

CHIEF PSYCHIATRIST STANDARD OPERATING PROCEDURE

Appointment of a Delegate and Nominee of the Chief Psychiatrist under the *Mental Health Act 2015*

PURPOSE	To outline the process of appointing a delegate of the Chief Psychiatrist.
DEFINITIONS	<p>Chief Psychiatrist is a psychiatrist and public servant appointed by the Minister. Functions of the Chief Psychiatrist include provision of treatment, care or support, rehabilitation and protection for persons who have a mental illness.</p> <p>Under the <i>Mental Health Act 2015</i> (the Act), a delegate of the Chief Psychiatrist must be a consultant psychiatrist who is a public employee or who is engaged by the Territory. They must be a Fellow of the Royal Australian and New Zealand College of Psychiatrists (RANZCP) or equivalent.</p> <p>The Chief Psychiatrist can delegate the following functions regarding the provision of treatment, care or support, rehabilitation and protection for persons who have a mental illness to appointed delegates:</p> <ul style="list-style-type: none"> • determining when and where a person will receive treatment, care, and support • consulting with others and providing information to the person and others about the nature of treatment, care, and support • authorising the giving of medications for the treatment of a person’s mental illness, including the necessary use of force, involuntary restraint, or seclusion • approving a period of seclusion, and ensuring that a person who is secluded receives medical examination from a doctor • limiting a person’s communication with others, if it is necessary and reasonable, to avoid prejudicing the effectiveness of their treatment, care, and support • making applications to the ACT Civil and Administrative Tribunal (ACAT) for a Psychiatric Treatment Order (PTO), Restriction Order (RO), Forensic Psychiatric Treatment Order (FPTO), Electroconvulsive Therapy (ECT) Order or Emergency ECT Order • notifying the person and ACAT if the person no longer meets criteria for a PTO, RO or FPTO. <p>All delegates of the Chief Psychiatrist have the same delegated functions.</p>

	<p>The following functions are NOT delegated:</p> <ul style="list-style-type: none"> • appointing a Mental Health Officer delegate • granting leave under s. 122 (leave in emergency or special circumstances) • making guidelines under s. 198A (Chief Psychiatrist may make guidelines) • Signing the <i>Notification of Contravention and Authorisation to Require a Person to be Detained</i> form. <p>A nominee is a person that is not eligible to be a delegate of the Chief Psychiatrist but can be given the power to apply for a Mental Health Order, without being allocated any further powers.</p>
<p>DETAILED DESCRIPTION</p>	<p>This SOP outlines the governance arrangements for the appointment of delegates, as well as the circumstances in which the Chief Psychiatrist may delegate his/her powers under the Act, the limitations of powers that may be delegated and the roles and responsibilities of those authorised to exercise the Chief Psychiatrist’s powers.</p> <p>Appointing a Delegate</p> <p>Before appointing a delegate, the Chief Psychiatrist must be satisfied that the proposed delegate has the necessary training in the use of the delegated provisions, and fully understands their delegated responsibilities under the Act.</p> <ol style="list-style-type: none"> 1. The Mental Health, Justice Health, Alcohol and Other Drug Services (MHJHADS) Director of Clinical Services (or equivalent) will make a request, via email to chiefpsychiatrist@act.gov.au for the psychiatrist to be appointed as a delegate. This should include: <ul style="list-style-type: none"> • start and end date (if relevant) of employment • letter from the Medical and Dental Appointment Advisory Committee (MDAAC) that details their credentialing and privileges • confirmation that the psychiatrist has completed training on the Act. 2. The Chief Psychiatrist will review the request, including supporting documentation, and meet with the proposed delegate to ensure they have an in-depth understanding of the role and functions of the delegate. 3. The person who initiated the request and the proposed delegate will be notified of the decision within three working days of the meeting with the proposed delegate. They will receive a copy of the signed delegation, or the reasons for not approving the request.

	<p>Appointing a Nominee</p> <p>The process of requesting a person be appointed as a nominee is the same as requesting delegate powers.</p> <p>Revoking delegate and nominee powers</p> <p>The Chief Psychiatrist can revoke a person’s delegation or nomination at any time.</p> <p>When a psychiatrist who is an approved delegate ceases their employment, they cease to be a delegate. Revocation can also occur if a psychiatrist’s registration lapses or if they are subject to disciplinary action.</p>
IMPLEMENTATION	<p>New psychiatrists employed by a service should be made aware of this SOP.</p> <p>The health service will disseminate this SOP to its staff.</p> <p>A service-specific policy or procedure may be developed in line with this Directive.</p>
RELATED LEGISLATION	<ul style="list-style-type: none"> • <i>Mental Health Act 2015</i> • <i>Legislation Act 2011</i> • <i>Mental Health (Secure Facilities) Act 2016</i> • <i>Information sheet delegates Chief Psychiatrist</i>

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Purpose

The purpose of a Chief Psychiatrist Standard Operating Procedure (SOP) is to ensure consistent health care provision across the ACT in line with the Standard Operating Procedure. It outlines mandatory requirements across the ACT public health system, including requirements for awareness, orientation, education or training.

ACT public health system organisations must comply

A SOP requires ACT public health system organisations (including any affiliated health organisations that comprise the ACT public health system) to comply.

Implementation

- ACT public health system organisations are encouraged to develop their own Policy (includes Procedure, Guideline, Protocol or Pathway) documents to comply with the SOP, if necessary.
- All ACT public health system organisations must ensure that necessary and appropriate orientation, awareness, education and training in relation to the SOP and accompanying organisation-specific Policy (includes Procedure, Guideline, Protocol, Pathway) are provided to relevant staff and documentation maintained.

Further information

SOP's are approved by the Chief Psychiatrist and published on the ACT Health website www.act.health.gov.au.

SOP's are reviewed regularly and updated based on new evidence and best practice information. In addition to updating information on the ACT public health system website, a notification will be sent to the distribution list if a Standard Operating Procedures is rescinded or superseded.

Relevance for other healthcare organisations in the ACT

Private health providers in the ACT and other relevant ACT Government Directorates involved in provision of healthcare are encouraged to consider this SOP to ensure the same standard of health care is delivered to all health care consumers in the ACT.