

## Information for service users/tangata whaiora on Mental Health Act compulsory assessment and treatment processes during COVID-19 Alert Levels 3 and 4

**Updated 17 August 2020**

This information is about Mental Health Act assessments and treatment during COVID-19 Alert Levels 3 and 4.

Alert Levels 3 and 4 attempt to eliminate COVID-19 by keeping people at home and restricting activities.

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 3 and 4 requirements.

### Mental Health Act assessments and reviews

Usually, assessments conducted under the Mental Health (Compulsory Assessment and Treatment) Act 1992 (the Mental Health Act) are done by face-to-face appointment. While COVID-19 Alert Levels 3 or 4 are in place, Mental Health Act assessments or reviews will be done by video as much as possible (for example, using audio-visual link technology on a phone or computer). Your case worker will explain how this will work and will make sure that you have access to the technology required.

If a face-to-face appointment is necessary, you and your health worker will need to stay two metres apart as part of the COVID-19 physical distancing requirements.

Although video and telephone assessments can be difficult or frustrating, we are asking everyone to use them wherever possible to help stop the spread of COVID-19.

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 Levels 3 and 4

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

Courts continue to operate during Alert Levels 3 and 4 to deal with priority proceedings. Court proceedings are likely to be completed using audio-visual link technology more often in order to keep everyone safe. This technology may be used for court hearings under the Mental Health Act while New Zealand is at Alert Levels 3 and 4.

Services should help you access video technology for these hearings. 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 follow physical-distancing requirements (staying two metres apart).

There may be times when a judge directs that a hearing takes place by teleconference (audio only). In these cases, people participating in the hearing should follow the direction of the judge.

You should talk to your lawyer if you have any concerns about the use of AVL.

### Access to district inspectors and lawyers

You will still have access to the services of a district inspector or lawyer, but this will be through video in most cases. The contact details for district inspectors are on the Ministry of Health website, at [www.health.govt.nz](http://www.health.govt.nz) under 'district inspectors', or you could ask your service to provide you the contact details for your local district inspector.

Your service provider must enable private and confidential conversations by video or phone between a district inspector or lawyer and yourself.

Alert Levels 3 and 4 require people to stay in their 'bubble'. For this reason, district inspectors will continue to contact people by video or telephone, except under exceptional circumstances. If you cannot meet with a district inspector or lawyer by video or telephone, and a face-to-face meeting is the only option, you will need to stay two metres apart to maintain COVID-19 physical distancing requirements.

### 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). However, DHBs need to limit or stop visitors to all parts of hospitals during Alert Levels 3 and 4. If you are in hospital, this means that your contact with family/whānau and friends will be 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 Levels 3 and 4, if you would like access to cultural support workers, such as kaumātua, this may need to happen by video or phone 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](http://www.health.govt.nz)), on the Mental Health Review Tribunal resources page.