

## What is Electro-Convulsive Therapy (ECT)

Electro convulsive therapy (ECT) may be used in the treatment of some types of mental illness, particularly severe depressive illnesses. ECT involves administering a general anaesthetic to the patient, followed by a muscle relaxing drug. A minimal electric current is then passed through padded electrodes placed on the patient's head. The effect of the electric current is to produce changes in the brain's electrical activity. The treatment lasts for minutes only, and the number of treatments given depends on the nature of the illness. ECT can only be given by a doctor who is experienced administering it and this doctor must be accompanied by a doctor who is experienced in anaesthetics. ECT can only be given in an approved mental health facility or other approved place.

## When is the Mental Health Review Tribunal involved?

The Mental Health Review Tribunal becomes involved in decisions about ECT in the following circumstances:

- when the mental health facility is unsure of a voluntary patient's capacity to give consent to treatment with ECT; and
- when the mental health facility proposes ECT for an involuntary patient or a person under the age of 16.

## Voluntary patients

If a voluntary patient can give informed consent to ECT and does so in writing, then the mental health facility may administer ECT treatment. There is no need to apply to the Tribunal.

Nevertheless, two medical practitioners (at least one of whom is a psychiatrist) must have:

- considered the clinical condition of the patient, the history of treatment and any appropriate alternatives; and
- certified in writing that ECT is a reasonable and proper treatment to be administered to the patient, and that it is necessary or desirable for the patient's welfare.

If the Authorised Medical Officer is unsure whether or not a voluntary patient is capable of giving informed consent, the Authorised Medical Officer may apply to the Tribunal for an **ECT Consent Inquiry** to determine that issue. The Authorised Medical Officer must do everything reasonably practicable to give notice to any designated carer and the principal care provider of the person regarding the application.

## What is informed consent?

A patient can give informed consent if he or she understands the nature, purpose and effect of the proposed treatment. The patient's consent must be free, voluntary and in writing.

If the Tribunal decides that the person can consent and the person has given consent in writing, then the mental health facility may administer ECT treatment. If the Tribunal decides that the person is unable to give consent, or if the person can give consent but refuses treatment, then the mental health facility may not administer ECT while the person is a voluntary patient.

## Involuntary patients and persons under the age of 16

If a mental health facility intends to administer ECT to an involuntary patient or a person under the age of 16, the Authorised Medical Officer must first apply to the Mental Health Review Tribunal for an **ECT Administration Inquiry**. The Authorised Medical Officer must do everything reasonably practicable to give notice in writing to any designated carer and the principal care provider of the person.

Before applying to the Tribunal at least two doctors, where at least one is a psychiatrist, must certify that this treatment is appropriate, reasonable and proper. Where the patient is under the age of 16 years, one of the doctors must be a psychiatrist with expertise in the treatment of children or adolescents. They must consider the patient's history, clinical condition and any alternative treatments, and believe that the treatment is necessary or desirable for the patient's safety or welfare. Once this is done the Authorised Medical Officer can apply to the Tribunal to determine whether or not the patient is capable of giving informed consent, and has given this consent. The Tribunal must also decide whether giving ECT is reasonable, proper, necessary and desirable for the person's safety and welfare. The Tribunal will also consider the views of any designated carer and the principal care provider and other family members of the patient.

## Number of treatments

In a determination by the Tribunal at an ECT Administration Inquiry, the Tribunal must specify the number of treatments that are approved, generally not exceeding 12. However, more than 12 may be approved where special circumstances of the case, including the success of any previous ECT administration justifies the higher number of treatments. An ECT determination has effect for six months from the date of the determination unless a shorter period is specified by the Tribunal.

## Patient's views

In considering any application for ECT, the Tribunal must take into account the views of the person and the effect if any, of medication on the person's ability to communicate.

## Can an involuntary patient refuse to have ECT?

Once the Tribunal has approved ECT for an involuntary patient it is not open to the patient to refuse the treatment, although an appeal against the Tribunal's decision can be made to the Supreme Court. Patients wishing to appeal the decision can contact the Mental Health Advocacy Service (Legal Aid) for assistance on 9745 4277.

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