

WHAT OTHER OPTIONS ARE OPEN TO THE MENTAL HEALTH SERVICE TO MANAGE MY ILLNESS?

Seclusion

Seclusion means leaving you alone in a room which you cannot leave, at an authorised hospital. You can only be made subject to a seclusion order if:

- it is to prevent you from injuring yourself or another person or causing serious property damage; and
- there is no less restrictive way of preventing that injury or damage.

If you have been secluded, a medical practitioner must examine you every 2 hours to determine whether you should remain in seclusion.

Bodily Restraint

Bodily restraint is where you are physically or mechanically restrained while you are given treatment or care at an authorised hospital.

- Physical restraint means restricting your movement by applying bodily force.
- Mechanical restraint means restricting your movement using a device like a belt or harness.

You can only be restrained if it is necessary:

- to give you treatment;
- prevent you from physically injuring yourself or another person; or
- prevent you from causing serious property damage;

and

- there is no less restrictive way of providing the treatment or preventing that injury or damage; and
- the use of bodily restraint on the person is unlikely to pose a significant risk to your health.

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ABOUT THE MENTAL HEALTH LAW CENTRE

The MHLC is a state-wide Community Legal Centre specialising in mental health law. We are not a government body. We are an independent community based charity, funded to provide the specialised legal services throughout Western Australia.

Our primary purpose is to provide confidential legal advice and representation to people who are involuntary patients in the mental health system. We may also be able to assist with other legal problems but only if the problem relates directly to mental illness.

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TREATMENT FOR MENTAL ILLNESS (GENERALLY)



**mental
health**
LAW CENTRE

WHAT TREATMENT MIGHT I RECEIVE?

The treatment you might receive from a mental health service is 'psychiatric treatment' and can include:

- medication;
- electroconvulsive therapy (ECT);
- emergency psychiatric;
- psychosurgery; and
- other health care.

Treatments which are prohibited include:

- sterilisation;
- deep sleep therapy; and
- insulin coma therapy.

WHAT IS INFORMED CONSENT TO TREATMENT?

If you are a voluntary patient, no treatment can be provided to you without your informed consent.

Informed consent means that you:

- have the capacity to make decisions about your treatment;
- have been given a clear and sufficient explanation of the proposed treatment including:
 - why no alternatives are suitable; and
 - any possible risks and side effects of the treatment;
- have had sufficient time to consider and discuss the proposed treatment with your doctor and obtain any other advice you wish to; and
- have given your consent freely and voluntarily.

You do not have the capacity to give informed consent if you cannot:

- understand the information or advice communicated to you about the treatment;
- understand the matters involved in making a decision about your treatment;
- understand the effect(s) of your decision;
- weigh up those factors to make your decision; and
- communicate your decision in some way.

CAN I BE GIVEN TREATMENT AGAINST MY WILL?

You cannot be given treatment without your informed consent except:

- if you are an involuntary patient subject to an involuntary treatment order; or
- if it is an emergency.

(See the 'Involuntary Inpatient Orders' brochure in this series for more information about involuntary treatment orders).

In an **emergency** the following treatments might be given to you:

Emergency psychiatric treatment

Emergency psychiatric treatment might be given to you if it is necessary to save your life or to prevent you from causing serious physical harm to yourself or another person. A record of any emergency psychiatric treatment given to you must be noted in your medical records and a copy provided to you and the Chief Psychiatrist (as well as the Mentally

Impaired Accused Review Board if you are a mentally impaired accused).

Emergency ECT

If you are an involuntary patient or a mentally impaired accused, you might be given ECT without your consent when:

- it is necessary to save your life or prevent you from causing serious physical harm to yourself or another person; and
- the Chief Psychiatrist approves the treatment.

See the 'Authorising Electroconvulsive Therapy (ECT) in WA' brochure in this series for more information about ECT.

Urgent non-psychiatric treatment

If you are a voluntary patient and you are capable of giving informed consent to treatment, you cannot be given any non-psychiatric treatment (general health care) against your will.

If you are:

- an involuntary patient under an inpatient treatment order; or
- a detained mentally impaired accused, non-psychiatric treatment may be given to you if you need it urgently.

That might also be the case even if you have a guardian capable of consenting on your behalf, but there is not time to obtain their consent.