

# Emergency Examination Authorities

## Frequently Asked Questions

The purpose of this fact sheet is to answer some of the questions frequently asked about Emergency Examination Authorities (EEAs).

Read the information below to get a basic understanding of what EEAs are, and of the EEA legislation (*Chapter 4A of the Public Health Act 2005*).

For more detailed information, please refer to the "EEA information for Hospital and Health Services" document which is published on the Queensland Health EEA website.

### What is an Emergency Examination Authority (EEA)?

An EEA is the legal mechanism by which a person whose behaviour indicates that they (the person) is at immediate risk of serious harm, which appears to be a result of a major disturbance in the person's mental capacity, may be taken against their will (involuntarily) to a public sector health service facility, usually a hospital Emergency Department (ED) for an examination.

Behaviour suggesting that the person is at risk of suicide or harm to themselves warrants an immediate health examination. The reasons for at risk behaviour may include illness, disability, injury, intoxication or another reason.

People may be detained under an EEA for an examination period of up to six hours in the first instance. If the doctor or health practitioner examining the patient under an EEA deems it necessary, the examination period may be extended for up to another six hours (up to 12 hours in total).

The legislation relating to EEAs is *Chapter 4A of the Public Health Act 2005*. A link to the *Public Health Act 2005* is here: <https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2005-048>

### Who has the power to make an EEA?

Queensland Ambulance Service (QAS) officers or Queensland Police Service (QPS) officers may detain and transport persons to a treatment facility or place of care under an EEA. The EEA is made via completion of the relevant sections of the "Emergency examination authority form". (See links to the EEA suite of forms on the Queensland Health EEA website).

Where a person who is subject to an EEA absconds from a Queensland Health facility and is then returned, the six hour examination period of the EEA resets, so that the person may be detained for an additional 6 hours commencing from the time they are admitted to the facility.

### What happens after a person has been examined under an EEA?

Detention under an EEA ends after the person is examined. Following examination, depending upon the person's needs, the person may be:

- Admitted as an inpatient
- Have treatment or care provided and be discharged
- Have a Recommendation for Assessment made under the *Mental Health Act 2016*. Only a doctor or Authorised Mental Health Practitioner can make a Recommendation for Assessment. Note: an Authorised Mental Health Practitioner under the *Mental Health Act 2016* is not the same thing as an Authorised Person under the *Public Health Act 2005*.

Information about mental health care in Queensland may be found at:

<https://www.health.qld.gov.au/clinical-practice/guidelines-procedures/clinical-staff/mental-health>

The outcome of an EEA examination must be noted on the relevant section of the "Emergency examination authority form".

### What happens if a person absconds from the ED while they are under an EEA?

If a person absconds while they are under an EEA, the person in charge of a public sector health service facility, or their delegates, may request a QPS officer, or, may authorise an Authorised Person other than a QPS officer, to bring the person back to the facility from which they have absconded, or, to transport the person to a different public sector health service facility. This is done via completion of the "Authority to transport person who absconds" form.



## Who are Authorised Persons?

Authorised Persons are:

- a police officer; or
- an appropriately qualified health service employee appointed as an Authorised Person by the person in charge of a public sector health service facility; or
- an ambulance officer; or
- a Queensland Health security officer.

## Who are Delegates?

Delegates are Queensland Health Officers who have been delegated by the person in charge of a public sector health service facility to undertake specified responsibilities and tasks on their behalf.

Delegates must be recorded via an instrument of delegation.

## What functions and powers do Delegates and Authorised Persons have?

A **delegate** of the person in charge of a public sector health service facility has the power to:

- Detain a person under an emergency examination authority in the public sector health service facility, with the help, and using the force, that is necessary and reasonable in the circumstances.
- Authorise an Authorised Person, other than a police officer, to transport a person who has absconded to a public sector health service facility; or Request a police officer to transport the person who has absconded to a public sector health service facility.
- Following the examination, take steps to ensure the person who was placed under an EEA is returned to a place reasonably requested by the person, if:
  - (a) a person had been transported from the community to a treatment or care place that is a public sector health service facility; and,
  - (b) at the end of the examination period, a Recommendation for Assessment under the *Mental Health Act 2016* had not been made for the person
- Approve a search requiring the removal of clothing if a doctor or health practitioner believes the person may have possession of a harmful thing, and there is a belief that a search requiring the removal of clothing is necessary in the circumstances

All **Authorised Persons** may:

- Return a person who has absconded to a public sector health service facility (following a request to do so by a person in charge of a public sector health service facility or their delegate if they are a QPS officer; and, following an authorisation by a person in charge of a public sector health service facility or their delegate if they are any other category of Authorised Person)
- Transfer a person under an EEA to another treatment or care place if a doctor or health practitioner believes it is necessary for the person to be transported to another treatment or care place that is a public sector health service facility
- Apply for a warrant if necessary, to apprehend persons for the purpose of enacting an EEA. If a warrant is issued by a magistrate, further Authorised Persons' powers apply.

Authorised Persons who are **QPS and QAS Officers** may additionally:

- Make an EEA, and, detain and transport a person to a treatment or care place (usually but not always an ED)
- Exercise the power to detain and transport a person under the EEA legislation with the help, and using the force, that is necessary and reasonable in the circumstances.