


<b>PLAN OPERATIONS</b>	 From DentaQuest			
	<i>Policy and Procedure</i>			
	Policy Name:	<b>Advanced Directives</b>	Policy ID:	<b>PLANCG-02</b>
	Approved By:	Quality Assurance and Performance Improvement Committee	Last Revision Date:	10/23/2021
	States:	Oregon	Last Review Date:	11/15/2021
Application:	Medicaid	Effective Date:	11/16/2021	

## PURPOSE

To ensure the Dental Care Organization (DCO) provides adult enrollees with written information on Advance Directives and that Advance Directives received from enrollees or their representatives are housed in their patient file maintained by the provider appropriately.

## POLICY

The DCO shall provide adult enrollees (18 years of age or older) with written information on Advance Directive policies and include a description of Oregon law. The written information provided by the DCO shall reflect changes in Oregon law as soon as possible, but no later than ninety (90) days after the effective date of any change to Oregon law. The DCO shall also provide written information to adult Members with respect to the following:

1. Their rights under Oregon law; and
2. DCO's policies respecting the implementation of those rights, including a statement of any limitation regarding the implementation of Advance Directives as a matter of conscience.
3. Notice that complaints concerning noncompliance with the Advance Directive requirements may be filed with OHA and information on how to file such a complaint with OHA

The DCO and its contracted providers shall not condition the provision of care or otherwise discriminate against an enrollee based on whether or not the individual has executed an Advance Directive.

Additionally, the DCO shall:

1. Direct providers to information provided at Oregon Advance Directives when requested by the enrollee or their representative;
2. Ensure providers follow enrollee instructions in Advance Directives as they apply to dental care;
3. Not request Advance Directives from their enrollees;
4. Require DCO contracted providers who administer general anesthesia to enrollees 18 years of age or older, to do the following:
  - a. Ask the enrollee if they have an Advance Directive on file with their medical practitioner.
  - b. Note the enrollee's response in their chart.
  - c. Coordinate with the enrollee's medical provider to obtain documentation of the Advance Directive if one exists.

## DEFINITIONS

“Advance Directive” means an individual’s written instructions to an appointed person specifying actions to take in the event that the individual is no longer able to make decisions due to illness or incapacity. The instruction, such as a living will or durable power of attorney for health care, recognized under State law (whether statutory or as recognized by the courts of the State), relating to the provision of health care when the individual is incapacitated pursuant to 42 CFR 438.3(j); 42 CFR 422.128; and 42 CFR 489.100. A “health care instruction” means a document executed by a principal to indicate the principal’s instructions regarding health care decisions. A “power of attorney for health care” means a power of attorney document that authorizes an attorney-in-fact to make health care decisions for the principal when the principal is incapable. “Incapable” means that in the opinion of the court in a proceeding to appoint or confirm authority of a health care representative, or in the opinion of the principal’s attending Physician, a principal lacks the ability to make and communicate health care decisions to health care Providers, including communication through persons familiar with the principal’s manner of communicating if those persons are available. means a written instruction, such as a living will or durable power of attorney for health care, recognized under State law (whether statutory or as recognized by the courts of the State), relating to the provision of health care when the individual is incapacitated.

**REFERENCES**

42 CFR §438.3(j)

42 CFR §422.128

42 CFR §489.102(a)(3)

42 CFR §489.100

OAR 410-120-0000 Acronyms and Definitions

OAR 410-141-3585 MCE Member Relations: Education and Information

***Revision History***

<b>Date:</b>	<b>Description</b>
06/18/2018	Approval and adoption.
04/23/2019	Updates based on annual review.
12/04/2019	Conversion to revised policy and procedure format and naming convention.
11/18/2020	Updates based on annual review.
10/23/2021	Updates based on annual review.