

THE MENTAL HEALTH ACT

REGULATIONS
(*under section 21*)

The Mental Health (Public Psychiatric Hospital) (Bellevue Hospital) Management Scheme, 2013 L.N. 56A/2013

REGULATIONS
(*under section 39*)

The Mental Health (Prescribed Forms) Regulations, 2004.

L.N. 31A/2004

THE MENTAL HEALTH ACT

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(under section 21)

THE MENTAL HEALTH (PUBLIC PSYCHIATRIC HOSPITAL) (BELLEVUE
HOSPITAL) MANAGEMENT SCHEME, 2013

(Made by the Minister on the 22nd day of March, 2013)

L.N. 56D/2013

Preliminary

1. This Scheme may be cited as the Mental Health (Public Psychiatric Hospital) (Bellevue Hospital) Management Scheme, 2013. Citation

2. In this Scheme— Interpretation

“approved chemicals” means—

(a) a chemical specified in the First Schedule; and First Schedule

(b) any other chemical approved for the restraint of violent or potentially violent patients by the Minister, by order published in the *Gazette*, in such dosage as may be specified in the order;

“Board” means the Board of Management of the Public Psychiatric Hospital established by paragraph 3;

“chairman” means the chairman of the Board appointed under paragraph 4 of the Second Schedule; Second Schedule

“Chief Executive Officer” means the Chief Executive Officer of the Public Psychiatric Hospital appointed pursuant to paragraph 6;

“functions” includes powers and duties;

“member” means a member of the Board;

“midterm” means a period of three to five years;

“Public Psychiatric Hospital” means the Bellevue Hospital;

“security guard” has the meaning assigned to it in the *Private Security Regulation Authority Act*;

“Senior Medical Officer” means the Senior Medical Officer of the Public Psychiatric Hospital appointed pursuant to paragraph 6.

Establishment and Functions of Board

Establishment of Board

3.—(1) There is hereby established a Board of Management of the Public Psychiatric Hospital.

Second Schedule

(2) The provision of the Second Schedule shall have effect as to the constitution and operations of the Board and otherwise in relation thereto.

Functions of Board

4.—(1) The functions of the Board shall be—

- (a) take such steps as are necessary for the effective management of the Public Psychiatric Hospital so as to ensure that the best interests of the patients are served; and
- (b) ensure responsible financial management of the Public Psychiatric Hospital and effective and efficient use of the resources of that hospital;
- (c) advise the Minister with regard to any matter directly or indirectly affecting the Public Psychiatric Hospital or the development of the services offered by that hospital; and
- (d) perform such other functions relating to the Public Psychiatric Hospital as may be assigned to it by the Minister or by or under this Act or any other enactment or under these Regulations.

(2) In the performance of the functions set out in sub-paragraph (1), the Board may—

- (a) with the approval of the Minister, make rules for the efficient and proper administration of the Public Psychiatric Hospital;
- (b) develop, implement and monitor strategic operational plans and other plans and programmes relating to the management, modernization and midterm financing of the Public Psychiatric Hospital;
- (c) promote public awareness of the prevention and management of mental disorders;
- (d) on a timely basis, prepare and produce reports designed to promote and contribute to the effective and efficient management and accountability of the Public Psychiatric Hospital;
- (e) equip, maintain and manage the Public Psychiatric Hospital to ensure the efficient delivery of high standard of health service;
- (f) in accordance with any powers as may under the Constitution of Jamaica, from time to time, be delegated to the Board, or otherwise in accordance with Law, appoint persons to the staff of the Public Psychiatric Hospital and remove and exercise disciplinary control over such persons;

- (g) appoint committees consisting wholly or partly of members of the Board and specify the matters to be referred to each committee;
- (h) within the limits of the approved budget, exercise control over such expenditure as may be necessary or expedient for the due performance of any function of the Board; and
- (i) do such things as are, in its opinion, necessary for or conducive to the proper discharge of its functions.

5. The Minister may, after consultation with the chairman, give to the Board such written directions, of a general character, as he thinks fit, as to the policy to be followed by the Board in the performance of its functions, as appear to the Minister to be necessary in the public interest and the Board shall give effect to the directions.

Ministerial
Directions

Administration

6.—(1) Subject to sub-paragraph (2) and paragraph 4(2)(f), the Board shall appoint and employ at such remuneration and subject to such terms and conditions as it thinks fit, a Chief Executive Officer, a Senior Medical Officer, a Secretary and such other officers and employees as the Board deems necessary for the proper carrying out the functions of the Public Psychiatric Hospital.

Appointment of
Chief Executive
Officer and
other officers
and employees

(2) Except with the prior approval of the Minister, no salary in excess of the prescribed rate shall be assigned to any post and no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned.

(3) In this regulation, the "prescribed rate" means such rate as the Minister may, by order, prescribe.

7.—(1) The Chief Executive Officer shall be responsible for—

Functions of
Chief Executive
Officer

- (a) managing the day-to-day operation of the Public Psychiatric Hospital;
- (b) implementing any strategies and programmes for sustaining and improving the health service delivery of the Public Psychiatric Hospital;
- (c) managing the resources of the Public Psychiatric Hospital to ensure the financial viability of that hospital;
- (d) the preparation and submission of financial reports to the Board and to the Minister on a timely basis;
- (e) performing such other duties as may from time to time be specified by the Board.

(2) The Chief Executive Officer shall hold office for a period not exceeding three years and may be re-appointed for periods not exceeding three years at a time.

Functions of
Senior Medical
Officer.

- 8.—(1) The Senior Medical Officer shall be responsible for—
- (a) developing and implementing the—
 - (i) medical projects and programmes of the Public Psychiatric Hospital;
 - (ii) medical services offered, ensuring that the monitoring and review of mechanisms of such services are effective; and
 - (iii) protocols, including the standard of care and procedures for clinical care; and
 - (b) conducting, participating in and providing psychiatric evaluations and assessments as required and to perform any other assigned duties that may be related to the effective delivery of psychiatric services;
 - (c) facilitating improvements in health education and training;
 - (d) managing the work of the healthcare professionals of the Public Psychiatric Hospital;
 - (e) developing and implementing plans to mitigate any threat to the efficient functioning of the Public Psychiatric Hospital by—
 - (i) consulting and collaborating with the Medical Officer of Health to ensure an effective disease surveillance system within the Public Psychiatric Hospital;
 - (ii) being a member of the Disaster Management Committee of the Public Psychiatric Hospital and ensuring the deployment of essential services staff during and in periods of emergency and disaster, including mass casualty incidents;
 - (f) fostering the development and implementation of innovations in mental health care by providing leadership in the planning, execution and monitoring of medical and mental health related research and projects at the Public Psychiatric Hospital;
 - (g) advising the Board on matters related to the efficient management of the Public Psychiatric Hospital and preparing and submitting reports to the Board and the Minister responsible for health as may be determined, from time to time; and
 - (h) performing such other duties as may, from time to time, be specified by the Board.

(2) In furtherance of the proper performance of the functions specified in sub-paragraph (1), the Senior Medical Officer shall—

- (a) promote inter-sectoral collaboration in mental health care ;
- (b) on request, participate in mental health promotional activities to ensure the effective delivery of mental health services to meet the needs of the population; and
- (c) attend meetings and participate in activities to ensure the effective delivery of mental health services to meet the needs of the population.

Financial Provisions, Accounts and Reports

9.—(1) The funds and resources of the Board shall consist of—

Funds of Board

- (a) such moneys as may, from time to time, be placed at its disposal by Parliament; and
- (b) all sums and other property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its functions.

(2) The expenses of the Board shall be paid out of the funds of the Board.

10.—(1) The Board shall prepare in each financial year and shall submit to the Minister in the prescribed form, on or before a date specified by the Minister—

Estimates and operating plan.

- (a) estimates of income and expenditure for the ensuing financial year; and
- (b) an operational plan for that year as to the projects and programmes to be promoted by the Board, the operational framework within which the Board shall carry out its functions, and such other matters as the Minister may require.

(2) No expenditure of funds mentioned in paragraph 9 shall be undertaken in any financial year unless provision therefor has been made either in the estimates submitted under sub-paragraph (1) or in the Supplementary Estimates of Revenue and Expenditure which have been submitted and approved in the prescribed manner.

(3) Subject to such conditions as may be imposed by the Minister, the Board may apply savings effected on one part of the estimates to any shortfall in any other part of such estimates, so, however, that such transfer of expenditure shall not in any case exceed the total expenditure authorized in the estimates.

11.—(1) The Board shall keep proper accounts and other records in relation to its functions and shall prepare and submit to the Minister annually

Accounts and financial audit.

a statement of accounts in a form satisfactory to the Minister and conforming to established accounting principles.

(2) The accounts and records shall be kept in such a manner as to provide separate information in respect of each of the main activities of the Board and to show as far as possible the financial and operational results of each such activity.

(3) The accounts of the Board shall be audited annually by an auditor approved by the Minister.

(4) The Auditor-General, the accounting officer of the Ministry and officers authorized by the Minister shall have access to all the accounts and records of the Board and to all such information as is necessary for the purposes of the audit.

(5) The Auditor-General shall be entitled at all times to examine the accounts of the Board.

Medical and non-financial audits

12. Medical and other audits as determined by the Minister, shall be conducted periodically, and the auditors shall have access to all the relevant records held by the Board and to all such information as may be necessary for the purposes of such audit.

Annual Report

13.—(1) The Board shall, within six months after the end of each year, or within such longer period as the Minister may in special circumstances approve, cause to be made and transmitted to the Minister a report—

- (a) dealing generally with the activities of the Board during the preceding year; and
- (b) containing information concerning the policy and operational plans and such other information as the Minister may require.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon to be laid in the House of Representatives and the Senate.

*Reception into the Public Psychiatric Hospital of Mentally
Disordered Persons*

Reception of mentally disordered persons

14.—(1) A voluntary or involuntary patient shall, on entering the Public Psychiatric Hospital, be evaluated by a duly authorized medical officer or other person in charge to determine whether the patient—

- (a) requires immediate medical attention; or
- (b) poses an immediate threat or danger to others.

(2) Where the duly authorized medical officer or, other person in charge determines that the patient requires immediate medical attention or poses an immediate threat or danger to others, he shall immediately take the required steps to begin treatment.

(3) Where the patient does not pose an immediate threat or danger to others, the patient may be treated as an out-patient or may be referred to the community mental health clinic nearest to his place of residence.

15. For the purposes of this Scheme, a patient may be considered to be a violent patient or a potentially violent patient where—

Meaning of
violent patients,
etc

- (a) the Public Psychiatric Hospital has documented evidence or other proof of the patient's prior violent behavior;
- (b) a relative of that patient gives an account of the patient's prior violent behaviour; or
- (c) the patient behaves in a hostile or violent manner openly.

16.—(1) The duly authorized medical officer or other person in charge shall ensure that the room in which a violent patient or a potentially violent patient is received, is free of any weapon or object or instrument that may be used as a weapon.

Reception
and control
of violent
patients, etc.

(2) The security guard at the Public Psychiatric Hospital or any other person so authorized by the Board shall search a violent patient or a potentially violent patient to ensure that he does not have on his person any weapon or object or instrument that may be used as a weapon.

(3) Where a patient arrives at the Public Psychiatric Hospital in physical restraints which in the assessment of the duly authorized medical officer or other person in charge, are not deemed to be life threatening, the restraints shall not be removed until the patient has been evaluated by a duly authorized medical officer or other person in charge.

17.—(1) A violent patient or a potentially violent patient may be—

Physical and
chemical
restraint of
violent, etc.,
patient.

- (a) physically restrained by or on the instruction of a duly authorized medical officer or other person in charge;
- (b) restrained by the administration of an approved chemical, on the direction of a duly authorized medical officer; or
- (c) brought under control by confinement, by or on the instruction of a duly authorized medical officer or other person in charge.

(2) The approved methods that may be used for the physical restraint of a violent patient or a potentially violent patient include—

- (a) the use of handcuffs; and
- (b) the four-point system of restraint that confines the patient to a bed.

(3) The physical restraint of a violent patient or a potentially violent patient shall only be maintained or continued until the patient can be restrained by the use of approved chemicals.

(4) Where intramuscular injections are to be used for the administration of approved chemicals, the duly authorized medical officer shall determine the appropriate manner of application of such approved chemicals.

(5) An approved chemical shall be administered only on the advice of a duly authorized medical officer after that officer has evaluated the violent or potentially violent patient.

(6) The duly authorized medical officer or other person in charge shall record the time of the application of the physical or chemical restraint.

(7) The duly authorized medical officer or other person in charge shall ensure that a patient who is restrained, whether physically or by the use of approved chemicals, is under the direct observation of a mental health officer, a duly authorized medical officer or other appropriately trained member of staff.

Reception of
a mentally
disordered
criminal
offender.

18.—(1) A mentally disordered person who is in the custody of the police or a Superintendent appointed under the *Corrections Act* or the person in charge of a lock-up or remand centre, having been found guilty of an offence by a court, unfit to plead on trial, or for any other reason, shall be attended to at the Public Psychiatric Hospital in the presence of a police constable or correctional officer.

(2) A mentally disordered person who is found unfit to plead on trial but who has been released on bail shall be attended to at the Public Psychiatric Hospital even where unaccompanied by a police constable or where the relevant court documents have not been supplied to that hospital.

(3) A mentally disordered person who has been convicted of a criminal offence and who is in the custody of a Superintendent appointed under the *Corrections Act* or the person in charge of a lock-up or remand centre may be attended to at the Public Psychiatric Hospital, in the presence of a police constable or correctional officer only where the relevant court documents have been supplied to that hospital.

FIRST SCHEDULE

(Paragraph 2)

*Chemicals Approved for the Restraint of a Violent or
Potentially Violent Patient*

	<u>Chemical</u>	<u>Dosage</u>
1.	Haloperidol	20 mg
2.	Chlorpromazine	150 mg
3.	Benzodiazepines (for example Diazepam)	as prescribed by a duly authorized medical officer

SECOND SCHEDULE (Paragraphs 2 and 3(2))

Bellevue Public Psychiatric Hospital Board of Management

Constitution
of the Board

1. The Board shall consist of *ex-officio* and appointed members.
2. The following person shall be *ex-officio* members of the Board, that is to say—
 - (a) the Chief Executive Officer of the Public Psychiatric Hospital;
 - (b) the Senior Medical Officer of the Public Psychiatric Hospital; and
 - (c) a nominee of the Permanent Secretary in the Ministry responsible for health who shall be a senior officer in that Ministry.

3. The appointed members shall be such persons, not less than eight nor more than ten, as the Minister may appoint, being persons who appear to the Minister to be appropriate for appointment, and who are engaged in one or more of the following professional or occupational areas—

- (a) psychiatry;
- (b) social work;
- (c) engineering;
- (d) law;
- (e) management and entrepreneurship;
- (f) finance;
- (g) psychology; or
- (h) religion.

Chairman
and deputy
chairman.

4.—(1) The Minister shall appoint a chairman of the Board from among the appointed members of the Board.

(2) The members of the Board shall elect one of their number to be the deputy chairman of the Board.

(3) In the case of the absence or inability to act of the chairman, the deputy chairman shall exercise the functions of the chairman, in any case in which the deputy chairman is present at the meeting and is able to so act.

(4) In the case of the chairman and the deputy chairman being absent from or unable to act at any meeting, the members present at the meeting shall elect one of their number to act as chairman at that meeting.

Temporary
appointment.

(5) The Minister may appoint any person to act temporarily in the place of any member of the Board appointed by him, in the case of the absence or inability to act of such member.

Leave of
absence.

(6) On the application of any member, the Minister may grant leave of absence to the member.

Tenure of
office.

7.—(1) The appointment of every member shall be evidenced by an instrument in writing specifying the period of office of the member, which shall not exceed three years.

SECOND SCHEDULE *cont'd.*

(2) Every member shall be eligible for reappointment.

(3) No person shall be appointed to serve for more than two consecutive terms as a member of the Board.

8.—(1) An appointed member may, at any time, resign his office by instrument in writing addressed to the Minister and transmitted through the chairman. Resignation

(2) From the date of the receipt by the Minister of such instrument, the member shall cease to be a member of the Board.

9. The Minister may revoke the appointment of any appointed member if the appointed member— Revocation of appointment

- (a) becomes of unsound mind or becomes unable permanently to perform his functions by reason of ill health;
- (b) is convicted and sentenced to a term of imprisonment or to death;
- (c) fails without reasonable excuse to attend three consecutive meetings of the Board; or
- (d) fails to carry out any of the functions conferred or imposed on him under this Scheme.

10. Where a vacancy occurs in the membership of the Board the Minister may appoint another person to fill that vacancy. Vacancy

11. The names of all members of the Board, as first constituted, and every change in the membership thereof shall be published in the *Gazette*. Publication of membership

12.—(1) The seal of the Board shall be authenticated by the signatures of the chairman or a member of the Board authorized to act in that behalf and the secretary of the Board and such seal shall be officially and judicially noticed. Seal and documents of the Board

(2) All documents, other than those required by law to be under seal, made by, and all decisions of the Board may be signified under the hand of the chairman or any member authorized to act in that behalf and the Secretary of the Board.

13. A member of the Board who is directly or indirectly interested in a contract made or proposed to be made by the Board— Disclosure of interest

- (a) shall disclose the nature of his interest at a meeting of the Board; and
- (b) shall not take part in any deliberation or decision of the Board with respect to that contract.

14.—(1) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Board may determine, so however, during a financial year of twelve months beginning on April 1 in each year, the Board shall meet at least six times. Procedure and meetings

(2) The chairman may, at any time, call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a written request for that purpose addressed to him by three members of the Board.

(3) The chairman or, in the case of his absence or inability to act, the deputy chairman or person elected in accordance with paragraph 4(3), as the case may be, shall preside at the meetings of the Board.

(4) Decisions of the Board shall be by a majority of the members present and voting, so, however, that in addition to an original vote, the chairman, deputy chairman or other member presiding at a meeting, shall have a casting vote in any case in which the voting is equal.

SECOND SCHEDULE *cont'd.*

(5) The quorum for the meetings of the Board shall be seven members.

(6) The minutes of each meeting of the Board shall be kept in proper form and shall be confirmed by the chairman as soon as practicable at a subsequent meeting.

(7) Subject to the provisions of these Regulations, the Board shall regulate its own proceedings.

(8) The validity of any proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

Remuneration

15. There shall be paid from the funds of the Board to the chairman, deputy chairman and other members of the Board, such remuneration (whether by way of honorarium, salaries or fees) and such allowances, as the Minister with responsibility for the public service may determine.

Protection of
members

16. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board in respect of any act done *bona fide* in pursuance or execution of or intended execution of this Scheme.

Office of chairman
or member not a
public office

17. The office of chairman, deputy chairman or member of the Board shall not be a public office for the purpose of Chapter V of the Constitution.

THE MENTAL HEALTH ACT

REGULATIONS
(under section 39)

THE MENTAL HEALTH (PRESCRIBED FORMS) REGULATIONS, 2004
(Made by the Minister on the 2nd day of March, 2004)

L.N. 31A/2004

1. These Regulations may be cited as the Mental Health (Prescribed Forms) Regulations, 2004.

2. An application for the designation of any place as a psychiatric facility pursuant to section 4(2) of the Act shall be in the form prescribed as Form A in the Schedule.

Schedule.
Form A.

3. The medical certificate required by section 6(3) of the Act, in support of an application for admission of a patient to a psychiatric facility, shall be in the form prescribed as Form B in the Schedule.

Form B.

4. A summons issued by the Review Board in the performance of its functions under section 27(6) of the Act, shall be in the form prescribed set out as Form C in the Schedule.

Form C.

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SCHEDULE

FORM A

(Regulations 2, 3 and 4)

THE MENTAL HEALTH ACT
APPLICATION FOR DESIGNATION AS A PSYCHIATRIC FACILITY
(pursuant to section 4(1) of the Act)

To:

Honourable Minister of Health
Ministry of Health
Oceana Complex

Pursuant to section 4(1) of the Mental Health Act, we hereby apply for [state whether the whole or part of hospital/clinic/nursing home, rehabilitation centre.]

_____ to be

designated as a Psychiatric Facility¹

Signature²

¹ The application should be accompanied by the rules governing the procedure for admission and treatment.

² Officer signing should indicate designation such as Director, Nursing Homes, Rehabilitation Centre, CEO, Hospital, Medical Officer (Health).

FORM B

THE MENTAL HEALTH ACT
MEDICAL CERTIFICATE
(required by section 6(3) of the Act)

(a) I, the undersigned _____

(Here state the qualification)

and being in actual practice as a Medical Practitioner, hereby certify that I, on the _____ day of _____, in the parish or town of (b)

(b) In any case where more than one Medical Certificate is required by this Act here insert "Separately from say other Medical Practitioner", and if necessary, "on two separate occasions."
In the case of two separate Medical Certificates being given, one must be by a Medical Practitioner approved by the Chief Medical Officer as having experience in the diagnosis or treatment of mental disease. The other Medical Practitioner must one having actual experience of the patient.

personally examined _____

_____ of (c)

(c) Insert residence and profession, or occupation, (if any)

_____ and that the said _____ is suffering from a mental disorder of a nature or degree, which warrants his detention in a psychiatric facility for observation or treatment or both and ought to be detained in the interest of his own health or safety or of the protection of other persons.

1. Facts indicating sufficient evidence of Mental Disorder observed by myself (d)

(d) Here state the facts. Details should include the severity and nature of the illness.

Details as to conduct should be specific, the same applies to the exhibition of delusions or hallucination.

FORM B

MEDICAL CERTIFICATE, *cont'd.*
(required by section 6(3) of the Act)

- | | |
|---|---|
| <p>(e) Facts should specify whether the person is dangerous to others and/or self; whether other methods of dealing with the patient are available and if so, why they are not appropriate.</p> | <p>2. Facts amounting to sufficient grounds for detention in the interest of his/her own health or safety or of the protection of others.
(e)</p> |
|---|---|

- | | |
|--|---|
| <p>(f) Here state the information and from whom.</p> | <p>3. Other facts (if any) indicating mental disorder, communicated to me by others which should be obtained. (f)</p> |
|--|---|

If possible, information should be obtained from relatives; if such is not available, information should be obtained from proper authority, or the police, or friends of the patients. The name and address of the informant must always be stated.

Dated this day of , Two Thousand and

I further state that at the time of my last examination (a) of the patient that he/she is in a fit state physically to travel to a psychiatric facility.

.....
Signature

SCHEDULE

FORM C

SUMMONS TO WITNESS

(issued pursuant to section 27(6)(a) of the Act)

In the Matter of the
Mental Health Act and
in the Matter of

To: _____

(Here state name and address)

You are hereby summoned to appear before _____¹ Mental
Health Review Board, appointed by the Minister of Health to enquire²

_____ at³ _____
upon the _____ day of _____ 20____ at _____ o'clock, and to
give evidence respecting such enquiry: And you are required to bring with you⁴

Therefore fail not at your peril.

Given under the hand of _____, this _____ day of
_____, 20_____.

- ¹ State the Regional Authority
- ² State briefly the particulars of the review
- ³ Place/location of the review
- ⁴ If person summoned is to produce any documents, specify the books and other documents required.