

admission order

means the order authorising the reception, detention and treatment of the patient concerned and shall remain in force for a period of 21 days from the date of the making of the order in accordance with Section 15

application

means an application for a recommendation that a person be involuntarily admitted to an Approved Centre and “applicant” shall be construed accordingly

approved centre

means a hospital or other in-patient facility for the care and treatment of persons suffering from mental illness or mental disorder which is registered on the Register of Approved Centres in accordance with Section 63

mental illness

means a state of mind of a person which affects the person’s thinking, perceiving, emotion or judgment and which seriously impairs the mental function of the person to the extent that he or she requires care or medical treatment in his or her own interest or in the interest of other persons

recommendation

means a recommendation made by a registered medical practitioner in a form specified by the Commission that a person be involuntarily admitted to a specified Approved Centre

registered medical practitioner

means a person whose name is entered in the General Register of Medical Practitioners

severe dementia

means a deterioration of the brain of a person which significantly impairs the intellectual function of the person thereby affecting thought, comprehension and memory and which includes severe psychiatric or behavioural symptoms such as physical aggression

significant intellectual disability

means a state of arrested or incomplete development of mind of a person which includes significant impairment of intelligence and social functioning and abnormally aggressive or seriously irresponsible conduct on the part of the person.

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.Ps) become familiar with the:

- 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

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:

- suffering from a personality disorder,
- is socially deviant, or
- 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/Member of the public (Form 4)

is concerned that the person may have a mental disorder and within 48 hours of observing the person makes an application by completing the appropriate form [no.'s 1-4]

STEP 2

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

within 24 hours of receipt of application

RMP examines person [examine process and content of thought, the mood and the behaviour of the person concerned]

and

informs the person of the purpose of the examination [unless to do so, would in the RMP's opinion be prejudicial to the person's mental health, well-being or emotional condition]

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

RMP not satisfied the person has a mental disorder [as defined in the MHA 2001 S3(l)]

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

Refuses to make a recommendation

RMP sends the recommendation to Clinical Director of the Approved Centre* and gives a copy of the recommendation to the applicant


Applicant may seek a second opinion. [In such instances all of the facts relating to the previous application in so far as they are known by the applicant, must be made known to the RMP from whom the second opinion is sought] (MHA 2001 S11)

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.
- Where 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).

	APPLICATION (TO A REGISTERED MEDICAL PRACTITIONER) BY SPOUSE OR RELATIVE FOR A RECOMMENDATION FOR INVOLUNTARY ADMISSION OF AN ADULT (TO AN APPROVED CENTRE)	FORM 1 MENTAL HEALTH ACT 2001 SECTION 9 PAGE 1 OF 2
	APPLICATION (TO A REGISTERED MEDICAL PRACTITIONER) BY AUTHORISED OFFICER FOR A RECOMMENDATION FOR INVOLUNTARY ADMISSION OF AN ADULT (TO AN APPROVED CENTRE)	FORM 2 MENTAL HEALTH ACT 2001 SECTION 9 PAGE 1 OF 2
	APPLICATION (TO A REGISTERED MEDICAL PRACTITIONER) BY A MEMBER OF THE GARDA SÍOCHÁNA FOR A RECOMMENDATION FOR INVOLUNTARY ADMISSION OF AN ADULT (TO AN APPROVED CENTRE)	FORM 3 MENTAL HEALTH ACT 2001 SECTION 9 OR SECTION 12 PAGE 1 OF 2
	APPLICATION (TO A REGISTERED MEDICAL PRACTITIONER) BY A MEMBER OF THE PUBLIC FOR A RECOMMENDATION FOR INVOLUNTARY ADMISSION OF AN ADULT (TO AN APPROVED CENTRE)	FORM 4 MENTAL HEALTH ACT 2001 SECTION 9 PAGE 1 OF 2
	RECOMMENDATION (BY A REGISTERED MEDICAL PRACTITIONER) FOR INVOLUNTARY ADMISSION OF AN ADULT (TO AN APPROVED CENTRE)	FORM 5 MENTAL HEALTH ACT 2001 SECTION 10 PAGE 1 OF 2

BLOCK CAPITALS (before completing this form please read the notes overleaf) in accordance with Part 2 of the Mental Health Act 2001

1. Professional Address of Registered Medical Practitioner: _____ (Full Name of Registered Medical Practitioner)

2. Medical Practitioner Registration Number: _____ I am the person's general medical practitioner? Yes No

3. Full Name and Home Address of PERSON the subject of the recommendation: _____

4. Date of Birth (or Age if Date of Birth not known): ____/____/____ Age: _____ Gender: M F

5. Name and address of Approved Centre: _____

6. Date: ____/____/____ (24 hour clock e.g. 2.45pm, is written as 14.45) Time: ____:____

Which was within 24 hours of receipt of the application for involuntary admission which was made on ____/____/____

(Name of Applicant)

In my opinion this person is suffering from a mental disorder where:

(a) because of the illness, disability or dementia, there is a serious likelihood of the person concerned causing immediate and serious harm to himself or herself or to other persons.

(b) because of the severity of the illness, disability or dementia, 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 in his or her condition or would prevent the administration of appropriate treatment that could be given only by such admission.

(c) the reception, detention and treatment of the person concerned in an approved centre would be likely to benefit or alleviate the condition of that person to a material extent.

7. Give a brief description of the person's mental condition: _____

My opinion at (a) or (b) above is based on the following grounds: _____

I have informed the above named person of the purpose of the examination. Yes No

Where "No" is indicated I (Name) confirm that such information has been withheld because the provision of such information would be prejudicial to the person's mental health or well-being or emotional condition.

I am not a person disqualified for making a recommendation (see section 10 (3) replicated overleaf)

Signed: _____ (Registered Medical Practitioner) Time: ____:____

Date: ____/____/____ (24 hour clock e.g. 2.45pm, is written as 14.45)

For use only in accordance with the Mental Health Act 2001. Penalties apply for giving false or misleading information.

*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