



OPERATIONAL CIRCULAR

Enquiries to: Janet Peacock Tel 9222 4079

Number: OP 2052/06

Date: 13 April 2006

Supersedes:

File No: 03-00836

Subject: **PSYCHIATRIC EXAMINATION AT NON AUTHORISED FACILITIES *MENTAL HEALTH ACT 1996 (SECTION 29 (2)(B))***

Authority

The *Mental Health Act 1996* states that:

The Chief Psychiatrist has responsibility for the medical care and welfare of all involuntary patients (section 9 (1))

In respect of other patients, the Chief Psychiatrist is required to monitor the standards of psychiatric care provided throughout the State (section 9 (2))

Psychiatric Examination At Non Authorised Facilities

Not all hospitals in Western Australia are authorised to receive and detain a person under the *Mental Health Act 1996* (MHA). A person may be referred to a non-authorised hospital or facility by either a medical or authorised mental health practitioner under S29(2)(b) of the MHA.

This provision, under the MHA is appropriate for those cases where it is necessary for the person to have a psychiatric examination but immediate examination in an authorised hospital may not be required. When referring a person under section 29(2)(b) (Form 1) referrers need to take account of safety and security issues and only refer a person to another place when it is safe and appropriate to do so.

Section 29(2)(b) states that *'the referral is for examination at some other place where to the knowledge of the referrer the examination can be carried out, as determined by the referrer'*.

If a person is referred under a Form 1 ('Referral for Examination') to a non-authorised hospital or facility, a Consultant Psychiatrist is to examine the person and decide whether the person should be:-

- (a) admitted as a voluntary patient to that hospital or another hospital;
- (b) referred as a voluntary patient to a mental health service in the community;
- (c) placed on a Community Treatment Order (CTO) (Form 10);
- (d) referred to an authorised hospital as a continuation of the referral process (Form 5); or
- (e) not admitted to any hospital or referred to any mental health facility.

It is not possible to detain the person in a non-authorised hospital or facility until they are seen by a psychiatrist unless the person is willing to remain. If the person wishes to leave and in the opinion of the staff it is unsafe for the person to leave the person should be detained and sent to an authorised hospital by a medical or authorized mental health practitioner completing a new Form 1. In these circumstances detaining a person for a short period awaiting an examination by a medical or authorised mental health practitioner falls under the duty of care performed in good faith that all health professionals have towards people who may have a mental illness.

The original Form 1 should be kept and a note made on the medical file as to the reason for the completion of the new form. If the person wishes to leave and in the opinion of the staff there are no grounds to hold the person as there is no immediate physical risk to the health and safety of that person or another person another appointment may be made remembering that the Form 1 lasts 7 days from the time it was made. Persons referred should be reminded that the Form 1 is a legal document referring them to be examined by a psychiatrist and there is an obligation to return for that examination to take place. Good practice is to inform the referrer of these developments.

Further Details

More detailed information about Assessment at Non Authorised facilities can be found in the *Supplement to the Clinicians Guide, Mental Health Act 1996*. The Supplement is available on the Chief Psychiatrist's website : www.chiefpsychiatrist.health.wa.gov.au or a copy may be obtained by contacting the office on 9222 4462.

Dr Neale Fong
DIRECTOR GENERAL
DEPARTMENT OF HEALTH