

MAXABILITIES OF YORK COUNTY

PROCEDURE TITLE: Advance Directives/ Health Care Consents

APPLICABILITY: MaxAbilities Residential Programs

EFFECTIVE DATE: October 28, 2010

PROCEDURE REVISION: March 26, 2026
October 28, 2010

REFERENCE: OIDD Departmental Directive (DD) 535-07
SC Adult Health Care Consent Act (SCAHCCA)

PROCEDURE PURPOSE:

This procedure is to provide staff direction in the dissemination and training of information relative to Advance Directives to all MaxAbilities residential participants.

ADVANCE DIRECTIVE INFORMATION ATTAINMENT & DISTRIBUTION:

During the MaxAbilities residential admission process the following will be included:

1. **Information:** Staff will review information related to Advance Directives with the residential individual and their family/representative to include:
 - Review of what Advance Directives are and their purpose for the individual
 - Request for any current formalized Advance Directives for the individual copies for the record
 - If there are no Advance Directives in place, the team will provide and review an information sheet related to Advance Directives and request information from the individual on health care wishes
2. **Document Location/Distribution:** Any pre-determined Advance Directives the individual has will need to be provided to MaxAbilities for inclusion in the individual's record. If copies are obtained:
 - A copy will be placed on the THERAP system in the individual's file
 - A copy will be provided to the individual's Case Manager if applicable
 - The copy will be referenced on page one of the individual's residential plan
 - If an Advance Directive is active but the individual/family declines to provide a copy, this declination will be noted in the record and on page one of the individual's residential plan.
 - If MaxAbilities has a copy of an individual's Advance Directive, a copy will be provided to the hospital if the need arises and/or the document is requested by medical personnel as part of the provision of care.

To ensure that we maintain current information, residential staff will ask the consumer and/or involved family each year during annual planning if there is any Advance Directive or changes that need to be obtained.

ADVANCE DIRECTIVE ASSISTANCE:

For those residential participants able to give informed consent as outlined in the MaxAbilities Advance Directive/Health Care Consent policy, and interested in the completion of an Advance Directive:

1. Individuals with Family Involvement: MaxAbilities staff will provide the individual and their family/representative the approved state forms with information on Advance Directives (*Attachment A*) . It will be the family/representative’s responsibility to obtain witnesses to assist in the completion of the Advance Directive in accordance with state law.
2. Individuals with No Family Involvement: MaxAbilities staff will provide the individual the approved state forms with information on Advance Directives as noted in the section above. MaxAbilities staff will assist the individual in accessing a third party to assist them in the completion of the required forms to complete the desired Advance Directive. In the event a consumer chooses to sign a “Living Will”, MaxAbilities staff will contact a representative from the SC Long Term Care Ombudsman’s office to serve as a witness to this document.

SC ADULT HEALTH CARE CONSENT ACT:

For those residential participants who are independently unable to give informed consent as outlined in the MaxAbilities Advance Directives/Health Care Consent policy, the SC Adult Health Care Consent Act (*“Non-Emergency or Emergency Health Care for Adult Individuals Unable To Consent”- SC Code Ann § 44-60-10*) needs to be utilized.

1. Steps to Take When in a Supportive Role: The SCAHCCA provides an order of priority for authorized persons. OIDD is authorized to consent to or refuse major medical treatment “if a person resides in a facility operated by or contracted to by the department”. “Facility” is defined as a residential setting operated, assisted or contracted out by the department that provides twenty-four hour care and supervision (*SC Code Ann §44-26-10 (7)*). OIDD can only act as the authorized person for individuals residing in settings meeting the definition of “ facility”. SC Code Ann §44-26-50 does not give the State Director of OIDD the authority to consent to health care treatment for those individuals with Traumatic Brain or Spinal Cord Injury or similar disability. The State Director of OIDD, designates the following individuals to act on his/her behalf:
 - ✓ OIDD Regional Center Facility Administrators
 - ✓ CEO/ Executive Directors of DSN Boards or contracted providers

2. Steps To Take as an Authorized Person: At MaxAbilities, the authorized person designated as the OIDD appointed staff member is the CEO. Prior to providing any Health Care Consent for a major health event as outlined in the SCAHCCA, the CEO will:
- Confirm the individual has ID/RD or Autism Spectrum Disorder.
 - Confirm the individual was determined to have an inability to consent for the specific major medical treatment identified (where general anesthesia is used or an invasion of bodily integrity requiring incision, producing substantial pain, discomfort, debilitation, or having a significant recovery period. It does not include “routine diagnosis or treatment, the extraction of fluids for analysis or dental care performed with anesthesia or a non-permanent procedure designed for the prevention of pregnancy” (see SC Code Ann § 44-26-10).
 - Confirm that the physician has received a copy of the current SCAHCCA forms for the individual and that the physician has certified with one other physician that the individual has the inability to consent for the specific major medical procedure.
 - Ensure that documentation is present in the record for the above noted steps.
- SCAHCCA Form Completion- Staff Responsibilities: While MaxAbilities staff cannot assist in the completion of Advance Directives, they can assist in collecting information to verify SCAHCCA forms are completed in cooperation with the individual’s family/representative and current documentation is available on the THERAP records management system.
- The SCAHCCA forms are required to be completed/updated annually (*see policy- Attachments B & C*). The initial documentation will be completed as part of the Admissions process for new residents. Annual updates will be completed for all residents in April of each year. This will ensure that all needed reviews are completed and updated information is available in the file.