

10. Ending classified patient status

Classified patients refer to patients that are in custody for pending or finalised criminal charges but require treatment in an authorised mental health service (AMHS).

Unless otherwise specified, references to sections (s) are from the *Mental Health Act 2016* (Qld)

Classified patient in AMHS for treatment and care
(for classified patients in AMHS for assessment only, see "Becoming a Classified Patient" flowchart)

Is it still clinically appropriate for the person to receive treatment and care as an inpatient of an AMHS?

Yes

No

Classified patient (voluntary)

Classified patient (involuntary)

Classified patient (voluntary) withdraws consent to treatment and care, s 80
Is a Treatment Authority made?
See flowchart 8 Treatment Criteria

Treatment authority, forensic order (mental health) or treatment support order is revoked completely (not stepped down), s 81

• Does the person have a mental illness?
AND
• Is it clinically appropriate for the person to receive treatment and care as an inpatient of an AMHS?
AND
• Does the person consent to treatment and care at the AMHS?

Authorised doctor gives notice to the Chief psychiatrist s 81
Chief psychiatrist may decide the classified patient should be returned to custody s 82
Chief psychiatrist may also decide of their own initiative that treatment and care in an AMHS is no longer clinically appropriate and person should be returned to custody, s 82

Classified patients and criminal proceedings

All criminal proceedings against a patient are suspended while they are a classified patient. s 616
The court can still grant bail and have charges withdrawn. s 620

A person also stops being a classified patient if:

- The Mental Health Court makes a decision about the criminal charges: s 84
- Lawful custody of the patient ends, for example, the person is granted bail, charges have been discontinued, or sentence has been served: s 85

Yes

No

No

Yes to all

Person becomes a classified patient (involuntary)

Person becomes a classified patient (voluntary) s79

Person is returned to custody (stops being a classified patient once discharged from AMHS) ss 81, 83

See also the Chief Psychiatrist's Policy (https://www.health.qld.gov.au/_data/assets/pdf_file/0025/465172/cpp-classified-patients.pdf) and Chief Psychiatrist's Practice Guidelines (<https://www.health.qld.gov.au/?a=573997>)