

Application for Treatment Order

Purpose	To clarify the process for applying to the Tribunal for a Treatment Order (TO)
Forms	<ul style="list-style-type: none"> • Application (Civil) - Treatment Order (Adult) - s37 • Application (Civil) - Treatment Order (Child) - s37 • C07 - Treatment Plan (SMHS staff to use CCP- Treatment Plan)
Who can make an application for a TO	<p>For a person who is ON an assessment order</p> <ul style="list-style-type: none"> • An approved Medical Practitioner (AMP) <p>For a person who is NOT on an assessment order</p> <ul style="list-style-type: none"> • Two AMPs who have separately assessed the person within the preceding 7 days.
When can an application for a TO be made?	If an approved medical practitioner is satisfied that the patient meets the treatment criteria.
What is the Treatment Criteria	<p>The person has a mental illness; AND without treatment, the mental illness will, or is likely to, seriously harm –</p> <ul style="list-style-type: none"> • the person's health or safety OR the safety of other persons; AND • the treatment will be appropriate and effective; AND • the treatment cannot be adequately given except under a treatment order; AND • the person does not have decision-making capacity.
Making an additional request for an Interim Treatment Order (ITO)	<ul style="list-style-type: none"> • The AMP may request an ITO if they believe a treatment order is required in the interim until the Tribunal is able to organise a hearing. • An ITO can be made by a single member of the Tribunal, on the papers alone, and is valid for up to 10 days
What must be attached with the application	<ul style="list-style-type: none"> • A copy of the assessment order (if the patient is subject to one) • A copy of the treatment plan.
What happens on receipt of application by the Tribunal	<ul style="list-style-type: none"> • The Tribunal will set a hearing date and notify all parties of the date, time and place of the hearing. • The hearing will consist of a three-member panel and will take place within 10 days of the application being received.
Once made by the Tribunal and whilst in effect – A TO is authority for	<ul style="list-style-type: none"> • The patient to be given the treatment, or type of treatment, specified in the order. • For the patient to be admitted or readmitted to and, if necessary, detained in an approved facility, or type of approved facility, for the purposes of receiving treatment. • Any MHO or police officer to take the patient under escort to ensure that he or she presents for treatment under the order.
Documentation requirements	<ul style="list-style-type: none"> • Submit the application, with relevant attachments to applications.mentalhealth@tascat.tas.gov.au at least 2 hours before the assessment order expires or the Tribunal registry closes (5pm). • Complete an application for Treatment Order and Treatment Plan. • Give a copy of the application, Treatment Plan, Statement of Rights and any other relevant documentation to the patient and ensure a copy is placed in the patient's clinical record. • If the patient consents, give a copy to the patient's support person/representative or to the parent/guardian if the patient is a child.

Guidance for approved facilities and persons in charge

- Ensure policies and protocols are aligned with this guideline.
- Provide education and training programs that support provisions in this guideline.
- Ensure appropriate documentation is maintained.