



**MedStar Family
Choice**

ADMINISTRATIVE POLICY AND PROCEDURE

Policy #:	102	
Subject:	Advance Directives	
Section:	Care Management	
Initial Effective Date:	11/01/2012	
Revision Effective Date(s):	07/18, 07/19, 07/20, 07/21, 07/22, 07/23, 07/24, 07/26	
Historical Revision Date(s):	03/13, 07/13, 11/13, 03/14, 10/14, 10/16, 07/17, 7/21	
Review Effective Date(s):	07/25	
Historical Review Date(s):	10/15, 07/16, 01/18	
Responsible Parties:	AVP Clinical Operations, Manager of Case Management	
Responsible Department(s):	Clinical Operations	
Regulatory References:	Maryland EQRO Systems Performance Review: Standard 5.9, COMAR 10.67.04.02 (E) NCQA 2026: PHM 5D	
Approved:	AVP Clinical Operations	Chief Medical Officer

Purpose: To describe the process for education of MedStar Family Choice (MFC) members who are at least 18 years of age about Advance Medical Directives.

Scope: MedStar Family Choice, Maryland

Policy: MedStar Family Choice will seek to provide education which informs its members of their right under federal law to make decisions about their health care, the right to formulate an advance directive, and the right to access a provider's policies and procedures for implementing advance directives. The basis of this policy is the Federal Patient Self-Determination Act, enacted in 1990, which addresses the rights of health care users to stipulate in advance how they would like to be treated by health care providers when they are incapacitated. MedStar Family Choice supports the opportunity for adults to express their desires about medical treatment in advance by educating its member population on advance directives.

Definitions:

1. Advance Directive: A written expression of a person's desire for medical treatment used in cases where the person becomes incapacitated and is no longer capable of making his or her own decisions.
2. Durable Power of Attorney (healthcare proxy): A person (an agent) appointed to make a patient's medical decisions if the patient is unable to do so. The person selected is someone that the patient trusts to speak for him/her if he/she becomes unable to do so.
3. Living Will: A document in which the signer states their wishes regarding medical treatment, especially treatment that sustains or prolongs life by extraordinary means, for use if the signer becomes mentally incompetent or unable to communicate.
4. POLST (Physician Orders for Life-Sustaining Treatment) and MOLST (Medical Orders for Life-Sustaining Treatment) Forms: A doctor's order stating a patient's preferences when the patient is near the end of life or experiences a critical illness.

Procedure:

A. All Members:

1. Written information about advanced directives is provided to MedStar Family Choice members in the Member Handbook included in the New Member Welcome Packets. The MedStar Family Choice Member Handbook is also included on the MFC website.
 - a. Information in the handbook includes a description of the Maryland Health Care Decisions Act (Md. Code Health-General §§5-601 through 5-618).
2. Information about advanced directives is accessible on the MedStar Family Choice Healthy Life Portal.
3. MedStar Family Choice will amend advanced directive information to reflect changes in state law as soon as possible, but no later than 90 days after the effective date of change.

B. Members in Case Management:

1. During the initial case management assessment, the MedStar Family Choice case manager will:
 - a. Educate members that the best way to ensure that health care wishes are honored is to complete legal documents such as Advance Directives. Advance Directive documents including Living Will and Durable Power of Attorney. Documents that supplement the Advance Directives include the Medical Orders for Life-Sustaining Treatment (MOLST) or Physician Orders for Life Sustaining Treatment (POLST) form that contains the Do Not Resuscitate (DNR) Order and the After My Death form that addresses body, organ or tissue donation as well as disposition of body and funeral arrangements.
 - b. Determine whether the member already has a completed Advance Directive. If yes, remind the member to provide a copy to their assigned Primary Care Physician and any other provider of care included in the member's health care team.
 - c. Notify members that information and forms for Advance Directives and supporting documents can be obtained for free from numerous sources including the [Maryland Attorney General - Advance Directives](#) website. Information on the

Health Care Decisions Act (Md. Code Health-General §§5-601 through 5-618) is also accessible using this website. The Maryland Health Care Commission has recognized MyDirectives as an electronic advance directives service, <http://www.mydirectives.com>. The living will form called "Five Wishes" is also available (for a small fee) from the non-profit organization Aging with Dignity at <https://www.agingwithdignity.org>. The MFC case manager will provide forms to members upon their request.

- d. Notify members that they have the right to revise or cancel the Advance Directives at any time.
2. The MedStar Family Choice case manager will document a completed Advance Directive and education provided to the member in the clinical software system.
3. The MedStar Family Choice case manager will inform individuals that appeals concerning non-adherence with the Advance Directive requirements should be filed with the Health Regulation Administration, Department of Health.
- C. Education of MedStar Family Choice Associates Related to Advance Directives Policy:
 1. MedStar Family Choice associates are educated, in writing, regarding Advanced Directives policy and procedures. This also includes an explanation of members' right to this information. This is done annually. At minimum, education includes:
 - a. The Maryland law called the Health Care Decisions Act that explains a person's right to do health care planning through "advance directives."
 - b. Advance Directives resources
 2. MedStar Family Choice case management associates are educated on Advance Directives Policy updates during the annual policy review.
- D. Education of Delegates and Sub-contractors
 1. Delegates and sub-contractors are educated in accordance with Policy 1707; Delegate and Subcontractor Relationships.

Summary of Changes:	07/26: - B.1.c added The Maryland Health Care Commission has recognized MyDirectives as an electronic advance directives service, http://www.mydirectives.com. 07/25: - No changes 07/24: - Responsible Parties removed names and added titles only. - Approved section removed Carol Attia and added titles only. - Definitions 3 changed his or her to their to align with Health Equity language. 07/23: - Changed COMAR 10.67.04.02 (F) to COMAR 10.67.04.02 (E) - Responsible Parties removed Theresa Bittle and added Carol Attia.
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	• Approved section removed Theresa Bittle and Patryce Toye, added Carol Attia and Dr. Karyn Wills. 07/22: • Updated Regulatory References to reflect 2022 NCQA Standards. • Removed Nitza Larbie from Responsible Parties, added Teresa Boileau. 07/21: • Update Regulatory References to reflect 2021 NCQA Standards. • Updated responsible department from case management to clinical operations. • Added “Maryland” to scope. • (F) added to COMAR Regulatory Reference for specificity. • Addition verbiage added to Procedure: B, 1, a; for clarity. • Web based links in Procedure: B, 1, c; updated and verified. 07/20: • Updated Regulatory References to reflect COMAR recodification and 2020 NCQA Standards. • Minor changes to Procedure, Section B, #1. • Addition of websites for resources. 07/19: • Removal of “A” from policy number. • Update NCQA Reference for 2019 Standards. • Removal of “Maryland” from scope. • COMAR 10.09.65.02 citation added to regulatory reference • Addition of ability to access to Advanced Directives on the MFC Healthy Life Portal. • Added Section D. 07/18: • Update Regulatory References to note Maryland EQRO. • Update NCQA standard to reflect PHM 5. • Modified Effective Date to Initial Effective Dates; added Historical Revision Dates and Revision Effective Dates; and added Historical Review Dates and Review Effective Dates. 01/18: • Removed Sharon Henry from Responsible Parties. • Added information on MOLST and POLST. • Added another resource for an Advance Directive form available from Aging with Dignity.
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	• Added reference to Maryland Law ‘Health Care Decisions Act. • Updated Revision Date. • Deleted references to District of Columbia throughout the document. • Added Statement on education of MFC Staff re: Updates to Advance Directive Policy. 07/17: • Changed Approved from Carol Attia to Theresa Bittle and updated Dr. Toye’s title from Senior Medical Director to Chief Medical Officer. 10/16: • Updated responsible parties. • Changed sources to obtain Advance Directive forms: deleted American Bar Association and added Maryland Attorney General’s Office. • Replaced CCMS with Clinical Software System. • Changed reference re: compliance to adherence. 10/15: • No changes.
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