



**DEPARTMENT OF VETERANS AFFAIRS  
Veterans Health Administration  
Washington DC 20420**

**IL 10-2008-009**

In Reply Refer To: 10E

**July 3, 2008**

**UNDER SECRETARY FOR HEALTH'S INFORMATION LETTER**

**ADVANCE DIRECTIVES FOR MENTAL HEALTH: AN ETHICAL ANALYSIS OF  
STATE LAWS AND IMPLICATIONS FOR VHA POLICY**

1. This Veterans Health Administration (VHA) Information Letter provides clinicians and managers with information about ethical issues related to advance care planning for mental health treatment in VHA and examines the question of whether current VHA policy on advance care planning is adequate to meet the needs of patients who receive mental health treatment in VHA.
2. Advance directives are designed to give patients a vehicle for expressing treatment preferences in the event they lose decision-making capacity. Advance directives are used by many types of patients, including those with severe mental illness who want to express preferences regarding psychiatric treatment in the event of a mental health crisis. A new report by VHA's National Ethics Committee, Advance Directives for Mental Health: An Ethical Analysis of State Laws and Implications for VHA Policy, examines VHA policy and provides an ethical analysis of various state laws related to advance care planning for mental health treatment. The Committee concluded that current VHA policy, which folds mental health advance directives (MHADs) into advance health care planning overall, appropriately meets the needs of patients with chronic, severe mental illness. Further, many provisions in state statutes pertaining to MHADs were deemed to be unnecessary for VHA or ethically problematic.
3. To ensure that practitioners throughout the VHA system are familiar with the ethical aspects of advance care planning for mental health treatment within VHA, clinicians and managers are encouraged to review this report.
4. The report is available from the National Center for Ethics in Health Care at: <http://vaww.ethics.va.gov/pubs/necreports.asp>.

**IL 10-2008-009**  
**July 3, 2008**

5. Questions about the report may be directed to Ellen Fox, MD, Chief Ethics in Health Care Officer (10E), (202) 501-0364.

Michael J. Kussman, MD, MS, MACP  
Under Secretary for Health

Attachment

DISTRIBUTION CO: E-mailed 7/8/08  
FLD: VISN, MA, DO, OC, OCRO, and 200 – E-mailed 7/8/08

**ATTACHMENT A**

**ADVANCE DIRECTIVES FOR MENTAL HEALTH: AN ETHICAL ANALYSIS OF  
STATE LAWS AND IMPLICATIONS FOR VHA POLICY**



Adv\_Directives\_MH-  
Analysis\_of\_State\_La