

Information for service users/tangata whaiora on Mental Health Act compulsory assessment and treatment processes during COVID-19 Alert Level 2

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This information is about Mental Health Act assessments and treatment during COVID-19 Alert Level 2.

Alert Level 2 means that the COVID-19 virus is contained, but there is still a risk of community transmission. People are not restricted to their 'bubble', but we still need to keep our distance from other people in public.

Everyone must follow the Government's COVID-19 directions. It's important that you stay up to date with these requirements by checking the [covid19.govt.nz](https://www.covid19.govt.nz) website. Some radio stations are also giving official COVID-19 messages from the Government. If you have specific questions about COVID-19, you can call Healthline on 0800 358 5453. It is free and you can call 24 hours a day, 7 days a week. Interpreters are available for calls to Healthline.

As a person who is undergoing assessment or treatment under the Mental Health Act, it is important for you to know how you will be affected by the COVID-19 situation. You can expect health professionals or district inspectors to explain what this means for you and your family/whānau. If you don't get the information you need, please ask for it.

During COVID-19, it is important that services provide you with safe and effective assessment and treatment that respects your rights as much as possible in the circumstances.

Because of COVID-19 there need to be some changes in the way that treatment and support is given. In situations where it is not possible to follow the usual processes and policies, mental health and addiction services have been asked to think about other approaches. When considering options, services should question whether the action:

- is in your best interests
- is necessary to protect your and other people's health and safety
- meets legislative requirements and aligns with the intent of the legislation
- upholds your rights and the rights of others to the maximum extent possible in the circumstances
- complies with COVID-19 Alert Level requirements.

Mental Health Act assessments and reviews

Under COVID-19 Alert Level 2, health services are expected to offer services in-person (face-to-face) as much as possible.

During face-to-face appointments, you and your health worker will need to keep a physical distance as part of the COVID-19 requirements.

However, in Alert Level 2, there may still be times that an appointment needs to happen by video if an in-person appointment is not practicable. Your case worker will explain how this will work and will make sure that you have access to the technology for this.

If you do not want to have a video appointment or you prefer an in-person appointment, you should let your case worker or health professional know. It may not always be possible to do an in-person appointment, but your service provider should consider your preference.

Using audio-visual link technology in mental health consultations is supported by the Royal Australian and New Zealand College of Psychiatrists.

Discharge of patients from inpatient units while at Alert Level 2

When you are discharged from hospital you will be advised to follow all the guidance and procedures from your local district health board (DHB) about discharge during COVID-19. As with all New Zealanders, you will need to comply with all legal requirements that are established in relation to COVID-19.

Court hearings under the Mental Health Act

The Courts continue to operate during Alert Level 2 to hold Mental Health Act proceedings. In Alert Level 2, hearings take place in person where it is practicable and safe to do so. Proceedings may occur in person or through virtual means (e.g. video link) or a combination of these (for example, some people attending in person, and others attending by video-link).

If you need to attend a court hearing by video, services should help you access the technology to allow you to attend by video link. If you live in the community, a case-worker or other member of your care team may ask to come to your home to set-up a video-conference device. You and they will need to keep a physical distance.

You should talk to your lawyer or a district inspector if you have any concerns or questions about the use of video link.

Access to district inspectors and lawyers

In Alert Level 2, you still have access to the services of a district inspector or lawyer, which can be in person in most cases. You and they will need to keep a physical distance.

However, sometimes your contact with a district inspector or lawyer may need to be by video or telephone, if it is not possible to meet in person because of COVID-19 reasons. Your service provider must enable private and confidential conversations by video or telephone between a district inspector or lawyer and yourself.

You may find that you prefer to talk to a district inspector by video-link or telephone. You can let the district inspector know how you would like to talk to them.

The contact details for district inspectors are on the Ministry of Health website, at www.health.govt.nz under 'district inspectors', or you could ask your service to provide you the contact details for your local district inspector.

Contact with family and whānau

The Mental Health Act (section 72) entitles patients and proposed patients to receive visitors and make telephone calls (unless the responsible clinician considers this detrimental to the patient's interests or treatment).

If you are in hospital in Alert Level 2, in general, your family/whānau should be able to visit you in person. However, inpatient units will need to take precautions and manage visiting in a controlled way. When it is not possible to visit in person, your contact with family/whānau and friends may be arranged through video or telephone.

Talk to the staff in the inpatient unit about keeping in touch with your loved ones. If you are concerned that you are not able to contact people while you are in hospital, you can talk to a district inspector.

Respect for cultural identity

The Mental Health Act (sections 5 and 65) requires Mental Health Services to use the powers of the Act in a way that is respecting of a patient or proposed patient's cultural identity.

During Alert Level 2, if you would like access to cultural support workers or kaumātua, this may need to happen by video or telephone instead of in person. Talk to the staff in the inpatient unit or a district inspector if you have concerns about your right to respect for your cultural identity.

Mental Health Review Tribunal hearings

The Mental Health Review Tribunal is independent of the Ministry of Health and has issued guidance about the hearing of applications to the tribunal under COVID-19 restrictions. This guidance is available on the Ministry of Health website (www.health.govt.nz), on the Mental Health Review Tribunal resources page.