

Legislation for Mental Health Directives

NYAPRS Note: Pennsylvania is poised to join the number of states that promote the use of advance directives. New York has been a leader in this area; since 2001, our Office of Mental Health has funded advance directives training programs for providers through the NYAPRS Training Collective. For a training in your area, e-mail Mary McLaughlin at marym@nyaprs.org.

New Legislation Allows People with Mental Illnesses to Direct Treatment;

Pa. Gov. Rendell to Sign Advance Mental Health Directives into Law

Press Release Mental Health Ass'n in Pennsylvania December 13, 2004

Last year, President Bush's New Freedom Commission on Mental Health reported that the current mental health system unintentionally focuses on managing the disabilities associated with mental illnesses rather than promoting recovery. Tomorrow, as part of a continuing effort to respond to this condition, Pennsylvanians with mental illnesses as well as advocates, legislators and the Governor will take a major step in plans to support recovery.

Surrounded by advocates and supporters, Gov. Rendell will sign HB2036, Mental Health Advance Directives, into law on Tuesday, Dec. 14, at 1:30 p.m. at the State Capitol, inside the Governor's reception room. As a result of the legislation, people with mental illnesses will be allowed to state their treatment preferences when they are well in the event they become sick again.

The Rendell administration has supported this legislation since it was first introduced one year ago. Rep. George Kenney (R- Philadelphia), chairman of the Pennsylvania House Health and Human Services Committee, was a prime sponsor of the bill and critical in getting the legislation approved.

"All too often, medical professionals or judges are forced to make treatment decisions for individuals in times of psychiatric crisis without regard to, or knowledge of, the individual's past experiences or treatment preferences," said Kenney. "Proper planning for mental health care can also help prevent and reduce psychiatric hospitalization, ultimately cutting costs within the already overburdened public health care system."

The legislation was supported by several national and statewide mental health organizations, including the Mental Health Association in Pennsylvania (MHAPA). "Empowering people with mental illnesses by letting them know they have choices in their treatment is central to promoting recovery," said Sue Walther, executive director of MHAPA.

Pennsylvania is one of 20 states that have passed laws outlining provisions for mental health advance directives and/or health care power of attorneys for mental health treatment. Similar to the concept of a living will, a mental health advance directive is a legal document that tells others what an individual's treatment preferences or service needs are. Directives must be respected by medical and mental health professionals, guardians, agents, attorneys, and other surrogate decision-makers acting on behalf of the patient.

The legislation is viewed by people with mental illnesses as an enhancement of communication between individuals and their families, friends, healthcare providers and other professionals, which protects individuals from being subjected to unwanted or possibly harmful treatments or actions. "Recovery from a mental illness must be self-directed," said Robert Berns, a mental health advocate and person with a mental illness. "This legislation allows a person with a mental illness to seek out the assistance of those who will help to recognize when they are becoming ill. With a power of attorney, it can ensure that friends and relatives look after their financial and personal responsibilities."

There are two types of mental health advance directives included under this new law: An Instruction Directive, a written document that describes what an individual does or does not want, if or when the individual is determined to be unable to make decisions; and an Agent-Driven Directive, a written document that designates a surrogate decision-maker when an individual's authority to make decisions has been suspended. A mental health directive can be used for both purposes above (to state medical preferences and to assign decision-making authority to another person.)

For assistance in creating an advance directive, or for more information, contact the Mental Health Association in Pennsylvania, 717-346-0549, info@mhapa.org. The Mental Health Association in Pennsylvania, which reflects the ethnic and cultural diversity of the Commonwealth, works on behalf of mental health through advocacy, education and public policy.

This 'Mental Health E-News' posting is a service of the New York Ass'n of Psychiatric Rehabilitation Services, a statewide coalition of people who use and/or provide community mental health services dedicated to improving services and social conditions for people with psychiatric disabilities by promoting their recovery, rehabilitation and rights. To join our list, please click on the E-News Subscription button.

printer friendly pages script, php

This page printed from:

<http://www.namiscc.org/News/2004/Fall/MentalHealthDirectiveLegislation.htm>