signed by the principal and either two competent adult witnesses or notarized by a notary public.

- In the case of providing two competent adult witnesses, the following cannot provide witness: The member's representative; or alternative representative; or doctor; or mental health care provider; or counselor; or owner or relatives of owner of facility in which they reside; or relatives of the member.

Trillium maintains policies and procedures, including this one, applicable to all capable adults who are receiving mental health treatment by or through Trillium, that provides for:

- Delivering to members, in written form and without recommendation:
  - Information on the rights of the individual under Oregon law to make mental health treatment decisions, including the right to accept or refuse mental health treatment and the right to execute declarations for mental health treatment;
    - Information about Mental Health Declaration is outlined in Trillium's member handbook. This information also advises of the right to revoke the advance directive and the right to file grievances concerning non-compliance with the advance directive requirements.
      - [Member Handbooks and Forms \(trilliumohp.com\)](https://www.trilliumohp.com)
  - Information on the policies of the organization with respect to implementation of the rights of the individual under Oregon law to make mental health treatment decisions;
  - A copy of the declaration for mental health treatment set forth in [ORS 127.736 \(Form of declaration\)](#); and
    - Trillium providers make the form of declaration available annually to members.
    - Should there be a change in state law; Trillium will inform members no later than 90 days after the effective date of the change.
  - The name of a person who can provide additional information concerning the forms for declarations for mental health treatment.

- Links to the State of Oregon's website is included in the Member Handbook
- Documentation in a prominent place in the individual's medical record whether the individual has executed a declaration for mental health treatment.
- Ensuring compliance by the organization with Oregon law relating to declarations for mental health treatment.
- Educating the staff and the community on issues relating to declarations for mental health treatment.

If a member has received a copy of the declaration for mental health treatment in the preceding 12-month period or has a validly executed declaration (less than three years old), another copy does not need to be distributed.

Trillium refers members to their primary care or mental health provider, local hospitals or other agencies which assist individuals with an execution of their Mental Health Declaration. Neither Trillium nor Trillium providers discriminate against an individual based on whether or not the individual has executed a Mental Health Declaration.

- Trillium requires that all physical/behavioral/dental contracted providers maintain medical records in compliance with generally accepted standards. As part of this requirement all providers, regardless of specialty, are required to prominently display in their medical records.

#### PROCEDURE:

1. Trillium maintains information in the member handbook about Mental Health Declaration for reference.
2. Trillium's Contracted Mental Health Providers offer their patients a copy of the mental health declaration form upon initiating BH services.
3. Proof of offer of Mental Health Declaration form is documented and maintained at the provider office in the member's record.
4. Trillium and contractors will make a reasonable effort to provide Covered Services on a voluntary basis and consistent with current Declaration for Mental Health Treatment as provided at <https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/Ie9550.pdf> in lieu of involuntary treatment.

#### REFERENCES:

Oregon Revised Statutes	ORS 127.702 ORS 127.703 ORS 127.736
Oregon Administrative Rules	410-120-0000
CCO 2.0 Contracts	Exh D –(2)(a) Exh M – (17)(a)

#### ATTACHMENTS:

#### ROLES & RESPONSIBILITIES:

#### REGULATORY REPORTING REQUIREMENTS:

#### REVISION LOG

REVISION TYPE	REVISION SUMMARY	DATE APPROVED & PUBLISHED
Annual review	Updated language and clarified references.	2/5/2025

#### POLICY AND PROCEDURE APPROVAL

The electronic approval retained in RSA Archer, the Company's P&P management software, is considered equivalent to a signature.