Simplifying the MHC Act, 2017

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Introduction
Every ACT is a long complicated document taking a long time for a busy clinician to interpret and apply in the daily OPD and ward management. Keeping in mind the heavy patient load and shortage of time for doctors, here is an attempt to simplify the admission and discharge processes in the act in the form of easy to access flow charts.
Chapter XII
Admission, Treatment and Discharge

SECTION 86, 88

INDEPENDENT (Admission, treatment and discharge)

Person with mental illness

Medical officer (MO) or mental health professional (MHP) in charge of the mental health establishment (MHE)

PERSON WITH MENTAL ILLNESS

Request

Severities of illness requires admission

Yes

Person is likely to benefit from admission and treatment

Person has understood the nature and purpose of admission and has made the above request on his own free will without any duress or undue influence and has the capacity to make mental healthcare and treatment decision without support or requires minimal support from others in making such decision

No

Not admitted as independent patient

The consent or presence of NR (nominated representative)

or relative or caregiver is not required.

Abide by the laws of hospital

Not given treatment without INFORMED CONSENT.

If required

ADMITTED AS SUPPORTED PATIENT (SECTION 90)

ADMISSION

DISCHARGE at patient’s own will/request

(Consent of MO/MHP not required)
Unable to understand the nature and purpose of his decisions and requires substantial or high support from his NR.

Recently threatened or attempted or is threatening or attempting to cause bodily harm to himself.

Behaved or behaving violently towards another person or has caused or is causing another person to fear bodily harm from him.

Inability to care for himself to a degree that places the individual at risk of harm to himself.

**NO**

ASSESS WITHIN 24 HRS

**YES**

DISCHARGE

ADMITTED AS SUPPORTED PATIENT
MINOR (Admission, treatment and discharge)

SECTION 87

NR applies to MO of hospital or MHE for admission

2 psychiatrists or
1 psychiatrist and 1 MHP or
1 psychiatrist and 1 MP

Independently examine the minor on the day of admission or in the preceding 7 days and both independently conclude

Admission is in the best interest of the minor with regard to his health, well-being or safety taking into account wishes of minor if ascertainable and reason for reaching this decision.

Mental health care needs of the minor cannot be fulfilled unless he is admitted

All the community based alternatives to admission have been failed or are unsuitable for the needs of the minor

SEVERITY OF ILLNESS REQUIRES ADMISSION

NO

ADMISSION denied

YES

INFORMED TO BOARD WITHIN 72 HRS

INFORMED TO BOARD WHO REVIEWS THE ADMISSION IN 7 DAYS

BEYOND 30 DAYS

REVIEW REPEATS EVERY 30 DAYS

1. Accommodation- Separate from adults in an environment according to his age and developmental needs.
2. N.R or an attendant appointed by the N.R shall be under all circumstances stay with the minor, for entire duration of admission.
3. In case of minor girls where N.R is male, female attendant shall be appointed by N.R who shall stay with her for entire duration of admission.
4. TREATMENT- given with informed consent of N.R

NR REQUESTS DISCHARGE

ADMISSION

DISCHARGE
SUPPORTED (Admission, treatment and discharge)

SECTION 89 (ADMISSION UPTO 30 DAYS)

Application for admission by NR of the person

M.O, M.H.P in charge of MHE shall ADMIT

IF

1 psychiatrist and 1 MHP or 1 MP

Independently examined the patient on the day of admission or in the preceding 7 days conclude that the person has a mental illness of such severity that the person fulfills following criteria

YES

Recently threatened or attempted or is threatening or attempting to cause bodily harm to himself.

NO

YES

Behaved or behaving violently towards another person or has caused or is causing another person to fear bodily harm from him.

NO

YES

Inability to care for himself to a degree that places the individual at risk of harm to himself.

NO

YES
ADVANCED DIRECTIVE taken into account, admission is the least restrictive care.

Patient is ineligible to be independent patient due to lack of mental capacity and needs high support from N.R in making decisions.

TREATMENT according to
- ADVANCED DIRECTIVE IF ANY
- INFORMED CONSENT OF THE PATIENT WITH SUPPORT OF N.R (Consent to be recorded in medical records and capacity of the patient to give consent to be reviewed every 7 days by M.O or M.H.P in charge of MHE.

BOARD has to be reported
- within 3 days of admissions of a woman/minor
- within 7 days of admissions of any person not being a woman or minor

Person/N.R/ a representative of a registered NGO with the consent of the person, may apply to the BOARD for review of the admission decision of the M.O /MHP in charge of MHE. [BOARD SHALL REVIEW THE DECISION IN 7 DAYS]

END OF 30 DAYS
END OF 30 DAYS

Application for continuation of admission by NR of the person

Person no longer meets criteria for admission

DISCHARGE

Can't be readmitted under this section within 7 days from discharge.

If requires admission within 7 days from discharge.

SECTION 90

if admission needs to be continued

YES

continue ADMISSION

NO

Section 86
SUPPORTED (Admission, treatment and discharge)

SECTION 90 {ADMISSION beyond 30 DAYS}

Application for continuation of admission by NR of the person

M.O, M.H.P in charge of MHE shall continue ADMISSION

IF

2 psychiatrists have independently examined the patient in the preceding 7 days conclude that the person has a mental illness of such severity that the person fulfils following criteria

- Recently threatened or attempted or is threatening or attempting to cause bodily harm to himself.
- Behaved or behaving violently towards another person or has caused or is causing another person to fear bodily harm from him.
- Inability to care for himself to a degree that places the individual at risk of harm to himself.

ADVANCED DIRECTIVE taken into account, admission is the least restrictive care.

YES

YES

YES

NO

NO

NO

YES

Patient is eligible to be independent patient due to lack of mental capacity and needs high support from NR in making decisions.

ADMISSION UPTO 90 DAYS

If 90 days completed, EXTENDED FOR A PERIOD OF 120 DAYS

If 120 days completed, EXTENDED FOR A PERIOD OF 180 DAYS

ADMISSION DENIED
TREATMENT according to

- ADVANCED DIRECTIVE IF ANY

- INFORMED CONSENT OF THE PATIENT WITH SUPPORT OF N.R (Consent to be recorded in medical records and capacity of the patient to give consent to be reviewed every 15 days by M.O or M.H.P in charge of MHE.

BOARD has to be reported by M.O/M.H.P within 7 days of admissions or readmissions.

BOARD shall permit such admissions or readmissions or order discharge within 21 days from the date of last admissions or readmissions.

While doing the above it shall examine the need of institutional care to such person and whether such care can’t be provided in less restrictive settings based in the community.

M.O/Psychiatrist in charge of treatment has to submit a plan for community based treatment and progress made or likely to be made towards realising the plan.

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Person/N.R/a representative of a registered NGO with the consent of the person, may apply to the BOARD for review of the decision of the M.O/MHP in charge of MHE regarding admission or discharge.

M.O/M.H.P is of the opinion that Patient no longer meets the criteria for admission.

Yes

DISCHARGE

BOARD can refuse to permit such admissions or extension, after expiry of stipulated periods if Patient no longer meets the criteria for admission.

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SECTION 86 (Can continue as independent patient)
Abbreviations
N.R – Nominated Representative
M.O – Medical Officer
M.P – Medical Practitioner
M.H.P – Mental Health Professional
M.H.E – Mental Health Establishment

Reference
1. Gazette of India For Mental Health Act 2017.