



OPERATIONAL CIRCULAR

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Number: OP 2060/06
Date: 13 April 2006
File No: 03-00836

Supersedes:

Subject: **REVOCAION OF A COMMUNITY TREATMENT ORDER (CTO)**
MENTAL HEALTH ACT 1996 (ss 68 and 70)

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))

Directions and delegation regarding treatment

The Chief Psychiatrist may at any time review any decision of a psychiatrist as to the treatment of any involuntary patient and vary or rescind the decision or substitute another decision for it (s.12).

The Chief Psychiatrist may delegate to another psychiatrist a function under the *Mental Health Act 1996* (MHA), other than this power of delegation (s.16).

Community Treatment Orders (CTOs)

A psychiatrist may make a person an involuntary patient on a CTO by completing a Form 10. The Form 10 notes the name of a Supervising Psychiatrist who will be responsible for supervising the carrying out of the order (s.68).

Revocation of a CTO

The Supervising Psychiatrist may revoke a CTO with or without making an order that the person be admitted to and detained in an authorized hospital for a period of up to 28 days (s.70).

If the purpose is to make the patient no longer an involuntary patient the Supervising Psychiatrist should complete a Form 8 and give the patient a copy.

If the purpose is to return the person to an authorized hospital the Supervising Psychiatrist should complete a Form 11, which revokes the CTO and orders the patient's return to the authorized hospital.

REVOCAION OF A CTO WHEN THE SUPERVISING PSYCHIATRIST IS NOT AVAILABLE

The MHA is silent as to the revocation of a CTO when the Supervising Psychiatrist is not available. In those circumstances the Chief Psychiatrist has detailed a process for the care of the patient and delegated certain powers to a psychiatrist who is head of a mental health service or acting in that position.

Process

If a mental health clinician believes that a patient on a CTO needs to be returned to hospital the CTO needs to be revoked by the Supervising Psychiatrist. If, despite attempts being made the Supervising Psychiatrist is not contactable or available to assist and patient requires treatment in an authorized hospital and the matter cannot wait until the Supervising Psychiatrist is available or can be contacted, the mental health clinician should contact the head of service or if the Head of Service is not available the psychiatrist on duty and inform them of the situation.

Using the Chief Psychiatrist's power of delegation the Head of Service or psychiatrist on duty may, if he or she feels it is appropriate, make the patient no longer an involuntary patient and complete a Form 8. Following this a medical practitioner or an AMHP may then having examined the person refer the person for examination by a psychiatrist at an authorized hospital or other place by completing a Form 1.

Further Details

Information about the Revocation of a Community Treatment Order 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.

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