

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.