

Urgent Circumstances Treatment



Chief Psychiatrist Standing Order 8

Provisions to Which the Order Relates

Mental Health Act 2013 – sections 6, 15, 16, 55, 87, 211 and Schedule 1.

Preamble

A patient may be given urgent circumstances treatment without informed consent or authorisation from the Tasmanian Civil and Administrative Tribunal-Mental Health Stream (TASCAT) if an approved medical practitioner authorises the treatment as being urgently needed in respect of the patient.

The approved medical practitioner may only authorise urgent circumstances treatment in respect of a patient if the approved medical practitioner is satisfied, as a result of an assessment of the patient that the treatment is necessary for:

- a. the patient's health or safety or the safety of other persons, and
- b. Waiting for the treatment to be authorised by TASCAT (or by a member on an interim basis) would compromise:
 - i. The outcomes of the treatment, as specified in section 6(1); or
 - ii. The effectiveness of treatment, for this patient, in meeting the outcomes of treatment as specified in 6(1).

Once the treatment has been authorised, the approved medical practitioner has an obligation to ensure that the patient is advised of the authorisation as soon as possible after it is given.

The approved medical practitioner is obliged to give a copy of the authorisation in an approved form to the patient, together with a statement of rights.

A copy of the authorisation should also be given to the Chief Psychiatrist and TASCAT and placed on the patient's clinical record.

Urgent circumstances treatment can only be authorised for patients who are on an assessment order or treatment order under the Mental Health Act.

For a patient who is subject to an assessment order, urgent circumstances treatment may be authorised as soon as part A of an assessment order has been signed by a medical practitioner.

Urgent circumstances treatment cannot be authorised for a patient who is being detained for the purposes of assessment.

Urgent Circumstances Treatment

Chief Psychiatrist Standing Order 8

Purpose

This Standing Order directs controlling authorities, medical practitioners, nurses and other staff members in the authorisation of urgent circumstances treatment of patients under the *Mental Health Act 2013*, and related matters.

The Order is designed to ensure that urgent circumstances treatment is authorised and given appropriately, safely and in a way that respects the dignity and rights of patients.

Failure by an individual to have regard to this Standing Order is not an offence but does constitute proper grounds for instituting professional, or occupational disciplinary action against that individual.

Direction

I, Associate Professor Anthony Cidoni, being and as the Chief Psychiatrist, pursuant to sections 152 and 153 of the *Mental Health Act 2013* and section 22 of the *Acts Interpretation Act 1931* hereby:

- Revoke all previous directions (standing orders) issued under section 152 of the *Mental Health Act 2013* with respect to the exercise of responsibilities in relation to authorising urgent circumstances treatment with effect from 11:59pm on 24 September 2023; and
- Issue the following direction (standing order) to controlling authorities, medical practitioners and other staff members of approved hospitals and secure mental health units exercising responsibilities in relation to authorising urgent circumstances treatment under the *Mental Health Act 2013*, and related matters, with effect from 12:00am on 25 September 2023.

1. Urgent Circumstances Treatment may be given to a patient in an approved hospital, approved assessment centre, approved facility or in a community setting; however, urgent circumstances treatment which requires, or is likely to require the use of force or restraint is only to be given in an approved hospital, approved assessment centre or approved facility under the *Mental Health Act 2013*.
2. The decision to authorise urgent circumstances treatment is only to be made by an approved medical practitioner, if the approved medical practitioner is satisfied as a result of an assessment of the patient, that the treatment is necessary for:
 - a. the patient's health or safety or the safety of other persons, and
 - b. Waiting for the treatment to be authorised by TASCAT (or by a member on an interim basis) would compromise:
 - i. The outcomes of the treatment, as specified in section 6(1); or
 - ii. The effectiveness of treatment, for this patient, in meeting the outcomes of treatment as specified in 6(1).

Urgent Circumstances Treatment

Chief Psychiatrist Standing Order 8

3. If the authorisation is given, the approved medical practitioner has an obligation to ensure that the patient is advised of the authorisation as soon as possible after it is given.
4. The approved medical practitioner is also obliged to give a copy of the authorisation to the patient, together with a Statement of Rights in a Chief Psychiatrist approved form. A copy of the authorisation should also be given to the Chief Psychiatrist and TASCAT and placed on the patient's clinical record.
5. Authorisation is to be given at the time that the approved medical practitioner concludes from an assessment that the treatment is urgently needed in respect of the patient. Authorisation must not be given in advance or retrospectively, or conditional upon certain events occurring.
6. patients who are given urgent circumstances treatment must be regularly observed by a registered nurse or medical practitioner. The focus of the observation must be on the person's safety and dignity and on any change in the person's physical or mental health status. Observation must be direct and in person and must not involve observation via video monitoring systems or similar technologies.
7. Any use of urgent circumstances treatment must be in accordance with Chief Psychiatrist Clinical Guidelines and with the policies and procedures of the relevant approved hospital, approved assessment centre or approved facility.
8. Authorised urgent circumstances treatment may be given until whichever of the following occurs first;
 - a. The treatment is completed,
 - b. An approved medical practitioner, for any reason he or she considers sufficient, stops the treatment,
 - c. The 96 hour period immediately following the giving of the authorisation expires,
 - d. The assessment order, treatment order or interim treatment order ceases or the patient is discharged,
 - e. The authorisation is set aside by TASCAT.



Associate Professor Anthony Cidoni

Chief Psychiatrist

Date: 12 September 2023