

## Certificate of clinical review of condition of restricted patient

To the Director of Area *Location*

Mental Health Services, at:

Patient name:

Date of birth:

Address:

  


Who has been declared a restricted patient by the court under section 55 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 and is subject to a compulsory treatment order that commenced on:

*commencement date of compulsory order in force*

and is in force until:

*expiry date of compulsory order in force*

I have examined the patient and have consulted with other health professionals involved in the treatment and care of the patient and have taken their views into account when assessing the results of my review of the patient's condition. In my opinion:

(i) the patient is fit to be released from compulsory status

Delete if inapplicable:

(ii) the patient is not fit to be released from compulsory status but it is no longer necessary that the patient should be declared to be a restricted patient

(iii) the patient is not fit to be released from compulsory status and should continue to be declared a restricted patient

### Copies of Certificate:

If I am of the opinion that the patient is not fit to be released from compulsory status, I shall be sending a copy of this certificate to each of the following: *(tick those applicable)*

- |   |   |   |
|---|---|---|
| <ul style="list-style-type: none"> <li>• The patient</li> <li>• Any welfare guardian of the patient</li> <li>• The patient's principal caregiver</li> </ul> | <ul style="list-style-type: none"> <li>• The primary health care provider who usually attended the patient immediately before the patient was required to undergo assessment and treatment</li> </ul> | <ul style="list-style-type: none"> <li>• A district inspector</li> <li>• An official visitor</li> </ul> |
|---|---|---|

### I will enclose with each copy of this certificate a statement of:

- (a) The legal consequences of the above finding; and  
 (b) The right of each of the following persons to apply to the Mental Health Review Tribunal for a review of the patient's condition:

- |  |   |
|--|---|
| (i) The patient                          | (iv) The primary health care provider who attended the patient immediately before the patient was required to undergo assessment and treatment under Part 1 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 |
| (ii) Any welfare guardian of the patient |   |
| (iii) The patient's principal caregiver  |   |

### Copy for Minister of Health:

If my opinion is that the patient is not fit to be released from compulsory status but it is no longer necessary that the patient should be declared to be a restricted patient, I will, in addition, send a copy of this certificate to the Minister of Health for consideration by that Minister under section 78(6) of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

**Reasons and Reports:** I shall be sending to the Director of Area Mental Health Services, with this certificate, full particulars of the reasons for my opinion of the patient's condition and any relevant reports from other health professionals involved in the case.

This certificate is issued by:

*Business address and telephone number of responsible clinician*

Address:

*Date*

Signature of responsible  
clinician:

*Statement of legal consequences of findings set out in certificate of  
clinical review  
and  
Statement of right to apply to Review Tribunal*

**Legal consequences**

If, on a clinical review under section 78 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 of the condition of a restricted patient, the responsible clinician is of the opinion that **the patient is fit to be released from compulsory status**, the Director of Mental Health will either—

- a) direct that the patient be released from that status forthwith; or
- b) apply to the Review Tribunal for a review of the patient's condition.

If, on the clinical review, the responsible clinician is of the opinion that **the patient is not fit to be released from compulsory status but it is no longer necessary that the patient should be declared to be a restricted patient**, a copy of this certificate will be sent to the Minister of Health for consideration by that Minister under section 78(6) of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

The Minister of Health will, after consultation with the Attorney-General, either—

- a) revoke the declaration that the patient shall be a restricted patient; or
- b) apply to the Review Tribunal for a review of the patient's condition.

If, on the clinical review, the responsible clinician is of the opinion that **the patient is not fit to be released from compulsory status and should continue to be declared to be a restricted patient**, the patient will continue to be detained as a restricted patient.

**Application to Review Tribunal**

There is however a further step that may be taken.

Each of the following persons may apply to the Review Tribunal for a review of the patient's condition:

- a) the patient:
- b) any welfare guardian of the patient:
- c) the patient's principal caregiver:
- d) the primary health care provider who usually attended the patient immediately before the patient was required to undergo assessment and treatment under Part 1 of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

If any such person wishes to apply to the Review Tribunal, that person may seek help from—

- a) a district inspector:
- b) an official visitor:
- c) his or her lawyer:
- d) the patient's responsible clinician:
- e) a patient advocate (if one is available).

**Steps to be taken by district inspector**

The district inspector who receives a copy of this certificate (or an official visitor acting under an arrangement with that district inspector) must—

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- a) communicate with the patient and find out, if possible, whether or not the patient wants an application to be made to the Review Tribunal for a review of the patient's condition. The district inspector (or official visitor) must communicate with the patient by talking to him or her, unless talking to him or her is impracticable; and
- b) decide, having regard to any view expressed by the patient, whether or not an application should be made to the Review Tribunal for a review of the patient's condition.

If that district inspector or any such official visitor considers that such an application should be made, that district inspector or that official visitor is required to take whatever reasonable steps he or she thinks necessary to encourage or assist the patient, or any of the other persons entitled to apply to the Tribunal, to make such an application.

If that district inspector or any such official visitor considers that an application should be made to have the patient's condition reviewed by the Review Tribunal, but neither the patient nor any other person intends to make such an application, the district inspector or any such official visitor may report the matter to the Review Tribunal. In such a case, the Review Tribunal may, of its own motion, review the patient's condition under section 80 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 as if an appropriate application for such a review had been made to the Review Tribunal.

### **Finding of Review Tribunal**

The Review Tribunal, on conducting such a review, may find that—

- a) the patient is fit to be released from compulsory status; or
- b) the patient is not fit to be released from compulsory status but it is no longer necessary that the patient should be declared to be a restricted patient; or
- c) the patient is not fit to be released from compulsory status and should continue to be declared to be a restricted patient.

### **Further information**

For further information about the Review Tribunal, see sections 80, 82, and 101 to 107 of the Mental Health (Compulsory Assessment and Treatment) Act 1992.