



## **MENTAL HEALTH ACT 2014**

### **Further Opinions**

#### **What is a further opinion?**

If you have been admitted to hospital as an involuntary patient, or placed on a community treatment order, your psychiatrist will have developed and started a treatment plan that he or she thinks will help you to recover from mental illness. If you do not agree with the treatment for your mental illness, you are entitled to request a further opinion.

Also, if you are on a community treatment order and your supervising psychiatrist has just continued the order, you can request a further opinion as to whether or not the order should have been continued.

#### **Who is entitled to a further opinion?**

The following people are entitled to a further opinion:

- an involuntary inpatient;
- an involuntary community patient; and
- a mentally impaired accused patient in an authorised hospital.

#### **Who can request a further opinion?**

You, as the patient, or a personal support person (including family, nominated person or carer), can request a further opinion.

#### **How can I make a request?**

You can make a request for a further opinion by asking your psychiatrist or the Chief Psychiatrist. This can be done orally or in writing.

#### **Am I entitled to a further opinion?**

Yes. If you have requested a further opinion, and you are an involuntary or mentally impaired accused patient, you have the right to a further opinion.

The only exception is where someone other than yourself (such as your carer) requests a further opinion and you disagree with the request for a Further Opinion.



## Who will provide the further opinion?

The Chief Psychiatrist has prepared guidelines regarding the independence of further opinions. More information on this guideline can be found in the Clinicians' Practice Guide:

<http://www.chiefpsychiatrist.health.wa.gov.au/docs/CliniciansPracticeGuide.pdf>

## How is a further opinion provided?

Your psychiatrist or the Chief Psychiatrist must arrange the further opinion as soon as possible. The psychiatrist providing the further opinion must examine you in the least restrictive way and in the least restrictive environment that is appropriate in the circumstances. The examination may be via audiovisual means (videoconferencing). The psychiatrist must provide a written report to you and to any personal support person who requested the further opinion, and to your treating psychiatrist. Your psychiatrist must consider any recommendations in the report.

Attached is a flowchart of the Department of Health WA process for how a further opinion is obtained.

## What if I'm unhappy with the further opinion?

You can request an additional opinion from your psychiatrist or the Chief Psychiatrist. However, your psychiatrist or the Chief Psychiatrist may decide that an additional opinion is not warranted.

If it is your psychiatrist who refuses to arrange an additional opinion, he or she must give reasons to you and any personal support person who requested the additional opinion, and to the Chief Psychiatrist. The Chief Psychiatrist can override the decision not to arrange an additional opinion for you. The Chief Psychiatrist also has the power to review treatment and provide directions to your psychiatrist.

## What if I don't want to be an involuntary patient?

If you are unhappy about being an involuntary patient you can request a review of involuntary status from the Mental Health Tribunal. The Mental Health Advocacy Service can help you with this.

## What if I want to make a complaint?

If you are unhappy with the care being given to you, you can make a complaint to the mental health service or to the Health and Disability Services Complaints Office. The Mental Health Advocacy Service can help you with this.

# Flowchart for Further Opinions

*Mental Health Act 2014*

**Rights explained** to patient/carer/other including right to **request a Further Opinion** on involuntary admission.

**Request for further opinion** from patient/carer/other re treatment or re continuation order for CTO  
(NB: Legal review is through MHRT)

**Options discussed** with Patient/Carer/Other requesting the opinion, by treating team.



- **Brochure** given and explained,
- **Further Opinion Template** completed with patient/carer and filed in medical record

Psychiatrist **facilitates request** and accesses psychiatrist to provide further opinion considering patient wishes and specialist needs.

Psychiatrist/delegate **logs request** with Clinical Director/ Head of Service  
(\*If psychiatrist providing further opinion needs **credentialing**, the Director of Clinical Services to be notified).

Further Opinion Psychiatrist **completes further opinion**, if practicable, within timeframes



- Within **3 days** for same Health Service site
- Within **5 days** outside Health Service site
- As soon as practicable; for private psychiatrist



- **Further Opinion Template** used for report
- **Copies given to patient/carer/medical notes/Clinical Director/Office Chief Psychiatrist.**

Treating Psychiatrist **explains outcome** of further opinion with patient/carer/other

**Clinical Director/Head of Service to provide further opinion data collected to OMH/OCP as required.**