

HOW CAN I CHANGE MY DECLARATION FOR MENTAL HEALTH TREATMENT?

If you are able to make informed mental health treatment decisions, you may change your Declaration at any time in writing by revoking an existing Declaration and starting over with a new Declaration for Mental Health Treatment form. It is important that you provide a copy of the new Declaration to the persons to whom you previously gave your Declaration and to any new service providers.

WHAT HAPPENS IF A COURT APPOINTS A CONSERVATOR?

If a court appoints a conservator to make mental health treatment decisions for you, your Declaration for Mental Health Treatment remains in effect and overrides the conservator with respect to mental health treatment covered under the Declaration.

HOW CAN I MAKE SURE THAT THE PEOPLE WHO PROVIDE MY MENTAL HEALTH CARE TREATMENT KNOW ABOUT MY WISHES?

You should give a copy of your completed Declaration form to your mental health service provider and any individual who may assist you when you are not able to make informed mental health treatment decisions. You may want to give a copy to your medical doctor. You should discuss your Declaration with these individuals and keep a copy for yourself.

WHAT IS THE RESPONSIBILITY OF THE PHYSICIAN OR OTHER MENTAL HEALTH SERVICE PROVIDER?

The physician or other mental health service provider must assess your capacity to make informed decisions about your treatment. Generally, the physician or other service provider will follow the Declaration *only* when you lack capacity to make informed mental health treatment decisions. You are expected to participate in decisions about your mental health treatment with your physician and any other mental health service provider when you are able to make informed decisions about your treatment.

CAN A PHYSICIAN OR OTHER MENTAL HEALTH SERVICE PROVIDER CHOOSE NOT TO FOLLOW MY DECLARATION FOR MENTAL HEALTH TREATMENT?

Yes, if there is an emergency endangering your health or life, or if the mental health service provider, as a matter of conscience, cannot follow your Declaration and arranges for the prompt transfer of your care to another provider. In addition, if you are hospitalized against your will, your Declaration may not be followed.

Definitions

Electroconvulsive or other convulsive therapies are treatments for depression that use electric shock or chemical agents to induce mild seizures. Electroconvulsive therapy is sometimes called ECT or shock therapy.

An Informed Mental Health Treatment Decision is a decision made by a person with mental illness who has the ability to understand the proposed procedures, their risks and benefits, and the available alternative procedures.

Mental Health Service Provider is an agency or a person who provides mental health services and supports.

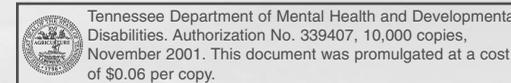
Mental Health Facility is an agency or facility licensed to provide mental health services and supports.

Psychoactive Medication is a drug that acts directly on the central nervous system to influence consciousness, mood and awareness.

Revoke means to withdraw, cancel, or take back.

Service Recipient is a person who is receiving service, has applied for service, or for whom someone has applied for or proposed service because the person has mental illness, serious emotional disturbance, or a developmental disability. Service recipients can also be called consumers, clients or patients.

The Tennessee Department of Mental Health and Developmental Disabilities developed this document based on Tennessee Code Annotated Title 33, Chapter 6, Part 10.



The Tennessee Department of Mental Health and Developmental Disabilities is committed to the principles of equal opportunity, equal access, and affirmative action. Contact the Department's EEO/AA Coordinator at (615) 532-6580, the Title VI Coordinator at (615) 532-6700 or the ADA Coordinator at (615) 532-6700 for further information. Persons with hearing impairments call (615) 532-6612.

Declaration for Mental Health Treatment



Questions and Answers About Completing a Declaration for Mental Health Treatment

Tennessee Department of Mental
Health and Developmental
Disabilities

Declaration for Mental Health Treatment

WHAT IS A DECLARATION FOR MENTAL HEALTH TREATMENT?

It is a document that allows you to say how you want to be treated or not be treated when you are unable to make informed decisions about your mental health treatment.

WHO CAN MAKE A DECLARATION FOR MENTAL HEALTH TREATMENT?

An individual sixteen (16) years of age or older or an emancipated minor with capacity to make informed mental health treatment decisions can make a Declaration for Mental Health Treatment.

WHEN MAY A DECLARATION FOR MENTAL HEALTH TREATMENT BE USED?

A Declaration for Mental Health Treatment is used when you are unable to make informed decisions about your treatment due to a mental illness.

Note: A Declaration is in effect only when you are unable to make an informed mental health treatment decision.

WHAT ARE THE ADVANTAGES OF HAVING A DECLARATION FOR MENTAL HEALTH TREATMENT?

A Declaration allows you to plan and guide your mental health treatment according to your stated wishes, if you later become unable to make informed decisions about your mental health treatment.

WHAT AREAS OF TREATMENT CAN BE COVERED BY A DECLARATION FOR MENTAL HEALTH TREATMENT?

A Declaration allows you to state which mental health treatments are, or are not, acceptable to you. You can make your wishes known about three types of mental health treatment: medications, electroconvulsive and other convulsive therapies, and psychiatric hospitalization up to fifteen days.

CAN I BE REQUIRED TO MAKE A DECLARATION?

No. The Tennessee law which pertains to persons with mental illness and developmental disabilities specifically states you cannot be required to complete a Declaration for Mental Health Treatment to access services by a mental health service provider or as a requirement for an insurance plan.

DOES A DECLARATION AFFECT MY INSURANCE BENEFITS?

No. A Declaration is not related to payment for services. When completing a Declaration, you should consider the limitations of your insurance benefits. For example, if you request a service provider not approved by your insurance provider, you may have to pay for that service out of your own pocket.

HOW CAN I PLAN NOW FOR A DECLARATION?

You can plan ahead by:

- Completing a form for a Declaration for Mental Health Treatment;
- Discussing your preferences with two adult witnesses who know you;
- Signing the form in front of the witnesses; and
- Having the witnesses sign the form.

WHAT SHOULD BE ON A FORM FOR A DECLARATION FOR MENTAL HEALTH TREATMENT?

A form reflects the legal authority that guides the use of a Declaration for Mental Health Treatment. It

describes what a service recipient wants to occur when he/she receives mental health treatment. It describes mental health services that a service recipient might consider, the conditions under which a Declaration may be acted upon, and directions on how a service recipient can revoke a Declaration.

A form allows you to state:

- Conditions or symptoms that might cause a Declaration to be acted upon;
- Medications you are willing to take and medications you are not willing to take;
- Specific instructions for or against electroconvulsive or other convulsive treatment;
- Mental health facilities and mental health providers which you prefer;
- Treatments or actions which you allow or refuse to permit;
- Any other matter pertaining to your mental health treatment which you wish to make known.

WHERE CAN I FIND A FORM?

A form is available on the Internet at the Tennessee Department of Mental Health and Developmental Disabilities' website: <http://www.state.tn.us/mental/>. This form is also available from the Tennessee Department of Mental Health and Developmental Disabilities' Office of Consumer Affairs: 1-800-560-5767.

WHO CAN HELP ME FILL OUT A FORM?

Anyone can help you complete a form. Community Mental Health Centers with Drop-in Centers have staff who may be able to help you. Your mental health service provider may be able to help you.

Note: A Declaration can not be signed on the premises of a mental health service provider.

DOES A DECLARATION FOR MENTAL HEALTH TREATMENT FORM NEED TO BE NOTARIZED?

No. The form does not have to be notarized, but it does have to be signed by two witnesses.

WHO CAN AND CANNOT BE A WITNESS TO A DECLARATION FOR MENTAL HEALTH TREATMENT?

The witnesses must be adults who know you.

Witnesses *cannot* be:

- Your mental health service provider;
- An employee of your mental health service provider;
- An employee or operator of a mental health facility.

At least one of the witnesses can not be related by blood, marriage or adoption or be a person, at the time of the signing, who would benefit from a will or be entitled to any portion of your estate in the event of your death.

HOW LONG WILL MY DECLARATION FOR MENTAL HEALTH TREATMENT BE EFFECTIVE?

You can state the length of time your Declaration can be in effect by specifying an expiration date, but it cannot be longer than two years from the date it is signed. However, you may choose to have the expiration date shorter than two years. If you wish to continue your Declaration after it has expired, you must complete a new form.

HOW CAN I REVOKE MY DECLARATION FOR MENTAL HEALTH TREATMENT?

If you are able to make informed decisions about your mental health treatment, you may revoke your Declaration in whole, or in part, at any time orally, or in writing.

Note: A Declaration is in effect only when you are unable to make informed mental health treatment decisions.