

MHO Emergency Provisions

The following are the changes likely to be of most relevance to psychiatrists working in general, CAMHS or old age psychiatry, but PLEASE seek advice or refer to the actual legislation and Code of Practice in cases of any doubt. Please remember that these new provisions should only be used when the 'usual' powers cannot be used because of staff shortages consequent upon the impact of the Coronavirus crisis, the criteria for detention have not changed and the person's human rights should be at the forefront of decision making

1. **Personally seen' or personally examined'**. Alternative methods of communication such as FaceTime or Skype may be considered in exceptional circumstances where an assessment of risk indicates it. The use of barriers or screens in a ward environment may also be justified in exceptional circumstances.
2. **Form 5 (holding power)** The length of the doctor's holding power, using a Form 5, is extended from 48 to 120 hours. The nurse's holding power is extended from 6 to 12 hours. The usual Form 5 is used for the doctor's holding power.
3. **Immediate examination on admission (i.e. Form 7)**. 'Immediate' is modified to 'as soon as practicable' but not later than 12 hours after admission. Therefore a doctor has up to 12 hours after admission to examine the patient and complete the Form 7.
4. **Length of time a Form 7 lasts**. A Form 7 can now last for up to 120 hours (5 days) if completed by a medical practitioner who has at least 5 years' experience in the last 10 (not necessarily continuous) working with mental health patients and it is impracticable for an RMO or Part 2 doctor to examine the patient within the 48 hour period. A **Form 7a** (not the usual Form 7) must be completed
5. **Form 9**. The period of detention for assessment is extended in an emergency from 7+7 days to 7+21 days, for a total of 28 days (7+21 days) for assessment.
6. **Form 10**. In an emergency, a 'relevant medical practitioner' can complete a Form 10 rather than a part2 doctor approved by RQIA. This is a medical practitioner who has at least 5 years' experience working with mental health patients, of which 1 year was working with patients who were detained for treatment. If a relevant medical practitioner completes the form 10, he or she must also make a written statement confirming that he/she has the required experience and that it would be impractical for a part 2 doctor to do it. This statement can be done on a Form 10a (but it doesn't have to be). If a relevant medical practitioner makes the report, the detention for treatment only lasts 28 days. Within that 28 day period, a part 2 doctor (RMO) MUST make a new report using a form 10. The total detention period can never exceed 6 months beginning from the date of admission (as before).