

CHIEF PSYCHIATRIST

ADVISORY NOTE

Process for an inpatient admitted voluntarily who requires involuntary care

ISSUE	<p>A consumer who has been admitted to the hospital voluntarily cannot be treated involuntarily.</p> <p>Advice is provided for situations where a consumer receiving inpatient treatment on voluntary basis at an approved mental health facility becomes unwell and is now considered to be in need of involuntary care.</p>
DEFINITIONS	<p>Approved mental health facility is a place approved by the Minister for Mental Health under s. 261 of the Act.</p> <p>Approved community care facility means place approved by the Minister for Mental Health under s. 262 of the Act.</p> <p>Apprehension and detention – use of Mental Health Act provisions to take the person to an approved mental health facility and detaining at the facility.</p> <p>Initial examination - a relevant doctor conducts an initial examination of the detained person within 4 hours (or within additional two hours with approval of Chief Psychiatrist or delegate of Chief Psychiatrist).</p> <p>Person in charge is the senior member of staff in charge of an approved mental health facility at any particular time. This is generally the Clinical Director, Assistant Director of Nursing (ADON), Clinical Nurse Consultant (CNC) or their delegate (after hours).</p>
DETAILED DESCRIPTION	<p>For a person who is being treated voluntarily at any approved mental health facility, who becomes unwell and requires involuntary care, following process should be followed.</p> <p>1. Assessment for Apprehension</p> <p>Initiate assessment for apprehension under s. 80 (2), which states:</p> <p>A doctor or mental health officer may apprehend a person if the doctor or mental health officer believes on reasonable grounds that:</p> <p>(a) the person has a mental disorder or mental illness, and either:</p>

	<ul style="list-style-type: none"> (i) the person requires immediate treatment, care or support; or (ii) the person’s condition will deteriorate within 3 days to such an extent that the person would require immediate treatment, care or support; and <ul style="list-style-type: none"> (b) the person has refused to receive that treatment, care or support; and (c) detention is necessary for the person’s health or safety, social or financial wellbeing, or for the protection of someone else or the public; and (d) adequate treatment, care or support cannot be provided in a less restrictive environment. <p>Documentation requirement</p> <p><i>The Statement of Action form must be completed.</i></p> <p>2. Following apprehension, detention and initial examination can occur.</p>
IMPLEMENTATION	<p>This Advisory will be part of orientation for all staff involved in the involuntary transport of a person to an approved mental health facility.</p> <p>Services may develop their own policies and procedures to implement this advice.</p>
RELEVANT LEGISLATION	<p><u>Mental Health Act 2015</u></p> <p><u>Mental Health (Secure Facilities) Act 2016</u></p>