

August 1, 2009
Provider Bulletin

Advance Directives

Recognizing a person's right to dignity and privacy, our members have the right to execute an Advance Directive ("living will or durable power of attorney for health care") to identify their wishes concerning health care services should they become unable to voice their decisions directly. Physicians and/or providers may be requested to assist members in procuring and completing necessary forms.

An advance directive is a legal document (health care instruction or power of attorney) used to give a person's doctor instructions regarding his or her own health care if he or she cannot speak for himself/herself. BlueChoice HealthPlan Medicaid complies with all applicable state and federal laws concerning Advance Directives. We strive to inform you of relevant changes in South Carolina state law as soon as possible, but no later than 90 days after the effective date of the change in state law.

Usually, the advance directive instructs physicians or providers to withhold or withdraw life-sustaining treatment in the event of a terminal condition or permanent unconscious condition, when the person would be unable to make his or her wishes known at that time. However, an advance directive can provide any kind of instruction to providers on health care services to be provided or not to be provided to the person who is the principle of the document when the proper circumstances are met. All health care declarations are unconditionally revocable at any time, effective immediately upon communicating the change to the attending physician or health care provider.

We will not condition the provision of care or otherwise discriminate based on whether or not a member has executed an advance directive.

Physicians and other mid-level providers may assist members in obtaining advance directive forms and discuss the sensitive issues raised by completing an advance directive with their patients and families. Health care providers are required to document in the member's medical record that an advance directive was discussed and/or completed. We encourage physicians and providers to obtain a copy of a member's completed advance directive and place it in the patient's chart.