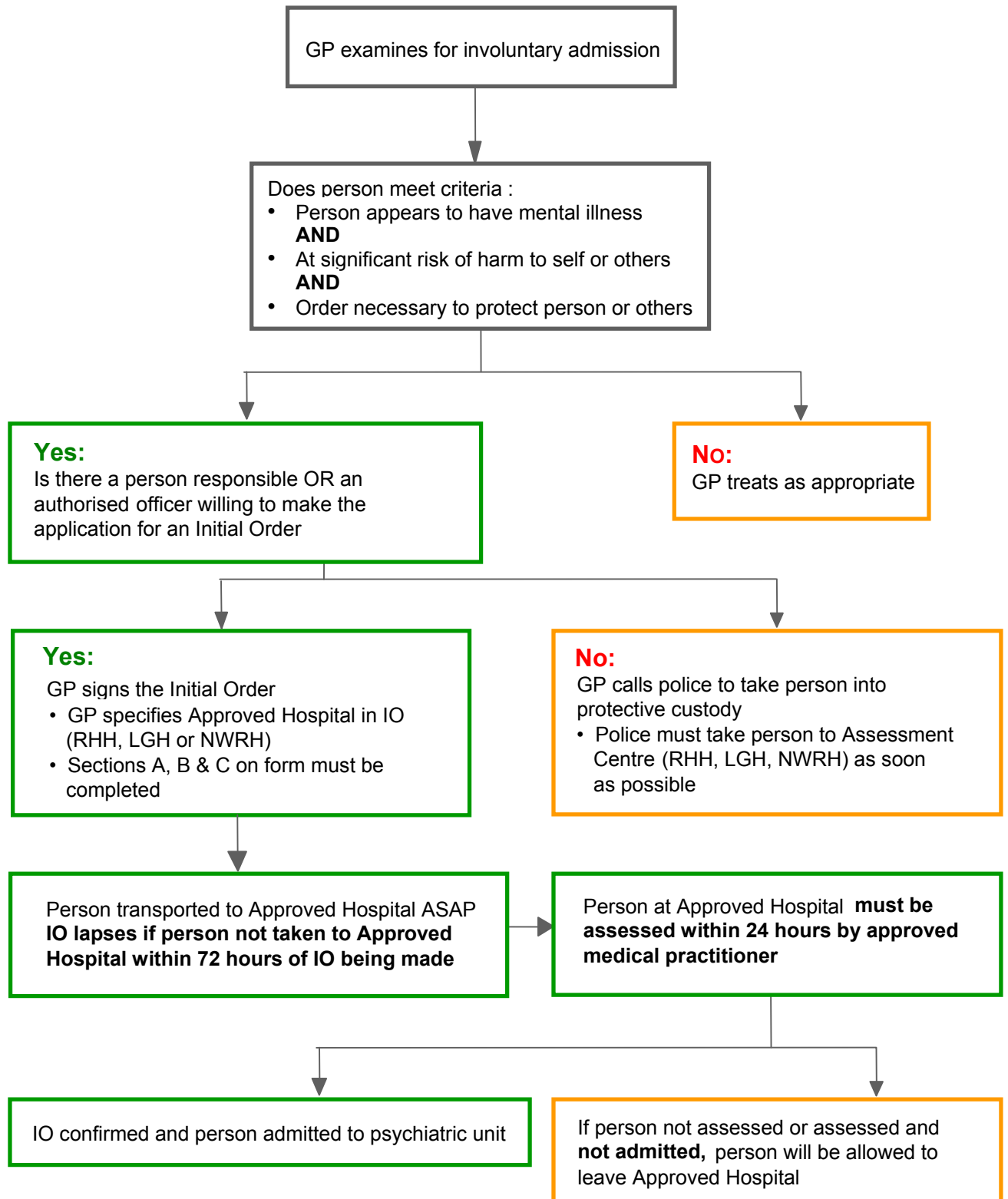


# Mental Health Act 1996

## Initial Order (IO) process flowchart for GPs

Preference must be given to voluntary admission with the patient's consent.

If not achievable



***Please turn over for definitions and more information***

## LEGAL ASPECTS FOR PROTECTION OF GPs

- A GP's role is to assess the mental health of a patient in response to an Initial Order application initiated by a **person responsible** (see definitions below).
- GPs are not expected to be psychiatric experts. In signing an Initial Order they are starting a process which, in their opinion, is in the best interests of their patient. It is the responsibility of an **approved medical practitioner** (see below) once the patient has been taken to an **Approved Hospital** (see below) to assess the patient and thus decide further management.
- An **authorised officer** (see below) can take the patient into protective custody without a doctor being involved.
- The Act defines these roles and provided GPs exercise their usual due care and responsibility in assessing the patient's care needs they do not expose themselves to any real risk of litigation.

## Good Clinical Practice Principles for all clinicians

- **Signing an order is not a substitute for a referral. It is still necessary to send a letter of referral or, better still, phone and discuss the patient with the mental health intake staff for your local area.**
- Good communication between GPs and mental health service staff helps to ensure coordinated patient care, rational use of medication, appropriate involvement and support of relatives and others, and options for shared care.
- Continuity of care for patients on discharge from a psychiatric ward is very important and may again be promoted by good communication by mental health units with GPs, case conferencing and care planning.
- ❖ Patients refused voluntary admission are entitled to a second opinion on request by them, their person responsible or their GP.
- ❖ Patient rights are intended to promote best possible standards of care and treatment and reduce the adverse effects of mental illness on family life.

## DEFINITIONS

### Person Responsible

If the person to be admitted is under 18 y.o.

- spouse
- parent / guardian

If over 18, in priority order

- guardian
- spouse or partner where there is a close and continuing relationship
- carer who provides or arranges for domestic services and support on a regular basis and is unpaid
- close personal friend or close relative where there exists a close personal relationship through frequent personal contact and personal interest in the person's welfare.

**NB :** If making the application may cause difficulties in the relationship between the patient and their primary support person or carer, an authorised officer may make the application or the Guardianship and Administration Board could be consulted. The Board can be contacted during office hours on telephone 6233 3085 and out of hours on 0417 105 968.

### Approved Medical Practitioner

Clinician with special experience in the diagnoses or treatment of mental illnesses. In practice these will be psychiatrists and registrars or medical practitioners working in a psychiatric facility. They are approved by the Minister under Section 12 of the Act.

### Approved Hospitals

- RHH, LGH, NWRH (all 3 are assessment centres and accept direct admissions usually via DEM)
  - Howard Hill, Longford
  - Millbrook Rise Centre, New Norfolk
  - Roy Fagan Centre, Lenah Valley
- (Latter 3 do not accept direct admissions)*

### Authorised Officer

- A police officer (sergeant or above or in charge of a station), or
- A person with a qualification in a mental health clinical discipline and experience in mental health who has been appointed by the Minister of Health and Human Services under section 13 of the Act.

More information about the Mental Health Act 1996 can be found on the internet at

<http://www.dhhs.tas.gov.au/mentalhealth/act/>