



Clinical Practice Procedures: Behavioural disturbances/ Transport of persons under the Mental Health Act 2016

Policy code	CPP_BD_TPM_o822
Date	August, 2022
Purpose	To ensure a consistent procedural approach to transport of persons under the Mental Health Act 2016.
Scope	Applies to Queensland Ambulance Service (QAS) clinical staff.
Health care setting	Pre-hospital assessment and treatment.
Population	Applies to all ages unless stated otherwise.
Source of funding	Internal – 100%
Author	Clinical Quality & Patient Safety Unit, QAS
Review date	August, 2025
Information security	UNCLASSIFIED – Queensland Government Information Security Classification Framework.
URL	https://ambulance.qld.gov.au/clinical.html

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The *Mental Health Act 2016 (the Act)* identifies a number of specific circumstances where a person may require transport, either to an Authorised Mental Health Service (AMHS), a Public Sector Health Service (PSHS), a forensic disability service, a court, or a specific community location.

A person that is transported under the provisions of the Act, may only be transported by a person that is *authorised* to do so. An ‘*authorised person*’ for this purpose includes an ambulance clinician (*ambulance officer*).^[1,2]

In this Clinical Practice Procedure, the following topics are discussed:

- Transport powers for ambulance clinicians
- Transport circumstances
- Transport procedures that apply in each of the transport circumstances listed.

Transport Powers

When an ambulance clinician is authorised under the Act to transport a person, the clinician is also authorised with the following transport powers:^[3]

- Enter a place in which the clinician reasonably believes the person is located, if:^[4]
 - the occupier of the place consents to the entry;^[5] or
 - it is a public place and the entry is made when the place is open to the public;^[6] or
 - a ‘*warrant for apprehension of person*’ has been issued by a Magistrate.^[7]
- Detain a person.^[8]
- Use help and use force that is necessary and reasonable in the circumstances to both detain and to transport.^[9]
- Assist with the use of mechanical restraint to transport an involuntary patient if approved by the Chief Psychiatrist.^[10] (Refer to QAS CPG: *Behavioural disturbance / Acute behavioural disturbances*)

Transport Circumstances

Circumstances in which QAS transport may be required under the Act, are listed below:

1. Under a **Recommendation for Assessment** issued by a doctor or authorised mental health practitioner, if the doctor considers that it would be clinically appropriate for the assessment to be conducted at the AMHS or PSHS facility.^[11]
2. Transfer of a person from **one health service entity to another**. For example, transfer from one AMHS to another, or between an AMHS and a forensic disability service.^[12]
3. Under an **Examination Order** issued by a Magistrate or **Examination Authority** issued by the Mental Health Tribunal, if the responsible doctor or mental health practitioner that is to conduct the examination, considers it would be clinically appropriate for the examination to be conducted at an AMHS or PSHS facility.^[13]
4. Transport of a person in custody, such as a police watchhouse or a prison, to an AMHS or a forensic disability service.^[14]
5. Transport of a person **in Queensland** to an **interstate mental health service** (for example, transfer between Queensland and New South Wales) if:^[15]
 - the person appears to have a mental illness and may be detained and transported to an AMHS or PSHS facility under an Emergency Examination Authority (EEA);^[16] or
 - the person is subject to a recommendation for assessment.^[11,17]
6. Transport of a person **outside of Queensland**, to a **Queensland AMHS or PSHS** facility for an involuntary assessment; or emergency involuntary examination; or treatment and care relating to a mental illness.^[18]

7. Transport of an absent person:^[19]
 - who has absconded while being lawfully detained under the Act; or
 - is subject to a treatment authority and has failed to attend a required treatment session.
8. Transport of person to a place in the community, at the end of the person's detention under an emergency examination authority, or a recommendation for assessment or treatment authority (after assessment or examination is conducted and the person is considered safe to return to the community).^[19]

Transport Procedures

1. Transport where a Recommendation for Assessment is in place

A doctor or authorised mental health practitioner may, after examining a patient, make a recommendation for assessment if the doctor or mental health practitioner considers that treatment criteria may apply.^[11]

The recommendation must be made within 7 days of examination and must be in the approved form. A copy of the recommendation must be provided to the patient and/or a nominated support person, if requested.

The involuntary mental health assessment can take place at an AMHS, a PSHS facility, or another place considered to be clinically appropriate. The patient can be detained at an AMHS or PSHS for up to 24 hours for the purposes of the assessment.

An ambulance clinician may be called upon to transport the patient for whom a recommendation for assessment is in place.^[19]

Transport Procedure

1. Confirm that there is a *Recommendation for Assessment* in place and that it had been completed within seven days of the patient being assessed.
2. The ambulance clinician should take the original document, or that which is in the patient's possession, so that it can be delivered to the AMHS with the patient, if it is practical to do so.
3. The ambulance clinician must identify themselves to the patient.

4. To the extent practical, inform the patient that a recommendation for assessment is in force and explain, in general terms, the nature and effect of the recommendation:
 - a. They are being transported to an AMHS or PSHS for further assessment by a specialist mental health practitioner.
 - b. They are unable to leave, or divert during transport, or when they arrive at the AMHS or PSHS.
5. Facilitate safe transport to the AMHS or PSHS facility as requested by the doctor or mental health practitioner making the recommendation for assessment. It is appropriate for a suitable support person to accompany the person during the transport.
6. The ambulance clinician must accompany the patient to the AMHS or PSHS facility.
7. If required, the ambulance clinician may use help and force that is necessary and reasonable in the circumstances to both detain and transport the person.
8. Police assistance can be requested if deemed necessary to respond to any identified risks.
9. If medication is required to be administered without consent, a doctor must authorise the administration of the medication.

Documentation must include:

- Details regarding the Recommendation for Assessment that accompanied the patient and was subsequently provided to staff at the health service.
- If help and/or force was required, details relating to the circumstances that necessitated the use of force, and the force that was used.
- If medication was administered without consent, the circumstances that necessitated the administration of medication, the drug/s that was administered and by whom, and the name of the authorising doctor.

2. Transport involving a transfer between one AMHS and another

A involuntary patient may be transferred between one AMHS and another AMHS.^[12]

Approval must be obtained from the administrators of both facilities before the transfer can take place.

Transport Procedure

1. Confirm the AMHS to which the person is to be transferred.
2. Confirm that the transferring and receiving administrators have provided approval for the transfer to take place.
3. The ambulance clinician must identify themselves to the patient.
4. Facilitate safe transport to the AMHS.

3. Transport under an Examination Order issued by a Magistrate or Examination Authority issued by the Mental Health Tribunal.

An Examination Authority is considered a last resort if it has not been possible to engage a patient for a voluntary examination. An Examination Authority may be made by the Mental Health Review Tribunal, if the Tribunal considers that there is (or may be) an imminent risk of:

- serious harm to the patient or someone else; or
- the patient is suffering serious mental or physical deterioration.^[13]

A doctor or mental health practitioner may request ambulance clinician assistance to carry out an Examination Authority, and to transport the patient to an AMHS.

Transport Procedure

1. Confirm that the Examination Authority has been made.
2. The ambulance clinician must identify themselves to the patient.
3. Inform the patient that an Examination Authority has been made and explain to the patient, in general terms, the nature and effect of the Examination Authority.
4. Provide the patient with a copy of the Examination Authority where it is practical to do so.

5. If a doctor, a mental health practitioner, or a police officer are in attendance at the location, afford the patient the opportunity to allow them entry to the place, where it is possible to do so, before other measures are implemented.
6. Facilitate safe transport to the AMHS as requested by the doctor or mental health practitioner.
7. If required, the clinician may use help, and force that is necessary and reasonable in the circumstances.

Documentation must include:

- Details regarding the Examination Authority that was being executed, and the name of the doctor and/or mental health practitioner that was in attendance or providing instructions to the ambulance clinician.
- If help and/or force was required, details relating to the circumstances that necessitated the use of force, and the force that was used.
- If medication was administered without consent, the circumstances that necessitated the administration of medication, the drug/s that was administered and by whom, and the name of the authorising doctor.

4. Transport of a person in Queensland to an Interstate Mental Health Service

A patient can be transported to an interstate mental health service if the patient:^[15]

- is subject to a Recommendation for Assessment;^[11] or
- the patient has been detained under the Emergency Examination Authority (EEA) provisions of the *Public Health Act*,^[16] and the person appears to have a mental illness.^[17]

Transport Procedure

1. If the patient is subject to a *Recommendation for Assessment*, refer to the relevant transport procedure that is outlined above.
2. If the patient is subject to an EEA under the *Public Health Act*,^[16] refer to the Clinical Practice Procedure: Emergency Examination Authority and confirm the following:
 - The EEA criteria have been satisfied; and
 - The patient appears to have a mental illness.
3. Transport in accordance with the *CPP: Emergency Examination Authority*.

5. Transport of a person outside of Queensland to a Queensland AMHS

A patient can be transported from outside of Queensland to a Queensland AMHS or PSHS facility for an emergency involuntary examination or treatment relating to a mental illness.^[18]

Transport Procedure

1. Confirm the AMHS to which the patient is to be transferred.
2. Confirm that the transferring and receiving administrators have provided approval for the transfer to take place.
3. The ambulance clinician must identify themselves to the patient.
4. Facilitate safe transport to the AMHS.
5. An EEA must be made by the ambulance clinician and handed to the hospital personnel at the receiving AMHS. The EEA will be taken to be made under the *Public Health Act*.^[16]

6. Transport of an absent person

An absent person includes a patient:

- who absconded while being lawfully detained under the Act;
- is subject to a Treatment Authority and fails to attend an AMHS or PSHS facility as required to do so;

- for whom a Treatment Authority, Forensic Order, Treatment Support Order, or Judicial Order is made requiring the patient be detained at an AMHS; or
- who is subject to an Examination Order and fails to attend an AMHS or PSHS facility as directed to do so.^[19]

The administrator of an AMHS can authorise the transport of an absent patient to the AMHS.^[18]

Transport Procedure

1. Ensure that the transport has been authorised by the AMHS Administrator and the receiving facility, and that the Administrator has prepared the written request for transfer with the following details:
 - a) the name of the patient to be transferred; and
 - b) the name of the AMHS or PSHS facility to which the patient is to be transferred.
2. Check the request for transfer for details regarding potential risk the patient may present to themselves, the ambulance clinician, or others during transfer.
3. The ambulance clinician must identify themselves to the patient.
4. Facilitate safe transport.

7. Return a person to a place in the community

At the end of a patient's period of detention for involuntary assessment and treatment, reasonable steps must be taken by the AMHS or PSHS facility, to return the patient to the community.^[19]

Transport Procedure

- Confirm that the patient has been assessed and the doctor or authorised mental health practitioner considers that the patient can be safely returned to the community.
- Confirm the place to where the patient has elected to be transported.
- Facilitate safe transport.