

Classified patients

Fact sheet 4

The *Mental Health Act 2000* (the Act) enables a person's admission to an authorised mental health service from court or custody as a classified patient.

What is the purpose of the classified patient provisions?

The classified patient provisions ensure the secure management of the person, while also enabling access to treatment for mental illness.

The classified patient provisions do not deal with how charges are decided (see *Fact sheet 5 – Forensic provisions for further information*).

What do the provisions authorise?

The classified patient provisions authorise a person's detention in an authorised mental health service for assessment and/or treatment. However, the provisions do not authorise involuntary treatment. If involuntary treatment is required, an involuntary treatment order must be made (see *Fact sheet 3 – Involuntary treatment for further information*).

A classified patient can be admitted to any authorised mental health service, including a high security unit. The facility in which the person receives assessment and treatment will depend on the facilities available and the person's treatment and security needs.

Who can become a classified patient?

The classified provisions apply to persons who are before a court or detained in custody (either charged with an offence or serving a sentence of imprisonment). The provisions apply to both adults and young persons. The provisions do not apply where a person is granted bail.

What documents are required?

Three documents are required to authorise admission to an authorised mental health service as a classified patient.

- ⊙ **Recommendation for assessment** – The recommendation for assessment may be made by a doctor or an authorised mental health practitioner if satisfied the assessment criteria (set out in section 13 of the Act) apply to the person. However, an important distinction is that a person may become a classified patient even if they consent to assessment or treatment.
- ⊙ **Agreement for assessment** – The agreement is given by the administrator of the authorised mental health service or the Director of Mental Health.
- ⊙ **Court assessment order or Custodian's assessment authority** – If the person is in custody, an assessment order can be given by the custodian. If the person is before a court, the court may make an assessment authority.

What happens once the documents are made?

The person is taken to the authorised mental health service by a police officer, correctional officer or detention centre officer as soon as practicable after the documents are made. The person becomes a classified patient on admission to the service. Within three days of the person becoming a classified patient, an authorised doctor must make an assessment of the person.

What is the purpose of the assessment?

The purpose of the assessment is to decide if the patient needs to remain at the authorised mental health service as a classified patient to receive treatment for mental illness. If the patient remains at the service, they are assessed at regular intervals to decide if they need further detention as a classified patient.

What is the status of any outstanding charges?

On becoming a classified patient, proceedings for charges against the person are suspended until the person ceases to be a classified patient. However, suspension of proceedings does not apply if the offence is a Commonwealth offence.

How can treatment for mental illness be given?

A classified patient may be treated either with their consent or, if an authorised doctor is satisfied the treatment criteria apply, under an involuntary treatment order (see *Fact sheet 3 – Involuntary treatment*).

Can the patient receive limited community treatment?

A classified patient can only receive treatment as an inpatient of the authorised mental health service. However, the patient can undertake limited community treatment if authorised by the Director of Mental Health. A classified patient who is serving a term of imprisonment or detention must be accompanied by health service staff if undertaking limited community treatment.

How does classified patient status end?

Classified patient status automatically ends if:

- ⊙ bail is granted
- ⊙ proceedings against the person are discontinued or withdrawn
- ⊙ Commonwealth offences are finalised
- ⊙ a period of imprisonment ends or parole is granted
- ⊙ a decision about the charges against the person is made by the Director of Public Prosecutions or Mental Health Court (see *Fact sheet 5 – Forensic provisions*).

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Fact sheet 4

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How does classified patient status end? *(continued)*

A classified patient status also ends if the person is returned to court or custody. A classified patient may be returned to court or custody if:

- ⊙ the Director of Mental Health is satisfied the patient does not need to be detained at an authorised mental health service or
- ⊙ the patient is receiving treatment voluntarily and asks to no longer be detained.

An authorised doctor who believes the patient should no longer be detained must advise the Director of Mental Health. If the Director is satisfied that the patient does not need to be detained, action is taken to return the person to court or custody.

Definitions

Authorised doctor – a doctor experienced in mental health appointed by the administrator of the authorised mental health service.

Authorised mental health service – a health facility declared by the Director of Mental Health to provide involuntary assessment and treatment services.

Further information

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