MENTAL HEALTH ACT 2001 (MHA 2001)

INVOLUNTARY ADMISSION PROCEDURES FOR ADULTS

The majority of admissions to Approved Centres are on a voluntary basis.

With the full implementation of the MHA 2001 from the 1st November 2006 there are new statutory criteria and procedures for involuntary admission to Approved Centres.

Although the MHA 2001 provides for new procedures it does not replace clinical judgment and decision making.

Under the MHA 2001 a person can only be admitted to an Approved Centre as an involuntary patient when the legal definition of mental disorder is met.

This leaflet is designed to assist registered medical practitioners (e.g. G.P.s) become familiar with:
- Legal definition of mental disorder
- New procedures for registered medical practitioners who may be recommending involuntary admission
- Exclusion criteria for involuntary admission, Section 8(2) MHA 2001

Disclaimer: The leaflet is only a guide to the Mental Health Act 2001. It does not give a legal interpretation of the Act or a complete description of how it operates, so please do not rely on it for advice. For full information, please read this leaflet along with the Mental Health Act 2001, regulations made under it and other laws on health.
LEGAL DEFINITION OF A MENTAL DISORDER (Section 3, MHA 2001)

Mental disorder means:

Mental illness, severe dementia or significant intellectual disability

WHERE

A Because of the illness, dementia or disability:
there is a serious likelihood of the person concerned causing immediate & serious harm to himself or herself or other persons

OR

B Because of the severity of the illness, dementia or disability:
the judgement of the person concerned is so impaired that failure to admit the person to an Approved Centre would be likely to lead to a serious deterioration of his or her condition or would prevent the administration of appropriate treatment that could be given only by such admission and the reception, detention and treatment of the person concerned would be likely to benefit or alleviate the condition of that person to a material extent.

EXCLUSION CRITERIA FOR INVOLUNTARY ADMISSION [MHA 2001 S8(2)]

It is not lawful to detain a person involuntarily in an Approved Centre solely because that person is:

(a) suffering from a personality disorder,
(b) is socially deviant, or
(c) is addicted to drugs or intoxicants.

MENTAL HEALTH ACT 2001 – INVOLUNTARY ADMISSION PROCEDURE FOR ADULTS

STEP 1

Applicant
- Spouse/Relative of the person (Form 1)
- Authorised Officer (Form 2)
- Member of An Garda Síochána (Form 3)
- Any other person (Form 4)

STEP 2

Application received by the Registered Medical Practitioner (RMP) (e.g. GP)

RMP examines person and informs the person of the purpose of the examination

RMP satisfied the person has a mental disorder (as defined in the MHA 2001 S3(I))

RMP satisfies the person has a mental disorder (as defined in the MHA 2001 S3(I))

RMP makes a recommendation (Form 5) (recommendation remains in force for 7 days)

Step 3

Applicant is responsible for securing the removal of the person to the relevant Approved Centre

Where the applicant is unable to arrange such removal
- At the request of the RMP, the Clinical Director of the Approved Centre (or consultant psychiatrist acting on his/her behalf) shall arrange for the removal of the person to the Approved Centre by members of staff of the Approved Centre.
- When the RMP and the Clinical Director (or a Consultant Psychiatrist acting on his/her behalf) are of the opinion that there is a serious likelihood of the person concerned causing immediate and serious harm to self or others the Clinical Director (or a Consultant Psychiatrist acting on his/her behalf) may request An Garda Síochána to assist members of staff of the Approved Centre in removal of the person to the centre concerned and An Garda Síochána are obliged to assist (Section 13).

* The RMP as a matter of good clinical practice may also provide a referral letter to the Clinical Director of the Approved Centre. A template for such a referral letter is available on www.icgp.ie