

Hospitalisation process in Mental Health

MBChB Level 4

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The Mental Health Act

- There are laws to protect mentally disordered people and also protect the society from the consequences of their mental disorder
- The form of these laws differ from various countries
- The rules about admission to psychiatric hospitals or units are set out in the Mental health act. These rules apply in the same way to public and private psychiatric facilities.

The Kenya mental health act

- In Kenya, the mental health act sets out the guidelines for this.
- Chapter (CAP) 248 of the Kenya Law; revised edition 2012 (assentment-1989, commencement-1991)
- Act Title: Mental Health
 - An Act of Parliament to amend and consolidate the law relating to **the care of persons who are suffering from mental disorder or mental sub-normality with mental disorder**; for the custody of their persons and the management of their estates; for the management and control of mental hospitals; and for connected purposes

Kenya Mental Health Act...

1. Preliminary
- 2. Reception of persons in mental hospitals**
3. Kenya Board of Mental Health
- 4. Mental hospitals**
- 5. Voluntary patients**
- 6. Involuntary patients**
- 7. Emergency admission**
- 8. Admission and discharge of members of the armed forces**

Mental Health Act...

9. Admission of patients from foreign countries

10. Discharge and transfer of patients

11. Removal of patients to other countries

12. Judicial power over persons and estates of persons suffering from mental disorder

13. General provisions

14. Offences

15. Power to make regulations and rules of court

Definitions

- Mental hospital: a hospital, or part of a hospital or any other place authorised by gazette by the board; a place for the reception and treatment as in patients of two or more persons suffering from mental disorder
- No person shall be received or detained for treatment in a mental hospital unless he is received and detained under the mental health act

Voluntary vs involuntary admission

- Admission for in-patient treatment can either be on a voluntary or an involuntary basis.
- Voluntary admission usually means that you agree to being treated at an in-patient facility.
- A child is considered a voluntary patient once their guardian or parent agrees to their admission. (under 16 years)
- Involuntary admission is when a person is admitted for in-patient treatment against their will.

Voluntary patients

- Voluntary admission to a psychiatric hospital or unit occurs in much the same way as admission to a general hospital.
- Referral may be made by a general practitioner or consultant.
- Unlike patients in general hospitals, Voluntary psychiatric patients are not completely free to leave psychiatric care: reviewed within 72 hours
- May be detained for a period: not more than 42 days
- May then be involuntarily detained:

SCHEDULE

Form No. 1

(r.10)

THE MENTAL HEALTH ACT, 1989

(No. 10 of 1989, Section 10(1))

APPLICATION FOR VOLUNTARY ADMISSION

Every person who desires to undergo treatment as an in-patient at the hospital will be required to sign this form in token that admission is at his/her own request.

The attention of intending applicants is drawn to the following provision of section 10(3) of the Mental Health Act, 1989, which should be noted to avoid any misconception at later stages:

“Any person received as a voluntary patient under this section may leave the mental hospital, upon giving to the person in-charge seventy-two hours’ notice in writing of his intention to leave...”

I, of

(Full Name)

(Address)

..... desire voluntarily to submit myself for treatment for mental disorder as an in-patient at and agree to conform to all

(Name of Hospital)

existing rules and regulations and such other rules or regulations as may be made for the conduct of the hospital.

.....
Signature of applicant

FOR OFFICIAL USE ONLY

ADMITTED/REJECTED

.....
(Signature of the Admitting Officer)

.....

Involuntary patients

- A person who is labouring under a mental disorder and is likely to benefit from treatment in a mental hospital, but at the time is unable to express himself as willing or unwilling to receive treatment can be received into a mental hospital on written application under the mental health act
- Application made by:
 - Husband or wife or relative
 - If not a relative, should indicate connection with patient
- Medical practitioner **MUST** examine the patient before making the recommendation

Involuntary patients

- Involuntary patients may be admitted for a period not exceeding 6 months.
- This can be further extended by 6 months through a renewal order
- Total period not more than 12 months continuously

**MINISTRY OF HEALTH
MATHARI NATIONAL TEACHING AND REFERRAL HOSPITAL
THE MENTAL HEALTH ACT, 1989**

(No. 10 of 1989. Section 14 (3))

APPLICATION FOR INVOLUNTARY ADMISSION

1. Iof.....
(Full Names of applicant) *(Address)*
..... request you to receive.....
(Full Name of Sick person)
..... into.....
(Name of Hospital)

2. *I am the husband, wife of (or I am related to) the said.....
(In the following manner:.....
or
* There is no husband, wife or relative of the said.....

My connection with him/her and the circumstances under which I make this application and reasons why it is not made as provided under paragraph (a) of subsection (2) of section 14 of the Act are as follows:

.....
.....
.....

3. Annexed here to is a recommendation for the involuntary treatment of the said.....
Signed by Dr.....

Signature

FOR OFFICIAL USE ONLY

ADMITTED/REJECTED

.....
Signature of the Admitting Officer

* Delete the paragraph which not apply

NOTE

This application must be accompanied by a medical recommendation in duplicate signed by a medical practitioner who is where practicable the usual medical attendant of the person concerned and where this is not practicable a medical practitioner approved by the Director of Mental Health for the purpose of making such recommendations.

THE MENTAL HEALTH ACT, 1989

(No. 10 of 1989, Section 14 (3))

RECOMMENDATION FOR INVOLUNTARY TREATMENT

Recommendation for the involuntary treatment of..... of.....

I, hereby declare that:

- 1. I am a registered medical practitioner and am the usual medical attendant of the said..... (or I am a registered medical practitioner approved by the Director of Medical Services for the purpose of making recommendations under the Mental Health act).
2. I examined the said..... on the and on the
3. I have formed the conclusions stated below on the following grounds, viz:
.....
.....
.....

I further declare that:

- 1. The said..... (Full Name of Patient)
(a) is suffering from mental disorder;
(b) is likely to benefit from involuntary admission; and
(c) is for the time being incapable of expressing himself/herself as willing or unwilling to receive treatment.

- 2. It is expedient with a view to the said.....'s (Name of Patient) recovery that he should be received in a mental institution for a period not exceeding six months.

Signed.....

Medical Qualifications.....

.....

FOR OFFICIAL USE ONLY

ACCEPTED/REJECTED

Signature of the Admitting Officer

.....

Emergency admission

- If a police officer has reasonable grounds for believing that a person within his jurisdiction is suffering from a mental disorder and that, because of the disorder, there is a serious likelihood of the person causing immediate and serious harm to themselves or another person, the police officer may take the person into custody.
- They should thereafter take the person to a mental hospital within 24 hours of being taken into custody
- The police officer must then go through an application procedure for involuntary detention in an approved center.

Emergency admission

- The patient after examination can be admitted for a period initially not exceeding 72 hours (to allow further examination and arrangements if necessary)
- Can be admitted as an involuntary patient

THE MENTAL HEALTH ACT, 1989

(No. 10 of 1989, Section 16)

APPLICATION FOR EMERGENCY ADMISSION

To: The Medical Officer-in-Charge/ Health Officer:

.....
(Institution)

I,
(Full Names)

of being a police officer above the
rank of inspector/ officer-in-charge of a police station/ administrative officer/ chief/ assistant
chief (tick where appropriate) of.....

(Name of Station)

request you to receive for treatment.....

(Name of sick person)

..... of.....

(Address)

as an emergency admission into.....

(Institution)

My grounds for this request are as follows.....

I further declare that the said

resides within the limits of my jurisdiction and he/she has been in my custody for

.....

.....

Signature of applicant

NOTE

- (i) Any person taken into custody under this section must be taken to a mental hospital within 24 hours of being taken to custody.
- (ii) This application must be filled in duplicate.

FOR OFFICIAL USE ONLY

ADMITTED/ REJECTED

.....
Signature of the Admitting Officer

Admission and discharge of members of the armed forces

- Members of the armed forces can be admitted in a mental hospital after review and recommendation by a clinician of the armed forces.
- Initial period not more than 28 days but can be extended after re-examination and recommendation by a psychiatrist
- Discharged by a psychiatrist to nearest armed forces hospital or unit
- If the member of the armed forces falls mentally ill while away from his unit, the person in charge of the mental hospital shall inform the nearest armed forces unit

Admission and discharge of members of the armed forces

- If the member of the armed forces ceases to be a member of the forces while admitted, he becomes an involuntary patient after the hospital in-charge is notified by the armed forces

Admission of patients from foreign countries

- The foreign patient's government or relevant authority shall apply in writing to the board to approve the admission
- No mental hospital should receive a person suffering from a mental disorder from a foreign country without the board's approval
- He should be examined and an initial report provided to the board within 72 hours
- Should not be detained in a mental hospital for more than 2 months

Discharge and transfer of patients

- Discharge in writing if the patient has recovered from the mental disorder
 - Excludes those detained under the criminal procedure code
- **Parole:** In psychiatry, the release of a patient from the hospital on a trial basis.

Removal of patients to other countries

- Application through the mental health board for subsequent treatment and care
- The board should therefore approve that the removal of the patient is to their benefit and necessary arrangements have been made to facilitate removal
- Has to have prior consent from the foreign authorities that the person shall be received

QUESTIONS?