

MHCA 2017

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ABOUT ME ?

- Practising Psychiatrist
- Educated in Goa, GMC, IPHB, UK & Australia
- Clinics: Panaji, Vasco, Margao, Ponda
- Hospitals : Manipal, Healthway, SMRC, Campal, RG
- Psychiatric Society of Goa, Sangath, CNAPS
- Goa State Mental Health Authority

WHAT WILL WE DISCUSS TODAY ?

- What is a mental illness ?
- Why is a Mental Health Act needed ?
- What are salient features of this Act ?
- Rights of patients with mental illness ?
- Role of police.

What is mental illness ?

- a substantial disorder of -
- **thinking, mood, perception, orientation or memory**
- that grossly impairs
 - *judgment,*
 - *behaviour,*
 - *capacity to recognise reality or*
 - *ability to meet the ordinary demands of life*
- Includes mental conditions associated with the abuse of alcohol and drugs,
- but does not include mental retardation
- Why do we need a Mental Health care Act ?

Mental Health Act 2017

- Passed by the parliament in April 2017 ; Notified all over the country on 29th May 2018
- Requires creation of infrastructure at the Centre and States
- Gives rights to persons with mental illness (& makes it a mandatory duty of the state)
- Makes provisions for **registration** of mental health professionals and mental health institutions
- Expands **State Mental health Authority** & introduces the **Mental health review boards**, **Advance Directives** & **Nominated representatives**
- Inserts the expectation of Half way homes and Rehabilitation as essential part of mental health treatment



Infrastructure to deliver mental health care. S33, S45

1. Secretary of Dept of Health of State Govt
2. Jt Secretary
3. Director of health services
4. HoD of psychiatry dept.
5. One eminent psychiatrist (not in govt service)
6. One mental health professional with >15yrs exp.
7. 1 psychiatric social worker with (15yrs)
8. 1 clinical psychologist with (15yrs)
9. 1 mental health nurse (15yrs)
10. 2 representatives of service users
11. 2 representatives of carers
12. 2 representatives of NGOs

- Central Mental Health Authority (CMHA) & **State Mental Health Authority (SMHA)**.
- Expanded & more representative
- It is responsible for delivery of mental health care in the state.
- Goa SMHA has been notified by the State Govt, though we are still to meet for our first meeting.



Mental Health Review Boards (MHRBs)

S73

Appointed by SMHA

- District judge or equivalent (chairperson)
- Representative of District Collector
- Psychiatrist
- Medical practitioner
- 2 persons who could be service user or carer or representative of these or NGO representative



S5. Advance Directives

Lot of confusion and misperception..
it is actually a person's right to state in writing (in advance) as to ..

- The way the person wishes to be cared for or treated for mental illness
- The way the person wishes not to be cared for or treated for mental illness

Why the concept of advance directive in case of mental illness?

S14. Nominated representative

- Every mentally ill person has a right to a nominated representative.
- This right is considered so important that in case there is no family member/ friend available to be N/R, the Director of Social Welfare becomes the N/R.
- N/R will take part in the decisions regarding the mentally ill person's treatment by keeping in mind the person's views.
- *N/R can be sacked (both by pt and treating doc) through proper procedure.*



RIGHTS Section 18

Right to access
mental health care

- Every person has a right to receive mental health treatment from a govt facility
- Where govt mental health services are unavailable, the person is allowed to take Rx at any other available mental health service and claim reimbursement from govt.



RIGHTS Section 19

Right to community
living

- Every person with mental illness has a **right to live in family home**. If abandoned by family, govt. has to provide legal aid.
- (within a reasonable period) Govt. should provide for or support establishment of least restrictive and community based half-way homes, group homes & the like



RIGHTS Section 20

Right to protection
from cruel, inhuman or
degrading treatment

- Safe, hygienic environment, sanitary conditions, adequate facilities for leisure, recreation and religious practices
- Wholesome food,
- Access to articles of personal hygiene (esp. women's personal hygiene)
- Cannot be forced to work + remuneration for work done
- No compulsory tonsuring and not being forced to wear uniform



RIGHTS Section 21

Right to equality & non-
discrimination

- The facilities and living conditions for persons with mental illness should be same as that of patients with physical illness.
- Persons with mental illness ill have access to ambulance services
- **Insurance companies have to provide cover for mental illness.**
- *[reliance health insurance & max bupa already provide cover]*
- Ordinarily if a woman with mental illness has a child under 3 years, they should not be separated during the hospital stay. If so done, this decision will have to be reviewed every 15 days



RIGHTS Section 22

Right to information
to patient/ NR

- Under what provision of MHCA admission is done
- Nature of illness and Rx plan
- Get the admission reviewed by the MHRB
- Info in his own language



RIGHTS

Sections

23, 24, 25

- Right to confidentiality
- Restriction of information in respect to mental illness
- Right to access medical records

- The model rules have also specified the minimum information which is to be maintained in the medical records
- If the information is withheld, one can apply to the MHRB.



RIGHTS Section 26

Right to personal
contacts and
communication

- Has right to receive (or refuse) visits, phone calls and emails



RIGHTS Sections 27, 28

- Right to legal aid
- Right to make complaints about deficiencies in provision of services

The complaint to be made initially to :

→ medical officer in charge of the establishment

→ the MHRB

→ to the SMHA




S100, 101, 102

- Every **police officer** i/c of police station shall take into protection:
 - **Wandering** [take to nearest public health establishment & file a missing persons' FIR]
 - **At risk to self or others.** [take to nearest public health establishment]
- Police officer feels that a person is **being ill treated / neglected** → report to **magistrate**
- Any Person feels that a person with mental illness is **being ill-treated / neglected** → report to **police officer** → report to **magistrate**

- **Magistrate :**
 - convey to for assessment & treatment or
 - authorise admission for 10days.





Questions , Discussion

& Feedback..

Thank you !



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