


Consent for Surgery for Involuntary Patients (S100,

Surgical Operation is defined in the *Mental Health Act, S101* "Surgical procedure, a series of related surgical operations or surgical procedures, and the administration of an anaesthetic for the purpose of medical investigation."


Involuntary Patient includes a forensic or correctional patient. (**NOTE:** an assessable person who has not had a mental health inquiry IS NOT an involuntary patient under this section and consent may be required from the 'person responsible' or the Guardianship Division of NCAT).

1) Is the surgery considered by the clinical team to be an emergency? ie necessary to save the life of the patient or prevent serious damage to health or to prevent significant pain or distress (S99)

If YES 

An authorised medical officer or the Secretary of the Ministry of Health (or delegate) may consent to surgery in writing
(The Authorised Medical Officer must notify the designated carer(s) and the principal care provider S78(f) and the MHRT S99(4) "as soon as practicable" after the performance of the surgery)

2) Is the patient considered (by Authorised Medical Officer) able to give informed consent in writing?

If YES 

Surgery can proceed - no MHRT hearing required (if the patient is under 14 yrs of age, then consent is required from a parent or guardian)

3) If not an emergency AND patient unable to give informed consent then mental health facility MUST:



Surgery Flowchart – updated February 2020

(NOTE: This flowchart does not apply to Special Medical Treatment ie sterilisations BUT does apply to terminations of pregnancies)