11. Treatment with electroconvulsive therapy

It is an offence to perform ECT other than under the Mental Health Act 2016 (Qld), s 235

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

Requirements for informed consent:

- patient has capacity to give consent
 - Understand the nature and effect of a decision relating to treatment
 - Make and communicate the decision
- Consent is in writing signed by the person
- Consent given freely and voluntarily
- Doctor has given full explanation about purpose, method, likely duration, expected benefits, possible side effects, alternatives and consequences of not receiving treatment.

s 233,234

At the hearing, Tribunal considers:

- Documents
 - Application form
 - Treatment authority (if applicable)
 - Written second opinion by independent psychiatrist who has seen the patient in person for the purpose of providing the 2nd
 - Any other documents submitted by doctor applicant or patient
- Information provided orally by the patient, their supports and/or representatives, and the applicant doctor or treating team.
- Patient will be appointed a free legal representative, unless already represented

The Tribunal must have regard to:

- for adults– any views, wishes, and preferences expressed about ECT in an advance health directive
- For minors—the views of the minors parents and the views, wishes and preferences of the minor. S 509(2)

Is the patient an adult who is able to give informed consent, or gives consent under an advance health directive? No Yes AMHS can only perform ECT with The Patient is: informed consent or under an A minor (<= 17 years old) OR advance health directive. s 236 Unable to give informed consent AND there is no AHD consenting to ECT A doctor may apply for approval to perform ECT. s 507 Does the doctor think that emergency ECT is necessary? No A hearing before the Mental Health The doctor can perform Review Tribunal (MHRT) must be within emergency ECT where: 28 days. s 727 • The patient is on a treatment authority, forensic order or A hearing before treatment support order; OR the Mental has been apprehended from The MHRT must give notice of the **Health Review** interstate. s 368(4) Tribunal (MHRT) hearing to the patient, doctor, AND applicant and authorised mental must be as soon The doctor issues written health service (AMHS) as reasonably certificate that ECT is practicable. • If emergency ECT—at least 3 days necessary to save the s 727 before hearing patient's life or to prevent If no emergency ECT—at least 7 them from suffering days before hearing irreparable harm. s 237 Or otherwise with patient's (or AND nominated support person, or An application for ECT under someone else with sufficient s 507 has been made but not interest in the person) consent. Hearing must be within 28 days, unless an examination report At the MHRT hearing, the MHRT will hear evidence and has been ordered decide whether to approve ECT and what course of ECT and a longer to approve. The MHRT may only approve ECT if adjournment satisfied that: approved by the ECT is in the patient's best interests; and MHRT president. s Evidence supports the effectiveness of ECT for 749 the mental illness; and If applicable—ECT has previously been effective for the patient; For minors—evidence supports effectiveness of ECT for persons of that age. s 509 (3) adjourned approved refused Cannot treat person with ECT. ECT approval must state how many Any emergency ECT must cease. treatments over how long. Approval can be subject to conditions. s 509(4)

After an MHRT hearing:

- Parties receive notice of decision within 7 days. s 755
- Patient can request a statement of reasons from the MHRT. s 756
- Patient can appeal decision to the Mental Health Court within 60 days of receiving written notice of the MHRT's decision. s 541