

PROPOSAL TO PERFORM PSYCHOSURGERY INVOLUNTARY PATIENT (ADULT)

BLOCK CAPITALS (Before completing this form please read the notes overleaf)

1. Full Name of Patient being proposed for psychosurgery

2. Date of Birth

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Gender M F

3. Name and Address of Approved Centre to which patient was admitted

was involuntarily admitted to

Ward:

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on

4. Date of Involuntary Admission

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* See note overleaf

PROPOSAL TO PERFORM PSYCHOSURGERY

Proposed by:

5. Full Name of Responsible Consultant Psychiatrist (and Professional Address if other than Section 3 above)

I am of the opinion that it would be to the benefit of the above named patient to have psychosurgery for the following reasons:

6. Give details of how this treatment will benefit the patient

7. Give details of discussion with and views expressed by the patient

8. Give details of assistance, if any, provided to patient in relation to discussion/decision making

I have given the patient adequate information, in a form and language that the patient can understand, on the nature, purpose and likely effects of the proposed treatment and as the Consultant Psychiatrist responsible for the care and treatment of the patient I am satisfied that the patient is capable of understanding this information and the above named patient has consented in writing to undergo psychosurgery.

I request that the Mental Health Commission refer this proposal to a Mental Health Tribunal.

Signed:

(Responsible Consultant Psychiatrist)

Date:

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Time:

: (24 hour clock e.g. 2.41p.m. is written as 14.41)

The notes are for guidance only and do not constitute an exact statement of the provisions of the Mental Health Act 2001.

The Mental Health Act (2001) does not define "Adult". "Child" means a person under the age of 18 years other than a person who is or has been married. Adult means any person who is not included in the definition of a "Child" in the Act.

"Consent", in relation to a patient, means consent obtained freely without threats or inducements, where—

- (a) the consultant psychiatrist responsible for the care and treatment of the patient is satisfied that the patient is capable of understanding the nature, purpose and likely effects of the proposed treatment; and
- (b) the consultant psychiatrist has given the patient adequate information, in a form and language that the patient can understand, on the nature, purpose and likely effects of the proposed treatment.

The Health Act 2004 dissolves Health Boards. References to Health Boards in the Mental Health Act 2001 are to be read as references to the Health Service Executive.

This form was amended pursuant to a Judgement of the High Court; M.X. - v - HSE and Others dated 23 November 2012

SECTIONS OF THE MENTAL HEALTH ACT 2001

4. — (1) In making a decision under this Act concerning the care or treatment of a person (including a decision to make an admission order in relation to a person), the best interests of the person shall be the principal consideration with due regard being given to the interests of other persons who may be at risk of serious harm if the decision is not made.
- (2) Where it is proposed to make a recommendation or an admission order in respect of a person, or to administer treatment to a person, under this Act, the person shall, so far as is reasonably practicable, be notified of the proposal and be entitled to make representations in relation to it and before deciding the matter due consideration shall be given to any representations duly made under this subsection.
- (3) In making a decision under this Act concerning the care or treatment of a person (including a decision to make an admission order in relation to a person) due regard shall be given to the need to respect the right of the person to dignity, bodily integrity, privacy and autonomy.
- 57.— (1) The consent of a patient shall be required for treatment except where, in the opinion of the consultant psychiatrist responsible for the care and treatment of the patient, the treatment is necessary to safeguard the life of the patient, to restore his or her health, to alleviate his or her condition, or to relieve his or her suffering, and by reason of his or her mental disorder the patient concerned is incapable of giving such consent.
- (2) This section shall not apply to the treatment specified in *section 58, 59 or 60*.
- 58.— (1) Psycho-surgery shall not be performed on a patient unless—
- (a) the patient gives his or her consent in writing to the psychosurgery, and
 - (b) the psycho-surgery is authorised by a tribunal.
- (2) Where it is proposed to perform psycho-surgery on a patient and the consent of the patient has been obtained, the consultant psychiatrist responsible for the care and treatment of the patient shall notify in writing the Commission of the proposal and the Commission shall refer the matter to a tribunal.
- (3) Where such a proposal is referred to a tribunal under this section, the tribunal shall review the proposal and shall either—
- (a) if it is satisfied that it is in the best interests of the health of the patient concerned, authorise the performance of the psycho-surgery, or
 - (b) if it is not so satisfied, refuse to authorise it.
- (4) The provisions of *sections 19 and 49* shall apply to the referral of a matter to a tribunal under this section as they apply to the referral of an admission order or a renewal order to a tribunal under *section 17* with any necessary modifications.
- (5) Effect shall not be given to a decision to which this section applies before—
- (a) the expiration of the time for the bringing of an appeal to the Circuit Court, or
 - (b) if such an appeal is brought, the determination or withdrawal thereof.
- (6) In this section "psycho-surgery" means any surgical operation that destroys brain tissue or the functioning of brain tissue and which is performed for the purposes of ameliorating a mental disorder.

*** The date of involuntary admission relates to the commencement date of this current period of detention, e.g.**

- 1) *If period commenced by Form 6; - date Form 6 signed.*
- 2) *If period commenced by Form 13; - date Form 13 signed. (Admission Order Section)*
- 3) *If period commenced by Mental Treatment Act 1945; - date order commenced.*