

PROCEDURE FOR MAKING A REQUEST AND RECOMMENDATION FOR INVOLUNTARY TREATMENT AS AN INPATIENT OR IN THE COMMUNITY UNDER THE MENTAL HEALTH ACT 1986

CRITERIA FOR INVOLUNTARY TREATMENT Section 8(1) Mental Health Act 1986:

- (a) the person appears to be mentally ill (*a person is mentally ill if he or she has a mental illness, being a medical condition that is characterised by a significant disturbance of thought, mood, perception or memory*); and
- (b) the person's mental illness requires immediate treatment and that treatment can be obtained by the person being subject to an involuntary treatment order; and
- (c) because of the person's mental illness, involuntary treatment of the person is necessary for his or her health or safety (whether to prevent a deterioration in the person's physical or mental condition or otherwise) or for the protection of members of the public; and
- (d) the person has refused or is unable to consent to the necessary treatment for the mental illness; and
- (e) the person cannot receive adequate treatment for the mental illness in a manner less restrictive of his or her freedom of decision and action.

Transport by:
 • Person making Request; or
 • Person authorised by the person making Request; or
 • 'Prescribed person' s.9(6)

PRESCRIBED PERSON

A 'prescribed person' is a member of the police force, an ambulance officer or:

- Registered medical practitioners
- Registered nurses
- Registered psychologists
- Social workers
- Occupational therapists—
 —employed to provide care and treatment to persons with a mental disorder in an approved mental health service, a State child and adolescent psychiatry service, any premises licensed under section 75 of the Act, a hospital admitting or caring for persons with a mental disorder, a mental health service of a community health centre, a psychiatric outpatient clinic or a community mental health service.

APPROVED MENTAL HEALTH SERVICE (AMHS)

An approved mental health service is any service or premises that has been proclaimed by the Governor in Council under section 94 of the Mental Health Act 1986 as a place at which treatment can be provided to patients under the Act. Typically, public hospitals that have an acute psychiatric in-patient unit are proclaimed as approved mental health services.

Person referred to medical practitioner by self, family, friends, health professionals, police or others. Medical practitioner examines the person.

Does the person meet the section 8 criteria?

No → Medical practitioner provides services and/or refers the person to other mental health or health services.

Yes

The medical practitioner completes a **Recommendation** s.9(1)(b)

Any person over the age of 18 years completes a **Request** s.9(1)(a) (but not the medical practitioner who has completed the Recommendation)

A Request and Recommendation are sufficient authority to either:
 • Take the person to an approved mental health service (AMHS); **OR**
 • Arrange for a 'mental health practitioner' to assess the person.

MENTAL HEALTH PRACTITIONER (MHP)
 A 'mental health practitioner' is a member of the following categories of health professionals employed by an approved mental health service and engaged in the provision of acute psychiatric assessment and treatment functions in the community:
 • Registered nurses
 • Registered psychologists
 • Social workers
 • Occupational therapists
 Typically mental health practitioners are members of community based mental health teams, such as Crisis Assessment & Treatment Services (CATS) or integrated teams with a crisis, assessment and treatment function.

Mental health practitioner (MHP) assesses person s.12(2)

MHP decides whether person needs to be taken to AMHS?

Yes

Person is taken to AMHS.

No

A medical practitioner at the AMHS makes an **Involuntary Treatment Order** s.12AA(2) Person is detained s.12AA(4)

The mental health practitioner makes an **Involuntary Treatment Order** s.12(2)(b) Person is not detained.

Authorised Psychiatrist of AMHS reviews person within 24 hours s.12AC.

Detains person in the AMHS s.12AC(4)

Makes a Community Treatment Order (CTO) s.12AC(3) & s.14

Discharges person s.12AC(2)(a)