

You have the right to make decisions about your health care, both now and in the future. An **advance directive** is a written statement expressing how you would like medical decisions made for you in the future, during times when you may not be able to make those decisions yourself.

Healthcare Power of Attorney

Healthcare power of attorney lets you choose someone to make health care decisions for you in the future, if you are no longer able to make these decisions for yourself. As long as you are able to make these decisions, you will have the power to do so unless you state otherwise in your document. You may give specific directions to the person with “power of attorney” about the health care you do or do not want.

Keep in mind that the document can be customized to be as broad or as narrow as you may designate, but the current statutory form “as is” allows for your agent to access and review your medical records, including mental health records.

Mental Health Treatment Preference Declaration

A **mental health treatment preference declaration**, also known as a psychiatric advance directive, is a document you can create to express whether you want to receive psychiatric medications, or electroconvulsive treatment (ECT), when you are feeling mentally unwell and not able to make decisions for yourself. The document also allows you to say whether you wish to be admitted to a mental health facility for up to 17 days of treatment.

You can either write down your wishes, or choose someone to make your mental health decisions for you when you are feeling unwell. In the declaration, you are called the “principal”, and the person you choose is called an “attorney-in-fact.” Neither your health care professional nor an employee of a healthcare facility where you live is allowed to be your attorney-in-fact.

While you are not required to designate an attorney-in-fact, if you do, the attorney-in-fact must agree to this responsibility in writing before they can start making decisions regarding your mental health treatment. The attorney-in-fact must make choices that align with what you wrote in your mental health treatment preference declaration, unless a court orders them to act differently, or there is an emergency.

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One important benefit of a mental health treatment preference declaration is that, unlike a healthcare power of attorney (which can be revoked at almost any time with relative ease), this directive is in effect for three years, unless you revoke it sooner *and* a physician records in writing that, at present, you in fact have the capability to revoke it. Therefore, an advance directive can be very useful for people who think that they may need particular mental health treatment in the near future and want to guard themselves against changing such instructions at an time when they are not well.

Also, this document has the practical effect of helping you get treatment faster. It often means the person won't need a treatment team, or the family won't have to pursue court-ordered treatment or confinement, because the person has already articulated and authorized the mental health treatment they would like to receive.

More Information

The Illinois Guardianship and Advocacy Commission regularly provides education and legal assistance for those individuals that wish to execute mental health treatment preference declarations. Contact them, or the NAMI Chicago Helpline, for sup

Source: Illinois Department of Public Health. (n.d.). Advance Directives | IDPH. Retrieved December 29, 2019, from <http://www.dph.illinois.gov/topics-services/health-care-regulation/nursing-homes/advance-directives>