

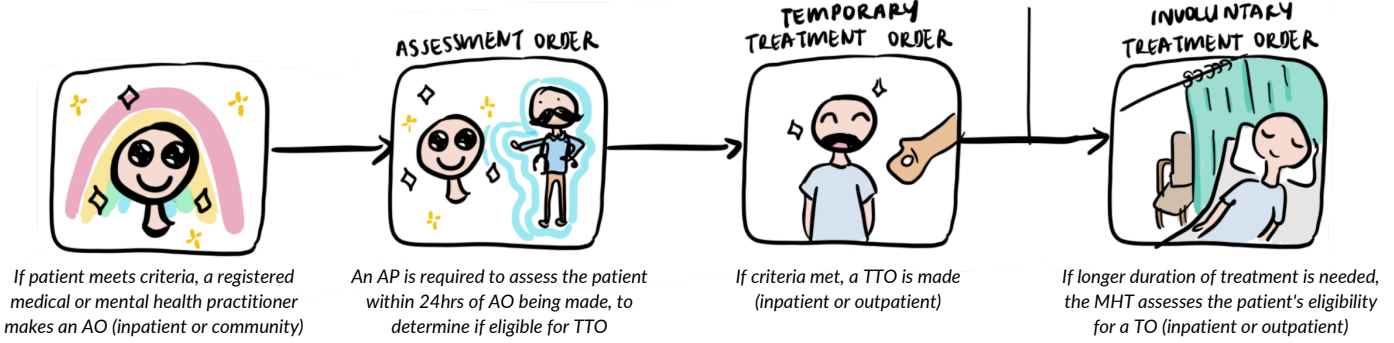


Mental Health Act

Compulsory Treatment: The Process



Mental illness is a medical condition characterised by a significant disturbance of thought, mood, perception or memory.



What is the Mental Health Tribunal (MHT)?
The MHT is an independent body that aims to protect patients' dignity and rights. MHT comprises a doctor (generally a psychiatrist), lawyer and community member.

- When is the MHT involved?**
- Making a TO, and then:
 - determining duration of TO
 - determining CTO vs ITO
 - Administering ECT in absence of informed consent
 - Approval of performing neurosurgery for mental illness (together with patient's informed consent in writing)

What is an assessment order? (AO)
An AO is the first step that needs to be completed for administration of compulsory mental health treatment. It requires a patient to meet standard criteria for eligibility. The purpose of an AO is to allow compulsory assessment of a patient by an authorised psychiatrist (AP). The AO can be Inpatient or Community.

What are the criteria for AO eligibility?
ALL of:
1. The individual appears to have a mental illness
2. The individual needs to be treated immediately to prevent serious deterioration and/or harm to self/others
3. The individual will be assessed under the AO
4. There is no less restrictive means

Who can make an AO?
Registered medical or mental health practitioner

How long does an AO last?

- Community AO: 24 hours
- Inpatient AO: allows 72 hours for the patient to be transported to a designated mental health service (DMHS). The 24 hours commences from the time the patient is received into ED.
- During this time, the patient must be seen by an AP.

What happens next?

- If an AP is unable to assess the patient within the timeframe, the AO expires
- If upon assessment, an AP determines that the patient is not eligible for compulsory mental health treatment, the AO is revoked.
- If upon assessment, an AP determines that the patient is eligible for compulsory mental health treatment, a TTO can be put in place.

Can the patient be given treatment during this time?
Under an AO, the patient cannot be given treatment unless:

- The patient gives informed consent, or
- Urgent treatment is necessary to prevent serious deterioration and/or harm to themselves or another person

What is a Temporary Treatment Order? (TTO)
A TTO allows for compulsory mental health treatment to be provided either as inpatient or in the community. This is the next step after an assessment order, if criteria for a TTO are met.

What are the criteria for TTO eligibility?
ALL of:
1. The individual has a mental illness
2. The individual needs to be treated immediately to prevent serious deterioration and/or harm to self/others
3. Treatment will be provided immediately if a TTO is in effect
4. There is no less restrictive means

Who can make TTO?
Authorised Psychiatrist (AP)

How long does a TTO last?
28 days maximum. Can be less if the TTO is revoked earlier.

Under what circumstances can the TTO end or be revoked?

- If a person no longer meets criteria for compulsory treatment under TTO
- If a person continues to require treatment after the 28-day period, then the MHT can make a TO
- If an application is made to MHT for revocation of the TTO, in which case the MHT is required to conduct a hearing as soon as possible.

What is a Treatment Order? (TO)
Similar to a TTO, a TO allows for compulsory mental health treatment to be provided either as inpatient or in the community.

What are the criteria for TO eligibility?
Same as that for TTO

What is the difference between TTO and TO?
TO lasts for a longer period, and review by a MHT is required to make a TO

Who can make a TO?
Mental Health Tribunal

How long does a TO last?

- Inpatient TO: Maximum of 6 months
- Community TO: Maximum of 12 months
- IF UNDER 18, maximum 3 months for both CTO/ITO

Under what circumstances can the TO end or be revoked?

- If a TO expires (if not extended)
- If a person no longer meets criteria for compulsory treatment under TO
 - an AP must immediately revoke the TO where they determine the treatment criteria no longer apply
- If an application is made to MHT for revocation of the TO, in which case the MHT is required to conduct a hearing as soon as possible