

IC 16-36-1.7

Chapter 1.7. Psychiatric Advance Directives

IC 16-36-1.7-0.5

Inapplicability to certain mentally ill individuals

Sec. 0.5. This chapter does not apply when an individual is detained or committed under IC 12-26-4, IC 12-26-5, IC 12-26-6, or IC 12-26-7.

As added by P.L.16-2004, SEC.3.

IC 16-36-1.7-1

"Psychiatric advance directive" defined

Sec. 1. As used in this chapter, "psychiatric advance directive" means a written instrument that expresses the individual's preference and consent to the administration of treatment measures for a specific diagnosis for the care and treatment of the individual's mental illness during subsequent periods of incapacity.

As added by P.L.16-2004, SEC.3.

IC 16-36-1.7-2

Requirement to execute a directive; information required; compliance

Sec. 2. (a) An individual who has capacity may execute a psychiatric advance directive.

(b) The psychiatric advance directive must include the following:

(1) The name of the individual entering into the psychiatric advance directive.

(2) The name of the treatment program and the sponsoring facility or institution in which the individual is enrolled, if applicable.

(3) The name, address, and telephone number of:

(A) the individual's treating physician; or

(B) other treating mental health personnel.

(4) The signature of the individual entering into the psychiatric advance directive.

(5) The date on which the individual signed the psychiatric advance directive.

(6) The name, address, and telephone number of the designated health care representative.

(7) The signature of the psychiatrist treating the individual entering into the psychiatric advance directive, attesting to:

(A) the appropriateness of the individual's preferences stated in the psychiatric advance directive; and

(B) the capacity of the individual entering into the psychiatric advance directive.

(c) The psychiatric advance directive must comply with and is subject to the requirements and provisions of IC 16-36-1.

As added by P.L.16-2004, SEC.3.

IC 16-36-1.7-3

Specifications by individuals

Sec. 3. An individual may specify in the psychiatric advance directive treatment measures, including:

- (1) admission to an inpatient setting;
- (2) the administration of prescribed medication:
 - (A) orally; or
 - (B) by injection;
- (3) physical restraint;
- (4) seclusion;
- (5) electroconvulsive therapy; or
- (6) mental health counseling;

for the care and treatment of the individual's mental illness during a period when the individual is incapacitated.

As added by P.L.16-2004, SEC.3.

IC 16-36-1.7-4

Liability

Sec. 4. A person who:

- (1) treats an individual who has executed a psychiatric advance directive; and
- (2) is not aware that the individual being treated has executed a valid psychiatric advance directive;

is not subject to civil or criminal liability based on an allegation that the person did not comply with the psychiatric advance directive.

As added by P.L.16-2004, SEC.3.

IC 16-36-1.7-5

Treatment by attending physician

Sec. 5. This chapter does not preclude an attending physician from treating the patient in a manner that is of the best interest of the patient or another individual.

As added by P.L.16-2004, SEC.3.