

Mental Health Commission

Guidance for Legal Representatives and Independent Consultant Psychiatrists – Return to Approved Centres - Re the Covid-19 public health emergency

V1 6 July 2020

V2 13 July 2020

V3 Effective 18 August 2020

Guidance in relation to the requirements for Legal Representatives and Independent Consultant Psychiatrists to Return to Approved Centers

The Mental Health Commission (MHC) is issuing the following guidance to assist all relevant parties.

Introduction

As of 6 July 2020, legal representatives and independent consultant psychiatrists shall be allowed to attend approved centres in person, subject to compliance with the requirements set out in this document. This is not mandatory.

Legal representatives and independent consultant psychiatrists are carrying out their duties in accordance with the Mental Health Act 2001 and, therefore, are not classified as visitors.

The MHC has consulted with the HSE and the private / voluntary approved centers on this document.

This document has been prepared in line with public health advice and aims to protect the safety of residents and staff of approved centres as well as MHC Panel Members by limiting the risk of Covid-19 disease transmission.

This document shall be kept under review to ensure that all plans and protocols are in line with current official public health advice and guidelines.

Approved centres shall ensure that all areas in the approved centre are cleaned in accordance with the required public hygiene and infections control standards.

Mental Health Act Administrators shall notify the MHC by email of any breach of the requirements set out in this document by a legal representative or an independent consultant psychiatrist.

Likewise, legal representatives or independent consultant psychiatrists shall notify the MHC by email of any breach of the requirements by an approved centre. It will be a matter for the MHC to address the issue directly with the relevant party.

Important Disclaimer – It is a matter for each individual panel member to decide to attend an approved centre in person or not. The MHC shall not accept any liability whatsoever if a panel member contracts Covid-19 while attending an approved centre.

Requirements

1. The Guidance shall only apply to legal representatives and independent consultant psychiatrists appointed by the Mental Health Commission (MHC) pursuant to the Mental Health Acts 2001-2018. For the purpose of this document, they shall be collectively referred to as “panel members”.
2. **Panel members shall be required to adhere to all public health advice in relation to Covid-19 and take all necessary precautions.** They shall also be required at all times to act in line with individual approved centre protocols in relation to infection prevention & control and risk management measures. These may be obtained from the Mental Health Act Administrator for the approved centre. Please also see **Annex 1**.
3. For the purposes of contact tracing, in the event that a panel member becomes a suspected or confirmed case, he / she should keep a log of each person with whom contact was made while in the approved centre. See **Annex 2**.
4. A panel member shall only attend an approved centre if he / she complies with public health advice. See **Annex 3**.
5. The panel member shall be obliged to bring his / her own mask (of medical grade) or visor and gloves for the duration of their attendance. Gloves are **not** to be used instead of washing hands. See **Annex 4** in relation to recommendation on materials required by panel members.
6. On arrival at the approved centre, the panel member shall be obliged to comply with whatever procedures relating to Covid-19 are in place, which may include temperature checking and Covid-19 Questionnaires. The admission of the panel member to the approved centre is at the sole discretion of the approved centre. If the panel member encounters any problems in this regard, they may contact by email Kevin Foley or Orla Keane at the MHC, who will review the matter.
7. At all times, the panel member must maintain social distancing by staying a minimum of 2 meters away from all staff, residents and all other persons in the approved centre. Panel members must make themselves aware of any specific guidelines for visiting the relevant approved centre.
8. It is essential to practice good respiratory hygiene, that is, when coughing and sneezing, cover your mouth and nose with flexed elbow or tissue – discard tissue immediately into a closed bin and clean your hands with alcohol-based hand rub or soap and water
9. It is essential that the panel member engage in good hand hygiene while in the approved centre to include entering and existing the building, on entering and exiting patient care areas, after touching their face / mask / visor and after using bathroom facilities.
10. A panel member shall only attend **one approved centre per day**.

11. Once a panel member is assigned to a case by the MHC, the panel member shall contact the relevant mental health act administrator for the approved centre or his / her nominee and arrange a date and time to meet with the patient. A panel member cannot attend an approved centre without having agreed an appointment.
12. A panel member must agree an appointment within ordinary business hours, which for the purposes of this Guidance is Monday to Friday (excluding bank holidays) from 8 am to 6 pm and Saturday 10 am to 1 pm (where agreed by the approved centre).
13. The approved centre may have a separate entrance and exit area. This should be checked by the panel member prior to attending the approved centre and adhered to when attending at the approved centre.
14. The panel member must have proof of identification ready and available when arriving at the approved centre.
15. The panel member shall be required to sign in as per the approved centres requirements. If so required, the panel member should have his or her own pen ready and available for that purpose.
16. Panel members will be required to limit the touching of surfaces and to limit the amount of time panel members are in the approved centre in so far as that is possible.
17. Panel members are not to remove any documentation or items from an approved centre.
18. Where panel members are required to use mobile phones and tablet computers / laptops while onsite in an approved centre, they are required to follow the guidance relevant to the scope of their use of same, as outlined in the *HPSC Infection Prevention and Control Precautions for Acute Settings – COVID-19 (V.1.2)*.
19. When inspecting the patient's file in the approved centre, the panel member is required to either - a) wear a separate set of gloves, which shall be worn solely for the purpose of inspecting the patient's file, or b) wash his /her hands immediately before and after inspecting the patient's file.
20. **Panel member attendance at the approved may be stopped at short notice due to a concern re Covid-19.** See **Annex 5**. If this arises, the approved centre – Mental Health Act Administrator or nominee - shall contact Aoife Murphy or, in her absence, Julianne Casey, by email between 9 am and 10 am on the morning of any scheduled visits from panel members. The MHC shall then contact the relevant parties by phone or email. If the MHC becomes aware of the matter earlier, it shall notify the relevant parties by phone or text and by email. If panel members have any concerns, they should contact the MHC directly.
21. Electronic copies of the patient's records provided via **CIS** shall continue to be made available to the panel members, regardless of whether they are going to meet the patient in person pursuant to this Guidance. The provision of these records electronically shall continue until close of business on **Friday 4 September 2020**.

22. If either panel member is not in a position to attend the patient in person, for Covid-19 reasons, then the electronic copies of the patient's records shall be made available. If both panel members attend the approved centre, the records shall not be provided to them electronically. Please refer to the *Guidance for Mental Health Tribunals Re the Emergency Measures in the Public Interest Act 2020 and the Covid-19 public health emergency* **Version 6 issued 18 August 2020** in relation to the records to be provided.

Annex 1

1. HSE Land Infection prevention and control module
2. Recommended use of masks per the HPSC Safe Use of Masks Guidance poster
3. Complete review of official hand hygiene guidance: –
Hand hygiene - Relevant reference for hand hygiene is Appendix E of the *Interim Public Health, Infection Prevention & Control Guidelines on the Prevention and Management of COVID-19 Cases and Outbreaks in Residential Care Facilities and Similar Units (Update 19 June 2020)*
Respiratory Etiquette - Appendix 1 of *Acute Hospital Infection Prevention and Control Precautions for Possible or Confirmed COVID-19 in a Pandemic Setting V.1.2 (30 May 2020)* deals with respiratory and cough etiquette:

Annex 2

For this purpose, a contact will be defined as any individual who has had greater than 15 minutes face-to-face (<2 metres' distance) contact (based on the definitions in the *HPSC National Interim Guidelines for Public Health Management of Contacts of Cases of COVID-19 V8.4*).

Annex 3

Public health guidance documents referenced can be found at:

<https://www.hse.ie/eng/staff/workplace-health-and-wellbeing-unit/covid-19-guidance/assessment-testing-and-return-to-work-of-symptomatic-healthcare-worker.pdf>

<https://www.hse.ie/eng/staff/workplace-health-and-wellbeing-unit/covid-19-guidance/occupational-health-interim-guidance-for-coronavirus.pdf>

<https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/guidance/infectionpreventionandcontrolguidance/residentialcarefacilities/RCF%20guidance%20document.pdf>

In summary, a panel member shall not attend at an approved centre if they:

1. Are currently experiencing any of the following symptoms
 - Cough / Shortness of breath / Breathing difficulties
 - Loss of Sense of Smell / Taste
 - Distortion of Sense of Taste
 - Fever (38° C or higher)
2. Have been diagnosed with confirmed or suspected Covid-19 infection in the last 14 days.
3. Are a close contact of a person who is a confirmed or suspected of Covid-19 in the last 14 days (i.e. less than two metres for more than 15 minutes cumulative in one day).
4. Have been advised by a doctor to self-isolate at this time.
5. Have travelled outside of Ireland (excluding Northern Ireland) in the past 14 days.
6. Have resided in another facility with confirmed or suspected cases of Covid-19 within the last 14 days.

Annex 4

Recommended materials for use by panel members when attending an approved centre –

1. Face Mask / Visor
2. Gloves
3. Hand sanitizer
4. Waste Bag to use to dispose of 1 and 2 or 2 if 1 is a reusable mask and can be washed.

Annex 5

As per Interim Public Health and Infection Prevention Control Guidelines on the Prevention and Management of COVID-19 Cases and Outbreaks in Residential Care Facilities, an outbreak is defined as a single suspected case of COVID-19 in a resident or staff member in the facility, OR one confirmed case of COVID-19 in a resident or staff member in the facility.

You can contact the Mental Health Tribunals division within the Mental Health Commission on **01 636 2400**.

Please note: This is a guidance document only and it is not a legal interpretation of the changes, so please do not rely on it for advice.