Appointment of Authorised Doctors and Authorised Mental Health Practitioners

1. Purpose

This Policy outlines the relevant provisions of the Mental Health Act 2016, and the Chief Psychiatrist Policy, regarding the appointment of authorised doctors and authorised mental health practitioners including the competencies necessary for appointment.

Authorised doctors and authorised mental health practitioners exercise significant powers and functions which impact on the rights of individuals. Accountable appointment processes and the establishment of minimum knowledge and skill requirements for appointment are fundamental to the proper and effective administration of the Act, the protection of individual rights, and patient, carer and wider community confidence in the system of care.

2. Scope

This Policy is mandatory for all authorised mental health services (AMHSs). An authorised doctor, authorised mental health practitioner, AMHS administrator, or other person performing a function or exercising a power under the Act must comply with this policy.

This Policy must be implemented in a way that is consistent with the Objects and Principles of the Act.

3. Authorising Legislation

Section 305(1)(i) of the Mental Health Act 2016.

4. Background

All mental health service clinicians are subject to a range of standards and requirements which govern their clinical practice including, for example, National Practice Standards for the Mental Health Workforce (2013), discipline-specific practice standards, codes of ethics, and registration and credentialing requirements. In addition, a range of clinical governance arrangements operate at the service level to ensure safe and quality patient care, including clinical accountability and reporting structures, clinical supervision and clinical review processes. The appointment and practice of authorised doctors and authorised mental health practitioners operate within this context.

The Act establishes the functions of AMHS administrators, which includes appointing authorised doctors and authorised mental health practitioners (section 333).

The Act requires the administrator to keep a register of persons holding office as an authorised doctor or authorised mental health practitioner (section 335).
4.1 Appointment of authorised doctors

An AMHS administrator may, by instrument in writing, appoint a doctor as an authorised doctor. However, the administrator must be satisfied that the doctor has the competencies, stated in a Chief Psychiatrist Policy, necessary to be an authorised doctor (section 338).

An authorised doctor who is a psychiatrist is an authorised psychiatrist.

If the AMHS administrator is a psychiatrist, the administrator is an authorised psychiatrist (section 339).

A ‘doctor’ is a person registered under the Health Practitioner Regulation National Law to practise as a medical practitioner, other than as a student.

A ‘psychiatrist’ is a person registered under the Health Practitioner Regulation National Law to practise in the medical profession:
- as a specialist registrant in the specialty of psychiatry or
- who is able to practise psychiatry as another type of registrant prescribed by regulation.

4.2 Appointment of authorised mental health practitioners

Under section 340 of the Act, an AMHS administrator may, by instrument in writing, appoint a health practitioner as an authorised mental health practitioner. However, the administrator must be satisfied that the health practitioner has the competencies, stated in a Chief Psychiatrist Policy, necessary to be an authorised mental health practitioner.

A ‘health practitioner’ is a person registered under the Health Practitioner Regulation National Law, or another person who provides health services, including, for example, a social worker.

4.3 Conditions of appointment

Section 342 provides that, in appointing an authorised doctor or authorised mental health practitioner, the administrator may limit the powers that may be exercised by the appointed person or establish conditions under which powers may be exercised by the person.

A condition or limitation may be stated in the person’s instrument of appointment, or by way of signed notice given to the person. Also, the person holds office on the condition that the person continues to have the competencies necessary to be an authorised doctor or authorised mental health practitioner.

Section 343 sets out when an authorised doctor or authorised mental health practitioner’s appointment ends including circumstances where:
- the authorised doctor ceases to be a doctor or the authorised mental health practitioner ceases to be a health practitioner of the type that was the basis for the person’s appointment
- the appointment is for a stated term and the term ends
- the appointment is subject to a condition that is no longer satisfied (e.g. the appointment is conditional on the person being an employee of the AMHS and the employment ceases)
- the Chief Psychiatrist is satisfied the person is unable to perform the functions of office and gives written notice to the person stating that the person stops holding office from a specified date, or
- the appointed person resigns by written notice given to the administrator of the AMHS who appointed the person.

In addition, the administrator who appointed the person may revoke the instrument of appointment (Section 24AA, Acts Interpretation Act 1954).
It is important to note that the powers of an authorised doctor are not limited to patients of the AMHS at which they are appointed, i.e. the authorised doctor may exercise their powers in relation to a patient of any Queensland AMHS. Similarly, the powers of an authorised mental health practitioner, for example, the making of a recommendation for assessment or for transport purposes, is effective at any Queensland AMHS.

However, while the Mental Health Act 2016 does not limit an authorised doctor’s powers to patients of the AMHS at which they are appointed, doctors must also have regard to employment requirements, including credentialing and scope of clinical practice in other services.

4.4 Identity cards

Section 346 requires an AMHS administrator to issue an identity card for authorised doctors and authorised mental health practitioners. The card must contain a recent photograph of the person, identify the statutory position to which they are appointed, and state an expiry date for the card.

The Act also establishes obligations on the authorised doctor or authorised mental health practitioner to produce or display their identity card when exercising their functions, and to return the card to the administrator within 21 days of the office ending (sections 347 and 348).

5. Policy

5.1 Process and documentation requirements relating to appointment of authorised doctors and authorised mental health practitioners

AMHS administrators are responsible for ensuring an accountable system for the appointment of authorised doctors and authorised mental health practitioners.

The register of appointments (as required under section 335 of the Act) is to be maintained in the Consumer Integrated Mental Health Application (CIMHA). In addition, the administrator must maintain a system of records relating to appointments, amendments to appointment conditions and terminations of appointment, including copies of written instruments of appointment and any verifying documentation.

The administrator must have local policies or procedures in place for the appointment of authorised doctors and authorised mental health practitioners at the AMHS, including:

- the process for appointment, i.e. how an appointment application is initiated (e.g. by way of application by the prospective appointee, on the recommendation of the team leader/clinical director), assessed to ensure competencies are met (e.g. verification by team leader/clinical director), and determined, and
- accountabilities for ongoing oversight of statutory functions exercised by appointees and ensuring competencies continue to be satisfied.

In addition, the administrator must undertake an annual review of the register of appointments in CIMHA. The purpose of the review is to ensure that the CIMHA register of appointments remains up to date (e.g. to ensure no oversights in ceasing appointments for individuals no longer employed at the service).

Example procedures for the appointment of authorised doctors and authorised mental health practitioners are provided at Attachment 1.
5.2 Appointment of authorised doctors

5.2.1 Appointment requirements

AMHS administrators must be satisfied that the statutory requirements for appointment of an authorised doctor apply; specifically, that the doctor is registered under the Health Practitioner Regulation National Law as a medical practitioner, other than as a student.

In addition, the administrator must be satisfied that the doctor has the necessary competencies to perform the functions of an authorised doctor. The required competencies are:

a. substantial clinical expertise in the examination and assessment of persons suspected of having a mental illness and the treatment and care of persons with a diagnosed mental illness, and

b. substantial knowledge of the Mental Health Act 2016 and the Chief Psychiatrist’s Policies as they relate to the functions of an authorised doctor, including in the following areas:
   − the objects and principles of the Act
   − examinations and recommendations for assessment, including the treatment criteria and the less restrictive way of treatment
   − assessments and the making of treatment authorities
   − the treatment and care of persons on treatment authorities, forensic orders and treatment support orders
   − classified patients
   − mechanical restraint, seclusion and physical restraint
   − psychiatrist reports for persons charged with an offence
   − the rights of patients and support persons
   − the role of the Mental Health Review Tribunal, and
   − searches and transporting patients.

Competencies must be demonstrated through satisfactory completion of the MHA 2016 eLearning Course for authorised doctors. Verification will be by the provision of a Certificate of Completion of the online training.

5.2.2 Authorised doctor (private)

Authorised doctors who only practise in the private sector, may be appointed as an authorised doctor (private). This appointment requires the successful completion of the assessment in 10 identified modules (see Attachment 3). It is essential that doctors who are appointed as an authorised doctor (private) only perform functions under the Act related to their training. The limited training course does not prevent an authorised doctor who only practises in the private sector from completing the full course.

5.2.3 Authorised doctor (limited practice)

In some circumstances, public sector doctors may be appointed as authorised doctors for a more limited range of functions. This may apply for the following categories of doctors:

- resident medical officers (junior house officers and senior house officers only)
- emergency department doctors in services where an authorised doctor may not be readily available
- doctors in rural and remote locations.

Where justified by service delivery benefits, such doctors may be appointed as an authorised doctor (limited practice). This appointment requires the successful completion of assessments in 8 identified modules (see Attachment 3). It is essential that doctors who are appointed as an authorised doctor (limited practice) only perform functions under the Act related to their training.

The availability of this limited practice training course does not prevent a doctor from completing the full course.
An administrator may further limit the functions and powers of an authorised doctor (limited practice) when appointing the authorised doctor (see *Example Instrument of Appointment - Authorised Doctors* (Attachment 2)).

For resident medical officers (junior house officers and senior house officers), these arrangements do not affect the supervised practice requirements set by the Medical Board of Australia. Supervision arrangements must be based on levels and conditions of appointment.

### 5.2.4 Other conditions

All appointments are to be:
- for a specified term or subject to the person’s ongoing employment in the AMHS at which they are appointed, and
- conditional upon the authorised doctor exercising powers in accordance with the AMHS clinical governance and clinical review processes, e.g. the Assessment and Risk Management Committee.

### 5.3 Appointment of authorised mental health practitioners

AMHS administrators must be satisfied that the statutory requirements for appointment of an authorised mental health practitioner apply; specifically, that the person is registered under the Health Practitioner Regulation National Law, or is another person who provides health services.

In addition, the administrator must be satisfied that the health practitioner has the necessary competencies to perform the functions of an authorised mental health practitioner. The required competencies are:

a. substantial clinical expertise in the examination and assessment of persons suspected of having a mental illness, and knowledge of the treatment and care of persons with a diagnosed mental illness, and

b. substantial knowledge of the *Mental Health Act 2016* and the Chief Psychiatrist’s Policies as they relate to the functions of an authorised mental health practitioner, including in the following areas:
   - the objects and principles of the Act
   - examinations and recommendations for assessment, including the treatment criteria and the less restrictive way of treatment
   - classified patients
   - mechanical restraint, seclusion and physical restraint
   - the rights of patients and support persons, and
   - searches and transporting patients.

Competencies must be demonstrated through satisfactory completion of online training for authorised mental health practitioners. Verification will be by provision of Proof of Completion of the online training.

Note that where a person does not meet one or more of the competencies in full, a limited or conditional appointment may apply. For example, if the health practitioner does not complete the competency training in full, the appointment will be limited to functions of an authorised mental health practitioner relevant to the training components that have been completed.

All appointments are to be:
- for a specified term or subject to the person’s ongoing employment in the AMHS at which they are appointed, and
- conditional upon the authorised mental health practitioner exercising powers in accordance with the AMHS clinical governance and clinical review processes.
5.4 Instruments of appointment

The instrument of appointment must state the name of the person appointed, the powers of the appointee (i.e. whether the appointment provides for all powers of an authorised doctor or authorised mental health practitioner), and any conditions of appointment including the term and/or circumstances under which the appointment ends.

Example instruments of appointment are provided at Attachment 2.

5.5 Identity cards

The legislative requirements for the issuing of an identity card may be met by identifying the statutory appointment on an existing health service employee identification card or by establishing a distinct card for the statutory appointment.

The expiry date on the card is intended to ensure recency of the appointee’s photograph. The time frame for the card may be aligned with local Hospital and Health Service or private sector facility protocols for identity cards (e.g. 5 years).

The appointee is required to return the card to the administrator within 21 days of their office ending. The administrator should institute local processes to ensure the timely return of identity cards.

5.6 Transitional arrangements

Section 857 of the Act provides that a person holding office as an authorised doctor or authorised mental health practitioner under the Mental Health Act 2000 continues to hold that office under the Mental Health Act 2016. However, administrators must ensure that, prior to commencement, all authorised doctors and authorised mental health practitioners have the competencies set out in this Policy for their appointment to continue after that time.

6. Supporting documents

- Attachment 1: Example AMHS Procedures for Appointment of Authorised Doctors and Authorised Mental Health Practitioners
- Attachment 2: Example Instruments of Appointment
- Attachment 3: MHA 2016 eLearning Course - Modules for Authorised Doctors and Authorised Mental Health Practitioners (AMHPs)

Issued under section 305 of the Mental Health Act 2016

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